

The Myths of Visitor Capacity

How much do you know about visitor capacity issues?

Take this quiz to test your knowledge.

By Glenn E. Haas

What do the following situations have in common? Jeep tours outside Sedona, Ariz.; snowmobiles in Yellowstone National Park, Wyo.; and off-highway vehicles in the Imperial Sand Dunes in California. All these situations involve recent litigation against a federal agency related to visitor capacity.

I have been an expert witness and consultant on five of these cases, and believe litigation will increase because the park and recreation profession is entrapped by the mythology of visitor capacity. Managers believe that the idea of visitor capacity is wasteful, unnecessary, impedes good recreation planning, postpones proactive decision-making and negates an important management tool.

How much do you know about visitor capacity? Please test yourself with the visitor capacity quiz on the left-hand page, then continue with the article.

1. A visitor capacity is a number.

True.

Some in the park and recreation field think that a capacity is a descriptive narrative statement or a series of quality standards. However, the 9th Circuit Federal Court of Appeals ruling on the Merced Wild and Scenic River in Yosemite National Park defined capacity as a number.

Indeed, a visitor capacity is defined as the prescribed number (i.e., the supply) of appropriate visitor opportunities that will be accommodated in an area. A visitor capacity can be expressed as a whole number (for example, 2

cruise ships per day, 720 snowmobiles per day) or as a numeric range (40-50 overnight groups, 20-25 launches per day). The value of a number is that it is clear, measurable, understandable to the public, managerially practical, and provides for predictability and accountability,

2. A visitor capacity is a limit on public use.

False.

Whereas recreation myths say that a capacity is a limitation, a visitor capacity, in and of itself, does not imply any management action. A visitor capacity is a number. A limitation would be the result of a management action.

A visitor capacity is one component within a management prescription, which also includes management objectives, desired future conditions, appropriate uses and quality standards. Based upon the full management prescription (not simply the capacity), a manager selects actions from a suite of strategies such as education, tourism marketing, facility design, maintenance, fees, scheduling, registrations, law enforcement, signage, monitoring, site restoration, as well as limits on the number of people.

3. There is no reason for a visitor capacity until there is a problem.

False.

There is a span of time when visitor capacity decision-making is ripe, surrounded by times when it is not ripe. Unfortunately, park and recreation agencies tend to wait till there is a problem and when the time is no longer

ripe. What was previously a pro-active decision opportunity is now a reactive decision problem. The result of waiting to address visitor capacity is that professional decision-making is replaced by political or judicial intervention.

It is best to address visitor capacity pro-actively during an agency's public planning process which allows for deliberate, consultative and comprehensive analyses in an atmosphere with little or no controversy and political pressure.

4. A visitor capacity can help managers increase their budgets.

True.

Whereas recreation mythology reasons that the only purpose for a visitor capacity is to limit people, there are nine important purposes of creating a visitor capacity: (1) as a trigger for budgetary resources and other management actions, (2) as a measurement of the supply of recreation opportunities in an area, (3) as a public safety and resource risk-management tool, (4) to provide predictability for businesses, concessionaires and local communities, (5) for tourism-marketing and visitor trip planning, (6) for hindsight analysis in order to learn from the administrative record, (7) for recreation demand and supply analysis, (8) for allocation decisions between concessionaires and general public, and (9) to help implement a visitor limitation program.

The multiple purposes of a capacity are not unique to recreation management. One only needs to ponder the management of hotels, sport hunting, commercial fisheries, restaurants, golf courses, museums, timber harvesting, grazing and oil exploration on public lands to recognize the value of a capacity.

5. A visitor capacity is scientifically determined.

False.

There was considerable research on visitor capacity (traditionally referred to as recreation carrying capacity) in the

1970s. The significant finding was that a capacity cannot be determined by a formula or computation, and that the relationship between visitor use and impact is weak. While science can provide useful information, a visitor capacity is an administrative decision based upon sound professional judgment.

Furthermore, 30 years of environmental planning has made it apparent that important administrative decisions (e.g., visitor capacity) must consider many more factors than those isolated in a program of research or monitoring.

6. There are many types of visitor capacities (biological, social, managerial, facility).

False.

This myth has left professionals overwhelmed. In response, the phrase "recreation carrying capacity" has been replaced by visitor capacity because the latter is clearer, more concise and understandable by the public. The use of the word "visitor" is also inclusive of both recreation visitors as well as other visitors (educational classes, scientific teams, spiritual groups, management staff).

The phrase "visitor capacity" is also more inclusive in that these aforementioned carrying capacities are considered, not as separate capacities, but as integrated considerations within the visitor capacity for an area. That is, a comprehensive planning process integrates the important considerations (biological, social, transportation) in order to arrive at a reasonable visitor capacity.

7. A monitoring program can replace the need for a visitor capacity.

False.

A visitor capacity is an administrative decision based upon sound professional judgment. The decision is made as part of a comprehensive public planning process, with due consideration of many factors, only one of which is monitoring information. Monitoring involves a program of indicators, stan-

dards and data collection protocols. It is a management tool implemented from an approved plan and employed to track current conditions versus desired future conditions.

A visitor capacity and a monitoring program are both important to good management, but they are different management tools, serving different purposes, developed at different times, and neither can replace or substitute for the other.

8. A visitor capacity is a right and fixed number.

False.

The judicial principle of reasonableness re-assures us that the courts do not rule on whether a decision is right or wrong, but rather if the decision is reasonable and based upon the preponderance of the information. A visitor capacity needs to be reasonable, not right, and based upon the preponderance of the information, not absolute certainty.

The courts also recognize the value of adaptive management. A visitor capacity is not a fixed number over time, but rather can and should be adapted given new science, information, policies, technology, trends, plans and other circumstances of importance.

9. The best time to make a visitor capacity decision is within a legally compliant comprehensive public planning process.

True.

The National Environmental Policy Act and its comparable state-level enactments, is intended to help decision-makers make good decisions through a systematic and comprehensive planning process. Planning is an intermittent activity at which time the greatest amount of data, analyses, range of alternatives, public discussion and management focus are assembled to make fundamental decisions for the future.

Planning is a very deliberate, consultative, analytic, transparent and creative effort which integrates all the important considerations. Thus, a legally-compli-

ant public planning process enables managers to make better and more defensible visitor capacity decisions than otherwise.

10. The hardest part of a visitor capacity decision is deciding upon the number.

False.

The difficult part of a capacity decision is not deciding upon a specific number or numeric range. Rather, it is answering the critical antecedent questions important to developing a comprehensive management prescription for an area. That is, the challenge is not the visitor capacity decision but rather in writing clear and meaningful management objectives for an area, detailing the desired future conditions, determining appropriate uses, describing the recreation experiences to be managed for, and establishing associated quality standards.

One reason visitor capacities are

avoided, or judged to be arbitrary, is because planning documents are absent of clarity and detail, often simply restating flowery organic-act language. By analogy, management planning documents are often more like a general concept plan for the construction of a house, while what is really needed is the detail and careful analysis of a design development plan. Once an agency has established the uses and functions for the different spaces of the house (e.g., living room, recreation room, storage, bath, bedrooms), and decided upon the appropriate uses and condition standards, deciding upon a reasonable capacity for the different spaces in the house is relatively easy and defensible.

11. A visitor capacity will lead to litigation.

False.

The principle of judicial deference tells us that the courts will support administrative decisions that are reasoned, rea-

sonable and follow due process. Visitor capacity itself will not lead to litigation.

More than 90 percent of natural resource-related litigation is based upon arguments that a decision is arbitrary (lacks sufficient reason) or that the decision was made outside of a legally-compliant public planning process (lacked due process). Thus, a good visitor capacity decision should not be measured by litigation, but rather on whether the courts support and defer to administrative decisions. Don't worry about being litigated, worry about winning.

In summary, the park and recreation profession has been trapped by unfounded myths of visitor capacity. It will take considerable effort and leadership to eradicate, and regrettably, judicial intervention will continue through the next decade until a body of case law is accumulated and the agencies can act accordingly.. **PCR**