

INFORMATION ON USER FEES AND ADMISSION FEES

Regulations implementing the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) and Executive Order 11200 define user fees as charges for the use of sites, facilities, equipment or services. These include, but are not limited to campsites, picnic areas, bathhouses, lockers, boats, firewood and sport facilities. Entrance or admission fees are charges for merely entering a public use area so designated. Under the above-cited Executive Order, no entrance or admission fee can be collected at a Corps of Engineers operated and maintained public use area unless so designated by the Secretary of the Army. Other restrictions on entrance and admission fees pertain to the amount charged which are prescribed in the implementing regulations. The Land and Water Conservation Act of 1965 does not place any restrictions on fees that non-Federal interests may impose.

Mr. CRAMER. You indicated this is a unique project. Is it a precedent for mitigation, a project of this nature, largely recreational?

General NOBLE. I am sure there is. It is not unique in the sense it has never happened before. It is just not the same as a Federal reservoir. Therefore, we cannot apply the same kind of provisions for user fees and things like that, that you would say for a Federal controlled reservoir.

Mr. CRAMER. I understand, but it seems to me this amount of Federal money is going into the project largely for recreational purposes or benefit that the facility should be open to the general public without admission charges and if, in fact, the local sponsoring organization does provide No. 1, local cooperation to the extent of \$290,000 and No. 2, additional recreational facilities, that in fact user charges are charge and I assume they will be, there should be something commensurate with what the local participation or contribution is, otherwise I do not think it is adequate protection for the Federal contribution.

You do not differ with that concept, do you?

General NOBLE. I do not differ with it, sir. I am not in a position to discuss it this morning.

Mr. JOHNSON. Will the gentleman yield?

Mr. CRAMER. Yes.

Mr. JOHNSON. General Noble, this is a project by the Corps of Engineers who will come in and rehabilitate this facility and the local drainage area owns the facility?

General NOBLE. Yes, sir.

Mr. JOHNSON. And the Corps of Engineers have agreed to maintain it at Federal expense?

Colonel HALL. The question on local cooperation, sir, has mainly to do with the pumping plant facility itself. This is the item of real contention I think, the pumping plant itself which is a large pumping plant, something over 6,000 feet per second. It will be constructed up in this location. It will be tied into the main line Mississippi River levee and it will be required to function when flows come down.

Mr. JOHNSON. Well now, will this facility be operated and maintained by the Corps of Engineers?

Colonel HALL. In the report of the Chief of Engineers, this is his recommendation, that it be operated and maintained by the corps. The Secretary of Army and the Bureau of the Budget do not concur with