

A Rescue Plan for “America the Beautiful”
On Privatization of the U.S. National Park Project
By Zachary Gallagher

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INTRODUCTION

America’s National Park System (NPS) is under duress. A drastic increase in park visitation numbers throughout the 21st Century¹ has been met with budgeting complacency from the Department of the Interior’s federal management.² Further pressure from the

¹ See *Recreation Visits by Year*, NATIONAL PARK SERVICE, <https://www.nps.gov/aboutus/visitation-numbers.htm> (expressing in statistics that visits to all sites in 1980 totaled 220 million, in 1990 totaled 256 million, in 2000 totaled 285 million, in 2024 totaled 332 million).

² See *Fiscal Year 2025 Budget Justifications*, NATIONAL PARK SERVICE, 2 https://doi.gov/sites/default/files/documents/2024-03/fy2025-508-nps-greenbook_2.pdf. (listing a budget increase of \$101,102 from 2024 to total \$3,573,056 without permanent appropriations and totals \$4,813,403 with permanent appropriations); see also *Fiscal Year 2010 Budget Justifications*, NATIONAL PARK SERVICE, 2 https://www.nps.gov/aboutus/upload/FY_2010_NPS_Greenbook_508.pdf. (listing a budget increase of \$205,188 from 2009 to total \$3,129,992); see also *Fiscal Year 2018 Budget Justifications*, NATIONAL PARK SERVICE, 2 https://www.nps.gov/aboutus/upload/FY_2018_NPS_Greenbook_508.pdf. (listing a budget decrease of \$183,122 from 2018 to total \$3,260,588).

Upon adjusting the 2010 budget (\$3,129,992) for inflation (using www.usinflationcalculator.com) the 2010 budget would be equal to \$4,650,376 in 2025 dollars. The change from the 2010 budget (\$4,650,376) to the 2025 budget (\$4,813,403) is only 3.5%. This reflects that the budget has remained relatively flat over the past 15 years.

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mounting federal deficit has justified recent slashes to the NPS budget.³ Less funding causes park infrastructure updates to be neglected in a time of increased tourism, which only accelerates the current infrastructure’s deterioration.⁴

The federal government has failed to effectively manage America “The Beautiful.” Both visitor experience and sustainability goals have been, are, and will continue to be

³ See Suzanne Rowan Kelleher, *National Park Service to be Hit With 1,500 Additional Layoffs and Deep Budget Cuts, Reports Say*, FORBES (May 8, 2025), <https://www.forbes.com/sites/suzannerowankelleher/2025/05/08/national-park-service-layoffs-budget-cuts/>. (“Trump administration’s proposed 2026 budget...nixes \$1.2 billion of NPS funding, representing nearly 40% of the agency’s current budget – the largest cut in the park service’s 109-year history...There is an urgent need to streamline staffing and transfer certain properties to state-level management to ensure the long-term health and sustainment of the NPS.”).

⁴ See Sumayyah Borders, *Too Many Visitors, Too Few Rangers: The National Park Dilemma*, POLICY POLITICAL REVIEW (May 8, 2025), <https://policypoliticalreview.com/2025/05/08/too-many-visitors-too-few-rangers-the-national-park-dilemma/>

Increased foot traffic has resulted in severe erosion, soil compaction, and the destruction of native plant life. Overtourism has also escalated conflicts between humans and wildlife. Built primarily in the mid-20th century, the roads, parking lots, restrooms, and visitor centers in many parks were never designed to serve the tens of millions of people who now arrive each year. The result is a growing mismatch between public demand and physical capacity.

neglected.⁵ Such neglect begs the question of whether the National Park lands would be better off in the hands of private actors than current public management. In response, this Note argues that privatization of the NPS should be a current initiative of the federal government.

There is ongoing debate among economists as to the merits and demerits of public ownership of commonly valued resources,⁶ which currently includes the United States’ most remarkable natural and geographical features. There is a growing trend towards privatization of what were once goods and services provided to citizens by their local, state, or national governments.⁷ The privatization process will make for more efficient management

⁵ *See Id.*

⁶ *See* MURRAY N. ROTHBARD, *MAN, ECONOMY, AND STATE WITH POWER AND MARKET*, 1029, (Ludwig von Mises Institute 2d ed. 2001) (“Economics is a Wertfrei science, which does not engage in ethical judgments. Yet, while economists will generally agree to this flat statement, it is certainly curious how much energy they have spent trying to justify – in some tortuous, presumably scientific, and Wertfrei manner – various activities and expenditures of government.”).

⁷ *See* Randal O’Toole, *The Coming Transit Apocalypse*, CATO INSTITUTE (Oct. 24, 2017), <https://www.cato.org/policy-analysis/coming-transit-apocalypse>. (“It is quite likely that, outside of New York and possibly a handful of other cities, transit as we know it will go extinct within 15 years, and many transit agencies will leave behind a mountain of debt that local taxpayers will be obligated to pay.”); *see also* Adina Solomon, *U.S. national parks could be privatized. Here’s what would change.*, NATIONAL GEOGRAPHIC (April 23, 2020) (“Oklahoma’s

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of NPS’s lands while at the same time maintaining some control over private ownership’s actions to discourage movements detrimental to the spirit and vision of the NPS.

Part I of this Note lays out the law and public policies that constitute the foundation of the National Park System, some of which will be critiqued in Part II as leading to inefficient outcomes. Part II captures the current concerns plaguing the National Park Service from both the perspective of the average national park goer and the federal government management/budgetary authority. Part III lays out the merits and demerits of privatization and then details the transition phase in which the federal government will permanently “sell-off” or contract-out management of all National Park Service lands to private actors. Lastly, Part IV gives alternative end states of privatization, with different levels of federal government oversight and rights of government to intervene in private actors’ management.

By demonstrating that a system of private ownership can successfully maintain the sustainability concerns and national park ideal with minimal government oversight, this Note dismantles the public goods paradigm as it pertains to America’s natural treasures. Rather than cling to an unsustainable system of public management, American lawmakers should relinquish national park lands to private citizens to cultivate so as to unburden the federal budget and revitalize America’s natural heritage.

I. HISTORY OF LAW AND POLICY ESTABLISHING NATIONAL PARK SYSTEM

Tallgrass Prairie Preserve protects important plant and wildlife species in large part because the nonprofit Nature Conservancy was able to buy land from willing ranchers when NPS couldn’t finalize a deal.”)

The National Park Service is a federal project that has been historically celebrated.⁸ This Part briefly details the birth and expansion of the National Park Service (NPS), followed by listing the foundational statutes providing for the structure and unity of each of the hundreds of national parks and monuments organized under NPS today.

A. Foundation and Expansion of NPS

Congress established the first national park: Yellowstone, in 1872 under the exclusive control of the Secretary of the Interior.⁹ More national parks were established between then and 1916 when President Woodrow Wilson signed the Organic Act of 1916.¹⁰ By signing this Act, President Wilson created the National Park Service as a subset of the Department of the Interior.¹¹ The Act states that the fundamental purpose of the parks is to “conserve the scenery and the natural and historic objects and the wild life therein and to provide for the

⁸ See 54 U.S.C. § 100101(b)(1)(A) (“the National Park System, which began with establishment of Yellowstone National Park in 1872, has since grown to include superlative natural, historic, and recreation areas in every major region of the United States.”).

⁹ See *Quick History of the National Park Service*, NATIONAL PARK SERVICE, <https://www.nps.gov/articles/quick-nps-history.htm> (explaining that Yellowstone was established by Congress as a public park or pleasuring-ground for the benefit and enjoyment of the people).

¹⁰ *Id.*

¹¹ *Id.*

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enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”¹²

Fast forward to 2025, and the National Park System of the United States comprises more than 400 areas covering more than 84 million acres in 50 states and other territories, with more than 20,000 employees.¹³ Specifically for this Note, the focus will be on the 63 national parks as of 2026, excluding any other NPS property.¹⁴ Additions of new parks to the

¹² *Id.*

¹³ *Id*; See Laura A. Hanson & Carol Hardy Vincent, *Federal Land Ownership: Overview and Data*, CONGRESS.GOV (Feb. 21, 2020), <https://www.congress.gov/crs-product/R42346> (noting disproportionate land ownership of NPS in western states, with ownership of 52.5 million acres in Alaska, 20.4 million acres in the eleven “western” states, and only 7.1 million acres across the other thirty-eight states and territories).

¹⁴ See “About Us,” NATIONAL PARK SERVICE, <https://www.nps.gov/aboutus/national-park-system.htm> (detailing the 433 individual units that the National Park Service manages, including 63 national parks, 87 national monuments, 64 national historical parks); see also Ashley Biggers, “The Difference Between National Parks and Monuments,” OUTSIDE, March 13, 2019, <https://www.outsideonline.com/adventure-travel/national-parks/whats-difference-between-national-parks-and-national-monuments/> (“National parks are protected due to their scenic, inspirational, education, and recreational value. National monuments have objects of historical, cultural, and/or scientific interest, so their content is quite varied. Congress designated national parks; in general, presidential proclamations establish national monuments.”)

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NPS are only to be generated by acts of Congress, though the President has authority to proclaim national monuments on lands already under federal jurisdiction.¹⁵ NPS is the only public land management agency that has no general authority to acquire new land or dispose of the lands they administer.¹⁶ Contrasting NPS, The Bureau of Land Management, under Congress’ direction, since 1781 has transferred over a billion acres of public domain land to private ownership as to encourage and accelerate the settlement of the West.¹⁷ Out of fear that rapid private development could threaten scenic natural treasures, the National Park

¹⁵ See *Id* (stating that the Antiquities Act of 1906 grants the President authority to designate national monuments, but otherwise only Congress has the power to add land to the National Park System); See also *Antiquities Act of 1906*, NATIONAL PARK SERVICE, <https://www.nps.gov/subjects/archeology/antiquities-act.htm> (“Since 1906, U.S. Presidents have used their authority under Antiquities Act to set aside land almost 300 times.”).

¹⁶ See Hanson & Vincent, *Federal Land Ownership*, CONGRESS.GOV, <https://www.congress.gov/crs-product/R42346> (recognizing that Congress has taken agency away from the NPS to add and subtract land areas from management, unlike the other federal agencies who retain their land agency).

¹⁷ See *Id.* (conveying that while total federal land ownership of the five land agencies declined by 4.9% between 1990 to 2018, there has been an opposite trend by Congress to increase NPS’s land management by 5.5%).

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Service has taken the opposite approach of the other federal land management agencies of acquiring rather than disposing of lands.¹⁸

Although the lands managed under NPS have expanded and continue to be added to in 2025, the environmental and recreational dual mandate of the parks remains unchanged.¹⁹ Under current public management, such goals of sustainability and consumer experience fail to be satisfied in many of the national parks today. Issues with overcrowding and infrastructure are a direct result of the strict regulations constraining dispositions of property and the ability to contract upon park lands.

B. Significant N.P.S. Statutory Authority

Each national park is organized under a single superintendent, who has broad authority over establishing time and place restrictions on visitors’ access to the park through

¹⁸ See *Id.* (describing how each federal land management agency has a different mandate, the NPS being significant in that it prioritizes preservation over the competing interests of settlement and economic development).

¹⁹ See 54 U.S.C. § 100101(a)

The Secretary, acting through the Director of the National Park Service, shall promote and regulate the use of the National Park System by means and measures that conform to the fundamental purpose of the System units, which purpose is to conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

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issuing permits and general directives.²⁰ Such authority may be delegated from the superintendent to park rangers in managing the parks. Authority is vested solely in the superintendent in promoting business establishments within the boundaries of the park, such as eating, drinking, and lodging facilities which all require a superintendent’s permit.²¹ In this respect, the park superintendent acts as a quasi-property owner over a certain national park; the superintendent may refuse any person who fails to comply with the superintendent's directives as to how to use the land.

Yet while the NPS may have power over people’s actions on the land, NPS has no power to significantly alter the land itself. Actions that harm nature in the parks are expressly prohibited by any member of the public or authority in NPS.²² The same goes for

²⁰ See 36 U.S.C. §§ 1.1(b), 1.5(a), 1.6 (permitting a superintendent to generally establish schedule of visiting hours, impose public use limits, designate areas for specific activities such as camping, issue permits so long as public health and safety, environmental values, proper allocation and use of facilities, and avoidance of conflict among visitor use activities will not be adversely impacted.)

²¹ See 36 U.S.C. §§ 5.1, 5.3, 5.10 (requiring a superintendent’s permission to advertise for commercial purposes, establishing permanent recreational facilities, and engaging in or soliciting business in park areas).

²² See 36 U.S.C. § 2.1(a)(1) (prohibiting actions taken to alter the state of nature of wildlife, plants, cultural or archeological resources, and mineral resources). See also 36 U.S.C. § 5.14 (prohibiting prospecting and mining).

leaseholds, conveyances, or dispositions of NPS lands; only the Secretary of the Interior holds such discretionary power.²³

Payments to access national parks, also known as federal recreation fees, are highly codified, limiting the application of fees to only those seeking entry into the park, use of a specialized facility or participation in certain recreation events.²⁴ The pricing of such fees is orchestrated by six criteria which generally balance the costs to the government and benefits to the consumer.²⁵ Such arbitrary price factors are necessary to rely on when operating outside the scope of the free market’s “invisible hand,” as in the case of all publicly owned goods.²⁶

²³ See 36 U.S.C. §§ 17.1, 17.3 (vesting powers of conveyance and disposition of any national park or monument outside the NPS and with the Secretary of the Interior).

²⁴ See 36 U.S.C. § 71.2 (establishing three different types of federal recreation fees, those being an entrance fee charged on an annual or single-visit basis, a daily recreation use fee for specialized facilities or equipment furnished at federal expense, or a special recreation permit fee).

²⁵ See 36 U.S.C. § 71.9(a) (creating six criteria to inform recreation fee pricing, those being “(1) the direct and indirect cost to the government, (2) the benefit to the recipient, (3) the public policy of interest served, (4) the comparable recreation fees charged by other actors, public or private, in the general region, (5) the economic and administrative feasibility of fee collection, and (6) other pertinent factors.”).

²⁶ See ADAM SMITH, AN INQUIRY INTO THE NATURE AND CAUSES OF THE WEALTH OF NATIONS 455 (Edwin Cannan et. al. eds., 2009)

Overall, the code establishing the authority structure within and above the NPS is extremely constricting as to the land’s usage by private actors, especially those looking to make a profit from the tourist hubs the parks have become.²⁷ The NPS itself is very limited in garnering revenues by arbitrary ceilings the code imposes on fees collected across the parks.²⁸ While such restraints on profit-seeking in the private and public sector may on its face seem to benefit park visitors and sustainability goals, the code’s inflexibility only leads to the issues²⁹ that prevent maximizing visitor experience or environmental protections.

II. ISSUES FACING THE NATIONAL PARK SYSTEM IN 2025

Market pressures to alter the current National Park System are a result of both “supply-side” (government) and “demand-side” (tourists) inefficiencies of current national park management. Congress’ stagnant funding of the NPS cannot satisfy increasing demand from tourists to utilize the parks. The ramifications of such a disparity in supply v. demand are expounded upon in this Part of the Note.

Every individual...neither intends to promote the public interest, nor knows how much he is promoting it...he intends only his own security; and by directing that industry in such a manner as its produce may be of greatest value, he intends only his own gain, and he is... led by an invisible hand to promote an end which was no part of his intention.

²⁷ See generally 36 U.S.C. § 5 (prohibiting private actors from conducting business or even advertising on NPS lands in almost every scenario).

²⁸ See generally 36 U.S.C. § 71 (mentioning nothing as to setting prices in consideration of a reasonable goal: that the National Park System is self-sustainable from a balanced budget perspective in that its revenues equals or exceeds its operating costs).

²⁹ *Infra* Part II

A. Unsatisfactory Consumer Experience

The second prong of the national park system mandate is to “provide for [tourist’s] enjoyment of the scenery, natural historic objects, and wildlife.”³⁰ Yet one who yearns to experience certain U.S. National Parks in 2025 may find themselves face to face with thousands of people rather than being immersed in nature,³¹ or be prohibited from witnessing a park altogether on account of losing a lottery to gain entry.³² This is a culmination of common issues (overcrowding and inadequate infrastructure) that oftentimes result when a good or service is provided by the state, rather than a private actor.³³

³⁰ 54 U.S.C. § 100101(a).

³¹ See Brooke Baitinger, *Yosemite National Park saw more visitors this summer. Why that worries experts*, FRESNO BEE (Oct. 9, 2025), <https://www.msn.com/en-us/travel/news/Yosemite-national-park-saw-more-visitors-this-summer-why-that-worries-experts/ar-AA1O9deM?ocid=BingNewsSerp> “The bottom line is there are too many people, too much crowding and congestion and too long of wait times at entrance stations, especially on weekends.”

³² See Johnson Kaplan, *Which national parks have a lottery system?*, COLUMBUS PARK RENTALS (Sept. 10, 2025), <https://www.columbusparkrentals.com/parks/what-national-parks-have-a-lottery-system/> (explaining how Yosemite and Grand Canyon National Parks have a lottery system in place in order to manage visitor numbers).

³³ See MURRAY N. ROTHBARD, *MAN, ECONOMY, AND STATE WITH POWER AND MARKET*, 1259–60 (Ludwig von Mises Institute 2d ed. 2001),

Payment is made, however, not by users on the basis of their voluntary purchases, but by a coerced levy on the taxpayers. A basic split is effected between payment for and receipt of service. Many grave consequences follow

1. Park Overcrowding

Across the most popular national parks, visitors face extreme overcrowding in all facets of the national park experience. Visitors face hours-long lines just to enter a national park.³⁴ They then are faced with roaming park roads for a coveted open spot to park their vehicle.³⁵ An outlook over the Grand Canyon or Yellowstone Falls provides no scenic escape

from this split and from the “free” service. As in all cases where price is below the free-market price, an enormous and excessive demand is stimulated for the good, far beyond the supply of such service available.

³⁴ See “Long lines, no parking: What to expect as these national parks shatter visitor records,” GMTODAY, Jun. 1, 2021, https://www.gmtoday.com/travel/long-lines-no-parking-what-to-expect-as-these-national-parks-shatter-visitor-records/article_a5a3d008-c2c9-11eb-ad95-23b6878c5404.html (describing statements by Yellowstone N.P. officials to expect long lines at entrance stations, officials at Arches N.P. turning tourists away from the park every day due to park exceeding capacity); see also Ariana Garcia, “Layoffs fuel long lines and frustrations at Texas national parks,” CHRON (Feb. 27, 2025), <https://www.chron.com/life/wildlife/article/texas-parks-lines-layoffs-20184426.php> (relaying visitor’s eyewitness account of leaving the park and seeing a line of cars to enter being over a mile long).

³⁵ See Lauren Feather, “*It’s Plain Stupid*”: *Glacier National Park’s Most Frustrating Pain Point is Ruining the Visitor Experience*, THE TRAVEL (Aug. 16, 2025), <https://www.thetravel.com/glacier-national-park-illegal-parking-traffic-timed-entry-vehicle-reservation-issues/> (pleading that the lack of parking within Glacier N.P. is forcing people to block roads and disrupt traffic flow through illegal parking techniques).

against a sea of people.³⁶ Parks have only a fraction of campsites compared to the amount of reservation requests received for every summer evening.³⁷

The inefficient outcomes stemming from overcrowding are predictable in a public goods paradigm, where a government official is acting outside the guiding force of the free market.³⁸ Where a private entrepreneur would be happy to provide more of a good to achieve greater profits in a market with excess demand, the government is not equally incentivized

³⁶ See Scott Van Russell, “5 Worst National Parks for Crowds: And Where to Go Instead,” CAMPER SMARTS (Aug. 1, 2023), <https://campersmarts.com/5-worst-national-parks-for-crowds-and-where-to-go-instead> (listing national parks that do not offer a peaceful nor serene nature experience due to crowds on popular trails).

³⁷ See generally David Wilkinson, “Recreation.gov: How to Fix Our Broken Reservation System,” BETTER TRAIL (Nov. 20, 2024), <https://bettertrail.com/public-lands/recreation-gov-how-to-fix-our-broken-reservation-system> (expressing concerns as to how reservations backlog instantly upon coming available, and yet many campgrounds in the parks are not actually utilized due to the system incentivizing last-minute cancellations of reservations).

³⁸ See LUDWIG VON MISES, SOCIALISM: AN ECONOMIC AND SOCIOLOGICAL ANALYSIS, 8 (1951) (“Only economic calculation makes adaptation [of means to ends] possible. Without such assistance, in the bewildering chaos of alternative materials and processes the human mind would be at a complete loss. Whenever we had to decide between different processes or different centers of production, we would be entirely at sea.”).

as it is detached from profit and loss considerations.³⁹ If more of a good cannot be produced to match surging consumer demand, as in the case of parklands, the private entrepreneur will simply raise prices on consumers trying to access their good.⁴⁰ Higher prices will price out marginal consumers, leading to a decrease in demand that would eliminate overcrowding.⁴¹ Government, as an actor outside the market, has no pricing mechanism, and therefore no means by which to allocate park access to those consumers who value park

³⁹ See MURRAY N. ROTHBARD, *MAN, ECONOMY, AND STATE WITH POWER AND MARKET*, 945 (Ludwig von Mises Institute 2d ed. 2001)

In all areas of private enterprise, firms try to coax and persuade consumers to buy more of their product. Where government owns and operates, on the other hand, there are invariably calls on consumers for patience and sacrifice, and problems of shortages and deficiencies continually abound. The pressure is on consumers to sacrifice and use less, while in private industry the (welcome) pressure is on entrepreneurs to supply more.

⁴⁰ See LUDWIG VON MISES, *HUMAN ACTION*, 213 (Ludwig von Mises Institute Scholar’s Edition 1998),

The main task of economic calculation is not to deal with the problems of unchanging or only slightly changing market situations and prices, but to deal with change. The acting individual either anticipates changes that will occur without his own interference and wants to adjust his actions to this anticipated state of affairs; or he wants to embark upon a project which will change conditions even if no other factors produce a change. The prices of the past are for him merely starting points in his endeavors to anticipate future prices.

⁴¹ See *Id.* at 97 (“Action is an attempt to substitute a more satisfactory state of affairs for a less satisfactory one. A less desirable condition is bartered for a more desirable. Costs are equal to the value attached to the satisfaction which one must forego in order to attain the end aimed at.”)

access and usage the most.⁴² As a result, excess demand for a government-provided good results in a shortage and overconsumption, such as the overcrowding in the national parks.⁴³

2. Insufficient Infrastructure

The lack of infrastructure is the flip side of the same coin as park overcrowding. For a surplus demand for a resource, such as access to parklands, to occur, there either needs to be 1) an increase in demand with a steady or decreasing supply the fails to match the demand, or 2) a decrease in supply while the demand for the resource remains steady or increases.⁴⁴ In the case of the national parks, an increase in the demand for the parks, evidenced by

⁴² *See Id.* at 946

All buyers, all uses, are artificially kept on the same plane. As a result, the most important uses will be slighted. Should we build a road in place A or place B? There is no rational way whatever by which it can make this decision. It cannot aid the private consumers of the road in the best way. It can decide only according to the whim of the ruling government official. If the government official wishes to do what is best for the public, it is faced with an impossible task.

⁴³ *See Id.* at 944–45 (“As in all cases where the price is below the free market price, an enormous and excessive demand is stimulated for the good, far beyond the supply of service available. Consequently, there will always be “shortages” of the free good, constant complaints of insufficiency, overcrowding, etc.”).

⁴⁴ *See* James Chen, “Understanding Economic Shortages: Causes, Types, and Real-Life Examples,” INVESTOPEDIA, Sept. 5, 2025, <https://www.investopedia.com/terms/s/shortage.asp> (“Major Causes of Economic Shortages: 3. Government intervention: government-imposed price ceilings result in a diminishment of the supply of various products relative to the increased demand for them at the set price.”).

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currently spiking visitation numbers,⁴⁵ has been addressed by sustaining or slashing levels federal budgeting allotted to the National Park Service,⁴⁶ resulting in crumbling infrastructure across United States’ parks.⁴⁷

Insufficient infrastructure has frustrated consumers of the national parks in many ways. Such issues can be illustrated by running through an average weekend experience in a popular national park. Several months before your planned trip to a park, one must undergo the stressful ritual of logging onto recreation.gov and feverishly reserve the campsites they want exactly when reservations open, competing with thousands of tourists for hundreds of

⁴⁵ *Supra* n. 1

⁴⁶ *Supra* n. 2

⁴⁷ *See* Kathleen Sedley, “The National Park Service Faces Challenges in Managing Its Deferred Maintenance,” 1, U.S. DEPARTMENT OF THE INTERIOR, Sept. 13, 2023, <https://www.govinfo.gov/content/pkg/GOVPUB-I-PURL-gpo218205/pdf/GOVPUB-I-PURL-gpo218205.pdf> (finding that NPS was unable to effectively identify and manage its deferred maintenance, and had failed to address critical work orders relating to mold spread in multiple buildings at a NPS park).

sites.⁴⁸ Those looking to hike a famous trail must enter a lottery whose odds over time have become narrower as more interest and entries accrue.⁴⁹

On arrival at a national park’s few entrances, cars must wait in lines to get a day pass to the park that can rise to a couple hours.⁵⁰ After moving past the entrance station, one-lane roads within the parks are extremely slow to travel,⁵¹ and upon reaching an attraction to stop

⁴⁸ See Sierra Shafer, “Being Forced to Use Rec.gov Just to Go Camping Is Psychological Warfare,” *BACKPACKER*, June 24, 2025, <https://www.backpacker.com/stories/essays/opinion/being-forced-to-use-rec-gov-just-to-go-camping-is-psychological-warfare/> (Claiming that recreation.gov is confusing to navigate, has a broken interface, inflated fees, and after going through the booking process, most users will need a vacation).

⁴⁹ See Nicole Hansen, “7 National Park Hikes that You Can Only Do Via Lottery,” *THE TRAVEL*, May 28, 2024, <https://www.thetravel.com/lottery-national-park-hikes/> (“With odds for some hikes at just 4%, these lottery-only national park hikes are some of the most exclusive in the US.”).

⁵⁰ See Julie, “US National Parks that Require Reservations,” *EARTH TREKKERS*, Jan 10, 2026, <https://www.earthtrekkers.com/national-parks-reservations/> (explaining how the long lines at entrances to the parks have forced eight national parks to require a reservation in advance).

⁵¹ See Jennifer Roberts, “Shuttle Services are Helping National Parks Reduce Traffic, Says Study,” *NATIONAL PARKS TRAVELER*, Oct. 23, 2025, (encouraging parks to adopt shuttle services as a means of reducing traffic congestion on park roads and parking lots).

at, parking lots are packed.⁵² Bathrooms are sparsely situated; access to food is even more isolated to visitor centers.⁵³ Merchandise is understocked in terms of quantity in variety, to the point that you are better off going to a store outside park borders to purchase some memorabilia.⁵⁴

When the evening arrives and it is time to settle down for the night, campgrounds are over-filled with tourists who lied about how many persons they were looking to camp in one site, and/or using materials expressly banned that harm the experience for neighboring

⁵² See *A Review of the Impacts of Overcrowding in Our National Parks on Park Resources and Visitor Experiences, and Consideration of Strategic Approaches to Visitor Use Management Before the S. Subcomm. On Nat’l Parks of the S. Comm. On Energy & Nat. Res.*, 117th Cong. 10–11 (2021) (depicting overcrowded roads and illegal parking off-road at Yosemite and Acadia National Parks).

⁵³ See Trevor Hughes, “Budget Cuts and Bathrooms: An Ongoing Struggle at US National Parks,” USA TODAY, April 16, 2025, <https://www.usatoday.com/story/news/nation/2025/04/16/national-park-toilet-closures-staffing/83082076007/> (describing worsening amenities options due to closures within understaffed national parks).

⁵⁴ See Susan Montoya Bryan & Dorany Pineda, “US National Park Gift Shops Ordered to Purge Merchandise Promoting DEI,” AP News, Dec. 11, 2025, <https://apnews.com/national-parks-dei-review-6feb21b4f2e8b495b33444d04f9a28fc> (decrying Trump administration’s efforts to remove retail items that it claims to discriminate against people based on race, gender and sexual orientation).

campers.⁵⁵ Some campsites remain empty, reserved in bulk by tourists several months ago when planning vacations that were never likely to happen, but unconcerned by the minimal or zero cancellation fees.⁵⁶ You may wish there was a higher quality lodging experience than tent camping with open-air toilets and no potable water, but few parks have options comparable to even a simple motel.⁵⁷

Strains on infrastructure have not only dampened consumer experience but also threaten the other side of the national park dual mandate: sustainability. Unavailability of open parking has encouraged park goers to park off-road trampling wildlife.⁵⁸ Cars pollute

⁵⁵ See “How strict are parks about number of campers on a single site in a campground?” REDDIT, https://www.reddit.com/NationalPark/comments/1dah3me/how_strict_are_parks_about_number_of_campers_on_a/ (commenting that rangers do not care about the amount of people that are within a single campsite, even if beyond the maximum reservation).

⁵⁶ See David Wilkinson, “Recreation.gov: How to Fix Our Broken Reservation System,” BETTER TRAIL, Nov. 20, 2024, <https://bettertrail.com/public-lands/recreation-gov-how-to-fix-our-broken-reservation-system> (“You can log on to Recreation.gov and book up to 14 consecutive days at one campsite. Down the line, if you want to shorten your trip, you can do so with no penalty.”).

⁵⁷ See John Tillison, “America’s National Park Lodges, Hotels and Inns,” Mar. 4, 2022, <https://www.parkrangerjohn.com/americas-national-park-lodges-hotels-and-inns/> (listing the national parks that do and do not have lodging options within park borders).

⁵⁸ *Supra* n. 52.

the environment idling in long lines for entry or parking.⁵⁹ Failure to maintain trails has led to off trail blazing over plants.⁶⁰ Inadequate waste disposal has caused bears, buffalo, and other scavengers to become dependent on human food and/or be put down for aggressive behavior.⁶¹ The signals are clear that infrastructure needs to be added, renovated, or replaced. Yet federal management has failed to adapt, and as a result, park visitors and ecosystems continue to be neglected.

B. Growing Federal Management Pains

Justification for federal oversight of the natural wonders of the United States is primarily found in the “sustainability” initiative of the National Park System mandate.⁶² Yet as the federal deficit increases, it becomes more difficult for Congress to pass increases to an

⁵⁹ See generally *A Review of the Impacts of Overcrowding in Our National Parks on Park Resources and Visitor Experiences, and Consideration of Strategic Approaches to Visitor Use Management Before the S. Subcomm. On Nat’l Parks of the S. Comm. On Energy & Nat. Res.*, 117th Cong. 10–11 (2021).

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² See *About Us*, NATIONAL PARK SERVICE, <https://www.nps.gov/absolutus/index.htm> (stating that the mission of the National Park Service is in part to preserve unimpaired the natural and cultural resources and values of the National Park System).

already strained NPS budget.⁶³ Such underfunding exacerbates the sustainability mandate of NPS when a lack of infrastructure results in direct harm to nature.⁶⁴

1. Underfunding

The National Park Service has operated at a loss throughout its existence, in that its revenues fall far below the Congressional budgetary outlay dedicated to NPS.⁶⁵ While a government agency operating in a deficit is not unusual, a growing concern is the NPS’ multi-

⁶³ See n. 2. NPS budget only increased by 3.5% from 2010 to 2025.

⁶⁴ See Sumayyah Borders, *Too Many Visitors, Too Few Rangers: The National Park Dilemma*, POLICY POLITICAL REVIEW (May 8, 2025), <https://policypoliticalreview.com/2025/05/08/too-many-visitors-too-few-rangers-tha-national-park-dilemma/> (“Increased foot traffic has resulted in severe erosion, soil compaction, and the destruction of native plant life. Built primarily in the mid-20th century, the roads, parking lots, restrooms, and visitor centers in many parks were never designed to serve the tens of millions of people who now arrive each year.”).

⁶⁵ See *Fiscal Year 2025 Budget Justifications*, NATIONAL PARK SERVICE, 70 https://doi.gov/sites/default/files/documents/2024-03/fy2025-508-nps-greenbook_2.pdf.

(listing revenues for FY 2023 Actual as 651 million, FY 2024 Estimate as 663 million, FY 2025 Estimate as 665 million); See also n. 2 (subtracting \$665 million in 2025 estimated revenue from \$4.8 billion NPS budgetary authority yields a loss in 2025 of around \$4.15 billion for the NPS).

billion dollar backlog of deferred maintenance that has no horizon on being solved.⁶⁶ Maintenance backlogs have simultaneously arisen across the other land management agencies, which has encouraged their selling sprees.⁶⁷

⁶⁶ See Laura B. Comay, *National Park Service Deferred Maintenance: Overview and Issues*, CONGRESS.GOV (July 25, 2024), <https://www.congress.gov/crs-product/R48136> (“NPS has a \$23.263 billion (as of FY 2023) backlog of deferred maintenance – maintenance that was not performed as scheduled or as needed and was put off to a future time. NPS deferred maintenance grew by \$11.769 billion (+102%) in nominal dollars in the past decade (FY2014-FY2023).”).

⁶⁷ See Laura A. Hanson & Carol Hardy Vincent, *Federal Land Ownership: Overview and Data*, CONGRESS.GOV (Feb. 21, 2020), <https://www.congress.gov/crs-product/R42346> (“The 19.38 billion maintenance backlog of the four major land management agencies is a factor in the debate [whether to decrease, maintain, or increase the amount of federal holdings].”).

The Trump administration has initiated the largest budget cut in NPS’ history.⁶⁸ The magnitude of the cuts would result in the elimination of funding to certain sites,⁶⁹ perhaps foreshadowing the beginning of selling off NPS lands to private owners to maintain. Without any sale of NPS-managed land, the budget cuts will precipitate a major workforce reduction⁷⁰ and exacerbate the deterioration and ineptness of current infrastructure in the parks, to the detriment of the parks’ natural environment and consumer experience.

2. Susceptible Sustainability

⁶⁸ See *President Trump’s Proposed Budget Could Decimate At Least 350 National Park Sites*, National Parks Conservation Association, May 5, 2025, <https://www.npca.org/articles/8495-president-trump-s-proposed-budget-could-decimate-at-least-350-national-park> (“The administration’s recently released budget proposal calls for a cut of more than \$1 billion to the National Park Service, the largest proposed cut in the Park Service’s 109-year history.”).

⁶⁹ See *Id.* (“Achieving a \$900 million cut to operations would require eliminating funding for roughly 350 park sites – from the smallest to some of the largest.”).

⁷⁰ See Heather Richards, *Trump Cuts and Meddling at National Parks Unpopular, Poll Finds*, E&E News, November 12, 2025, <https://www.eenews.net/articles/trump-cuts-and-meddling-at-national-parks-unpopular-poll-finds/> (“The Trump administration has eliminated more than 1,600 National Park Service positions to reduce government spending.”).

“When we have to make a choice between recreation and preservation, we will always choose preservation,” claims NPS Chief of Public Affairs David Barna.⁷¹ Empirical evidence suggests otherwise; historic buildings crumble;⁷² non-native invasive species thrive;⁷³ lacking transportation infrastructure causes trail-blazing and car traffic pollution.⁷⁴ All of these issues require increased funding to resolve that Congress has been steadfast in denying.⁷⁵

Federal management can no longer satisfy the dual mandates of recreation and sustainability; to reinvigorate the mandates would require doubling or tripling the current NPS budget. If further funding is infeasible, the only solution is privatization of the NPS’ lands. If Congress sits on its hands and does nothing, the parks will be ill equipped to preserve NPS lands’ nature and history that would maximally thrive under private management.

III. TRANSFER OF NATIONAL PARK SYSTEM LANDS TO PRIVATE ACTORS

⁷¹ *Top 10 Issues Facing National Parks*, NATIONAL GEOGRAPHIC, May 26, 2010, <https://www.nationalgeographic.com/travel/article/national-park-issues>.

⁷² *See Id.* (listing Independence Hall, Ellis Island, and the San Antonio Missions as historic landmarks in need of critical maintenance by the NPS).

⁷³ *See Id.* (“More than 6,500 non-native invasive species have been found in U.S. national parks.”).

⁷⁴ Michael T. Reynolds, *National Parks Overcrowding*, U.S. DEPT. OF INT., July 28, 2021, <https://www.doi.gov/ocl/national-parks-overcrowding> (describing how increased visitation has forced many parks to adopt shuttle systems and multi-use paths to ease congestion).

⁷⁵ *Supra* n. 2. Funding to the NPS has not increased to even keep up with inflation.

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Even if the option of increased funding was available to solve the sustainability and infrastructure issues that currently demonstrate inefficient government management, a transition to private ownership of these lands is still preferable to consumers of and the nature within the parks. The simple reason is that government management cannot mimic the infinite complexity of market forces that guide private actors to provide goods that consumers most desire. If it is assumed that the average national park consumer most desires the parks for its nature, the free market pressures on the private owner will fall in line with the old dual mandate, even without safeguards from the federal regime. This Part expands upon how private entrepreneurs can effectively solve the overcrowding and deficient infrastructure problems plaguing the parks without abrogating the sustainability mandate NPS has pursued.

A. Privatization: The Concept as Applied to the NPS

Privatization, or the transfer of ownership of a good from the state to private owners, has been empirically proven to solve economic inefficiencies governments have faced when attempting to provide such goods to their citizenry. Private businesses in the United States have outcompeted the government in industries where the state held or granted a monopoly,

such as taxis with Ubers⁷⁶ or the U.S. Postal Service with Amazon,⁷⁷ to the benefit of consumers of such resources. The federal government currently has a monopoly on America’s greatest landmarks via the national parks. If this monopoly were relinquished to private actors, there is no reason to believe that the parks would be managed with greater efficiency as in the transportation and delivery industries, as this section will demonstrate.

1. Defining Privatization

Privatization refers to the process of transferring ownership of government-operated goods and services to private actors.⁷⁸ Such a process may occur to state owned 1) financed

⁷⁶ See Michael Goitein, *How Uber’s Disruptive Strategy Took Over the Taxi Industry*, <https://michaelgoitein.com/how-ubers-disruptive-strategy-took-over-the-taxi-industry> (describing how Uber harnessed the new smartphone technology to innovate an app that eliminated standing on street corners to hail cabs, established a rating system for customers and drivers, and replaced taxi dispatchers with algorithms to route cars to riders).

⁷⁷ See Mark Brohan, *Amazon Closing Parcel Delivery Gap with USPS, Market Faces Major Shakeup*, DIGITAL COMMERCE 360, July 1, 2025, <https://www.digitalcommerce360.com/2025/07/01/amazon-closing-parcel-delivery-gap-with-usps/> (“Amazon is on track to overtake United States Postal Service in total parcel volume by 2028.”).

⁷⁸ See Marshall Hargrave, *Understanding Privatization: Process, Benefits, and Real-World Examples*, INVESTOPEDIA, Sep. 9, 2025, <https://www.investopedia.com/terms/p/privatization.asp> (defining and describing the benefits accruing from privatization).

services (healthcare), 2) monopolies (network utilities), and 3) competitive firms, or “state-owned enterprises operating in competitive product markets free from substantial market failures.”⁷⁹ The NPS, as an agency, falls within the third category, since it is a government firm operating within the wider recreation/tourism market. NPS effectively sells permits to enter, camp, and recreate within its parks, in “competition” with other firms who sell similar experiences and immersion within nature such as cruise lines, guided hikes and rafting, or aquariums for example.

The process of privatization, in relation to the National Parks, would consist of the National Park Service auctioning off each park and monument, one by one, to private entrepreneurs seeking to profit from gaining ownership over the lands. Considering the unparalleled beauty and/or historical significance of each parcel of land currently held by the NPS, there is a high demand by consumers for access to such property that entrepreneurs would profit from. Because of the profitability stemming from private ownership of park lands, such status makes the property ripe for transfer from public to private ownership.

2. Benefits of Privatization to the National Parks

If the lands were managed by private owners, they would be more effective than the NPS in promoting the dual mandate of consumer experience and conservation because of (i) the absence of a regulatory restraint on the private entrepreneur’s rights to contract and dispose of property, plus (ii) subjecting the private owner to profit and loss motives.

⁷⁹ See John Vickers & George Yarrow, *Economic Perspectives on Privatization*, 5 J. ECON. PERSPECTIVES 111, 111–12 (Spring 1991) (categorizing the process of privatization into three groups based on the type of good or service the government is looking to provide).

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Regulations harm consumers by restricting the options available to an entrepreneur to most efficiently satisfy consumer demand.⁸⁰ Removing the U.S.C. statutes that proscribed the park superintendent’s actions, allows the private owner to take effective actions to reduce overcrowding and raise enough revenues to satisfy maintenance needs.⁸¹ A government manager, free from profit or loss considerations, is not rewarded for making decisions to the benefit of park consumers or punished for errant actions to park goers’ collective detriment.⁸² On the other hand, a private entrepreneur garners profits because of decisions that improve

⁸⁰ See MURRAY N. ROTHBARD, *MAN, ECONOMY, AND STATE WITH POWER AND MARKET*, 879 (Ludwig von Mises Institute 2d ed. 2001) (“Coercive intervention, signifies *per se* that the individual or individuals coerced would not have voluntarily done what they are now being forced to do by the intervener.”).

⁸¹ See *Id.* at 885 (“For the free market...there is, in the first place, a fast-working, highly accurate, easily understandable test that tells the entrepreneur, and also the income-receiver, whether they are succeeding or failing at the task of satisfying the desires of the consumer.”).

⁸² See *Id.* at 1263 (“The profit-and-loss test serves as a critical guide for directing the flow of productive resources. No such guide exists for the government, which has no rational way to decide how much money to spend. The more money it spends, the more service it can supply – but where to stop?”); See also *id.* at 1260 (“In all areas of private enterprise, firms try to coax and persuade consumers to buy more of their product. Where government owns, on the other hand, there are invariably calls on consumers for patience and sacrifice, and there are continual problems of shortages and deficiencies.”).

the parks for its consumers’ benefit and could accrue losses for poor management that would force a sale of the park to an entrepreneur better equipped to satisfy consumer needs.⁸³

The private entrepreneur’s pricing of property use to consumers of the park lands would have the most significant impact on the overcrowding and infrastructure concerns laid out earlier in this Note. Prices for entry to the park, campsites, and recreation fees would immediately increase in every park to varying degrees, given that the NPS has kept the prices conscientiously below market value.⁸⁴ Costs to consumers would be more fairly distributed on a per person basis; no longer would a car with a lone driver versus seven passengers be charged equally for entry to a park.⁸⁵ New chances for assessing fees would

⁸³ See LUDWIG VON MISES, *HUMAN ACTION*, 270 (Ludwig von Mises Institute Scholar’s Edition 1998)

The direction of all economic affairs in the market society is a task of the entrepreneurs. They are at the helm and steer the ship. A superficial observer would believe that they are supreme. But they are not. They are bound to obey unconditionally the captain’s orders. The captain is the consumer. Neither the entrepreneurs nor the capitalists determine what is to be produced. The consumers do that. If a businessman does not strictly obey the orders of the public as they are conveyed to him by the structure of market prices, he suffers losses, he goes bankrupt, and is thus removed from his eminent position at the helm. Other men who did it better in satisfying the demand of the consumers replace him.

⁸⁴ See MURRAY N. ROTHBARD, *MAN, ECONOMY, AND STATE WITH POWER AND MARKET*, 1260 (Ludwig von Mises Institute 2d ed. 2001) (“As in all cases where price is below the free-market price, an enormous and excessive demand is stimulated for the good, far beyond the supply of such service available.”).

⁸⁵ See *Entrance Fees by Park*, NATIONAL PARK SERVICE, <https://www.nps.gov/aboutus/entrance-fee->

arise for goods and services such as permits for premier trail usage, coveted parking lots, or guided ranger tours.

As prices increase and are assigned to more goods and services, the total number of consumers who would have enough interest in the parks to justify visiting would decline.⁸⁶ A more expensive park experience would solve the overcrowding issue in the “fairest” way possible: those who value the parks the most would have access, those who value the parks less than the going rate would spend their wealth elsewhere.⁸⁷ Gone would be the unpredictable lottery or first-come-first-served systems that frustrate avid park goers.⁸⁸

prices.htm?park=&state=&entrancePassRequired=&timedEntry=&page=3&parking= (“At some parks, the price of a standard entrance pass depends on whether you enter in a vehicle. The “Private Vehicle” price is the entrance fee for one vehicle and its passengers.”).

⁸⁶ See Leslie Kramer, “How Does the Law of Supply and Demand Affect Prices?” INVESTOPEDIA, Nov. 15, 2024, <https://www.investopedia.com/ask/answers/033115/-how-does-law-supply-and-demand-affect-prices.asp> (“When demand is greater than supply, prices rise.”).

⁸⁷ *But see* MURRAY N. ROTHBARD, *MAN, ECONOMY, AND STATE WITH POWER AND MARKET*, 1261 (Ludwig von Mises Institute 2d ed. 2001) (“Since there is no pricing, and therefore no exclusion of submarginal uses, there is no way that the government, even if it wanted to, could allocate its services to the most important uses and to the most eager buyers. All buyers, all uses, are artificially kept on the same plane.”).

⁸⁸ See Mark Wilcox, “National parks lottery system draws some concern,” May 29, 2022, https://www.wyomingnews.com/wyomingbusinessreport/current_edition/national-parks-

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Instead of relying on pure chance to even gain entry to a park, access to a trail, or claim to a campsite, such goods would be distributed as any other on the free market: to the higher bidders.⁸⁹

Unlike the NPS Superintendent, who is restricted in contracting with private businesses,⁹⁰ the private entrepreneur is free to contract with whichever vendors or advertisers maximizes the profits accrued from satisfying park goers’ desires. In this respect, a privately owned national park would have similar amenities to an American amusement

lottery-system-draws-some-concern/article_a20df329-6222-5e27-b966-a2f0171f1ea9.html
(describing paying to enter a lottery to gain a day pass to a coveted trail, only to have to pay again to utilize trail if you win the lottery); *see also* Laura Zbinden, “The Disturbing Issues with Half Dome Hike’s Lottery System,” Oct. 5, 2024, <https://www.islands.com/1679283/disturbing-issues-unsafe-half-dome-yosemite-national-park-hike-system/> (“Since the hiking permits are so difficult to get (with around 19% success rate for the daily lottery, according to the NPS), people may be less willing to turn around due to weather concerns because they don’t know when or if they will ever have the chance to try the hike again.”)

⁸⁹ See MURRAY N. ROTHBARD, MAN, ECONOMY, AND STATE WITH POWER AND MARKET, 110 (Ludwig von Mises Institute 2d ed. 2001) (“The price in exchange will be high enough to exclude the “less capable” or “less urgent” buyer – the one whose value scale does not permit him to offer as high a price as the other, “more capable,” buyer.”).

⁹⁰ *Supra* Note X

park, with brand name restaurateurs and more gift shops.⁹¹ Individual businesses could pay the park owner for permission to use the park lands in providing recreational activities to park goers, such as guided trail or water excursions. As more contracts are entered into between businesses and the park property owner, the more park consumers stand to benefit from further opportunities available as part of the park experience.

3. Addressing Arguments Against Privatization

a. Silencing Sustainability

The National Park System must juggle the competing interests of allowing “all of America” to access to the parks and still fulfilling its sustainability mandate.⁹² Recently, the NPS has allowed visitation numbers to explode⁹³ without much regard for the environmental

⁹¹ Within U.S. national parks today, only non-brand restaurants are available, and merchandise is usually limited to a visitor center. *See* “Yellowstone National Park - Official Park Map,” YELLOWSTONE NATIONAL PARK, <https://yellowstone.net/maps/yellowstone-national-park-map/> (showing that food options and gift shops are limited to six points even in the national park with the most developed infrastructure within the NPS). This is a stark contrast to privately owned recreation parks across the country such as Six Flags, which allow both park-owned and brand-name restaurants, as well as gift shops interspersed throughout the entire park area at the various attractions. *See generally* SIX FLAGS, <https://www.sixflags.com>.

⁹² *Supra* note X

⁹³ *Supra* note X

consequences of such a trend.⁹⁴ Such a balancing act is achieved by subjecting the park lands to the equilibrating price system of the free market. In the face of consumer demand in excess of current supply, private park owners would be financially incentivized to build more infrastructure to accommodate the excess demand for park resources by prospective consumers.⁹⁵ Some may fear that an expansion of man-made infrastructure to accommodate as many willing patrons as possible would harm the surrounding natural environment.⁹⁶ That encapsulates the main fear of critiques surrounding privatization of the national parks:

⁹⁴ *Supra* n. 20.

⁹⁵ *See* LUDWIG VON MISES, HUMAN ACTION, 288 (Ludwig von Mises Institute Scholar’s Edition 1998)

The specific entrepreneurial function consists in determining the employment of the factors of production. The entrepreneur is the man who dedicates them to special purposes. In doing so he is driven solely by the selfish interest in making profits and acquiring wealth. But he can succeed only by best serving consumers. His profit depends on the approval of his conduct by the consumers.

⁹⁶ *See* Adina Solomon, “U.S. national parks could be privatized. Here’s what would change,” NATIONAL GEOGRAPHIC, Apr. 23, 2020, <https://www.nationalgeographic.com/travel/article/privatization-coming-to-national-parks-what-does-that-mean> (explaining that many Americans fear that privatizing the parks would lead to unsustainable management and pollution of natural habitats); *see also* Bill Wade, “A New Tragedy for the Commons: The Threat of Privatization to the National Parks (and Other Public Lands),” GEORGE WRIGHT FORUM, Vol. 22, No. 2, 61, 64 (2005) (worrying about private advertisers attempting to buy-out park owners in placing ads to the harm of the environment).

in the absence of government oversight, the private entrepreneur will gladly sacrifice the sustainability mandate upon the altar of profit.

Yet this concern would never fully come to fruition, because as long as the consumers of the park value the park primarily for its natural phenomena, any infringement upon a natural habitat that consumers of the park value, the park owner would begin experiencing losses as such park consumers would begin spending their money elsewhere.⁹⁷ In response to incurring losses from losing customers, the profit-driven owner would cease actions harmful to environment as well as his pocket.⁹⁸ Given that a vast majority of current national park lovers value the visual magnificence and diverse wildlife, there should be little fear of a private owner harming nature and thus effectuating degradation to the profitability of their business property.

b. Pricing Out the Poor

Another source of concern as to privatization is the accessibility of national parks to the less wealthy. As prices would rise once the parks came under private ownership, the fear would be that consumers with less discretionary income who used to enjoy the national parks under federal management would be priced out of that experience. On its face, a trip to a national park seems cheap in comparison to a trip to Disney World or even Cedar Point,⁹⁹ if

⁹⁷ *Supra* note 74.

⁹⁸ *Supra* note 74.

⁹⁹ *See Entrance Fees by Park*, NATIONAL PARK SERVICE, <https://www.nps.gov/aboutus/entrance-fee-prices.htm?park=&state=&entrancePassRequired=&timedEntry=&page=3&parking=> (most

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one assumes that a nature park and an amusement park are substitutable goods to the average consumer. But most national parks are not as readily accessible; considering most Americans live in the eastern part of the country,¹⁰⁰ while almost all the national parks are in the west,¹⁰¹ a family must fly and then drive for several hours in a rental car, just to reach a national park entrance. Those hundreds or thousands of dollars in transportation costs alone make a week-long vacation to a national park comparable in expense to the average American vacation. Therefore, an average trip to a national park was expensive enough to price out lower-class Americans currently, even with the parks being publicly managed by NPS. It should make intuitive sense though, given the value Americans bestow on the national parks, that a ticket to enter a park is priced at an amount that reflects the consumers’ appreciation for the good, like it is currently at other recreation destinations domestically and abroad.

national parks charge an entrance fee ranging from \$5 to \$35 per vehicle); “Walt Disney World Theme Park Tickets,” WALT DISNEY WORLD, <https://disneyworld.disney.go.com/admission/tickets> (listing a 1-day ticket at \$119 per person, totaling \$478 for a family of four); “Daily Tickets,” CEDAR POINT, <https://www.sixflags.com/cedarpoint/daily-tickets> (listing a normal day pass for \$50 per person, so for a family of four, \$200).

¹⁰⁰ “Where does 80% of the US population live?” <https://www.studycountry.com/wiki/where-does-80-of-the-us-population-live>, (“80% of Americans, about 260 million people, live east of 98th meridian west).

¹⁰¹ 15 of the 63 national parks in the United States fall east of the 98th meridian west.

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For those who may still be skeptical of allowing free market prices within the national parks, why must prices be artificially held low for such a discretionary good? No one denies that a visit to a national park is a unique experience, but there are plenty of amazing experiences the government does not offer American citizens at essentially free of cost. But should not every American citizen have a birthright to witness the spectacular lands whose beauty was not a product of man’s work, but a gift of God’s creation, meant to be shared rather than hoarded? One must be careful when using such collectivist dialogue; while the argument may be well-intentioned, it always necessitates government coercion and intervention in the market that harms rather than helps American citizens.

Not all Americans value the national parks the same, nor would voluntarily contribute in taxes the same amount they are coerced to pay by the federal government to fund the national parks. Some consumers, who visit national parks regularly, would voluntarily pay more than the tax currently exerted on them; many uninterested in visiting a park would not contribute a penny. Therefore, arbitrariness of taxes harms American citizens, since it assumes each American should value the national park at X dollars, rather than treating citizens as individuals with infinitely unique preferences who can decide for themselves how much they value a good or cause.

Government interference with the pricing mechanism, justified by prices being “inequitable,” means that some other metric must arise in replacement of prices to determine which consumers do and do not access the parks. Currently, the quickest to tap several buttons on a reservation app, months in advance of their trip, take up all the campsites. Those who show up two hours before opening the park gate avoid the long entry lines and get a full day of experiencing the park. Are these metrics more “equitable” in determining who

has access to the parks than free market pricing of park goods and services? There is no way to distribute a scarce, valued good such as the national parks to all of America. Therefore there will be those who visit or camp a national park on a given day and those who are left out. The fairest system is the one in which the consumer who values the park the most gets access (thanks to free market pricing), not which consumer has the quickest computer navigation skills or most time to burn in the morning waiting in a car (thanks to government intervention).

c. Parks Becoming Private Property

An extreme version of limited park access is feared by critics who argue that an ultra-wealthy actor could purchase a park not for business purposes but for personal use and enjoyment, shutting out every potential consumer. While the federal government could maintain certain controls over park land that would prevent an owner from using the property exclusively for themselves, such restraints are not needed given the ever-present pressures of the market. As with any economic good, land will be allotted to its most valuable end. For an individual investor to buy a park for their exclusive use, they would have to out-bid competing groups of entrepreneurs offering up valuations most-likely in the tens of billions,¹⁰² who would offer so much because of the potential profits they see in the parks as

¹⁰² As a very rough estimate, the average national park would sell for \$14.4 billion. I calculated this number by multiplying the 2026 national average acre price of \$18,000 by the average national park land acreage of around 0.8 million acres as of 2026. See “Land Value Estimator: Average Price Per Acre by State (2026),” <https://sellthelandnow.com/land-value-estimator-average-price-per-acre-by-state/> (listing the average U.S. acre price at \$18,000);

tourist destinations and the generally appreciating value of the land itself. Such a scenario seems extremely improbable financially.

B. Empirical Examples of Privatization of Public Lands

Economic theory only goes so far as to demonstrate the feasibility of privatization; providing empirical examples will hopefully reinforce to readers that private ownership is an adequate solution to replace the NPS. While not a pure example of privatization, the Central Park Conservancy (CPC), a charitable non-profit who took over management of Central Park in NYC, is an example of how private enterprise stepped up to the plate when public management was failing to provide an adequate consumer experience. Founded in 1980¹⁰³ in the aftermath of Central Park’s decline in the 1960s and 1970s,¹⁰⁴ the CVC was originally founded to fundraise and work on improving Central Park side by side with public management.¹⁰⁵ By 1998, the CVC had taken over all management duties from the local

Riley, “63 National Parks by Size: A Complete List,” September 9, 2022, <https://parksexpert.com/national-parks-by-size/> (stating that in total, the 63 U.S. national parks add up to over 50 million acres).

¹⁰³ “Central Park Conservancy,” <https://centralpark.org/central-park-conservancy/>

¹⁰⁴ See Edward Hudson, “Central Park Condition Decried,” THE NEW YORK TIMES, June 8, 1973, <https://www.nytimes.com/1973/06/08/archives/central-park-condition-decried-preliminary-estimate.html> (“The problems of decay, erosion, disrepair and overuse of Central Park are so extensive they may require as much as \$60-million over five years to remedy, the city’s Administrator of Parks, Recreation and Cultural Affairs said.”).

¹⁰⁵ “Central Park Conservancy,” <https://centralpark.org/central-park-conservancy/>

government, and since has assisted in developing new parks for NYC such as the High Line and Brooklyn Bridge Park.¹⁰⁶ Today, the CVC provides 75 percent of Central Park’s \$65 million annual operating budget, whose monies are garnered from charitable contributions of NYC residents and corporations.¹⁰⁷

While the CVC neither owns Central Park, nor requires visitors to the park to pay a fee to enjoy the park’s features, what it does demonstrate is that a private organization is much more efficient than government managers at raising funds to maintain property and satisfying consumer preferences. If Congress is not willing to indulge a full sell-off of National Park Lands, the CVC provides an alternative blueprint of how a shift to private management could benefit parkgoers, even with the lands still being under federal ownership.

State parks across the United States continue to be turned over to private management in the face of mounting infrastructure repairs and not enough public funding,¹⁰⁸ similar to the federal dilemma facing the national parks.¹⁰⁹ These PPPs, or public-private

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ See Leonard Gilroy, Harris Kenny, and Julian Morris, “Parks 2.0: Operating State Parks Through Public-Private Partnerships,” THE BUCKEYE INSTITUTE, 3, Dec. 2013, <https://www.buckeyeinstitute.org/library/doclib/Parks-2.0-Operating-State-Parks-Through-Public-Private-Partnerships.pdf> (“The American Society of Civil Engineers estimated a \$48.2 billion funding shortfall for parks and recreation nationally over the next five years.”).

¹⁰⁹ *Supra* n. 2.

partnerships, are performance-based contracts between government agencies responsible for overseeing parks and recreation management companies.¹¹⁰ Private, for-profit recreation management companies currently operate over half of the U.S. Forest Service’s thousands of developed recreation areas nationwide, some of which have been in profitable operation for over 35 years.¹¹¹ This initiative to privatize state parks intensified with increased fiscal pressures on the USFS in the 1980s by the Reagan administration, which necessitated privatizing park management and the embrace of user fees so that the parks could run balanced budgets at a minimum.¹¹²

Mt. Washington Auto Road is a privately owned company that owns land, building infrastructure at the bottom and top of Mt. Washington, and an extremely steep, one-way sightseeing road ascending the tallest peak in New England.¹¹³ Construction on the road finished in 1861, welcoming horse-and-buggies at first, and then usage from private cars that

¹¹⁰ See Gilroy, “Parks 2.0,” 3, (“More than 30 states have passed explicit statutory authority to use PPPs to deliver transportation infrastructure, and several others have expanded that authority to deliver government buildings, schools, information technology systems and more.”).

¹¹¹ *Id.*

¹¹² Compare *Id.*; *Supra* note X, (describing the fiscal pressures of the Trump administration budget cuts on the National Park Service today).

¹¹³ See generally “History of the legendary Mt. Washington Auto Road,” MT. WASHINGTON AUTO ROAD, <https://mt-washington.com/history/>.

has steadily increased from 3,100 cars in 1935 to more than 45,000 cars a year today.¹¹⁴ The business profits through drivers paying to ascend the road, as well as its gift shop and restaurant at the top, while maintaining a negligible footprint on the nature and panoramic views its customers come to experience.¹¹⁵ The company also sponsors various environmental initiatives in its commitment to sustainability and energy efficiency.¹¹⁶

There are three empirical examples, all demonstrating various levels of privatization and government oversight, ranging from contractual obligations consented to with non-profit Central Park Conservancy and for-profit U.S. Forest Service public-private partnerships, to no public oversight over the Mt. Washington Auto Road, who has both fully managed and owned its lands for almost two centuries. All examples showcase private management that maximizes consumer preferences while maintaining a conscientiousness towards environmental impact. This Note will return to these empirical examples in Section IV, to demonstrate why the 63 national parks are most comparable with the land owned by Mt. Washington Auto Road. This will lead to the conclusion that private control of *both* management and ownership of park lands is the best solution, rather than the half measure of instituting private management, with the state retaining public ownership of lands. But

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ See “Environmental Initiatives,” MT. WASHINGTON AUTO ROAD, <https://mt.washington.com/environmental-initiatives/> (showcasing the company’s micro hydroelectric facility, wood pellet burning boiler system, solar array, and more investments in renewable energy resources as a means to reduce pollution on the mountain).

before comparing end states, there must be a rewind to consider the turnover of public lands to private owners, and how this process would be optimally carried out.

C. Transition Stage from Public to Private Ownership

For privatization of the national parks to be successful, there must be a proper sale of the lands the parks occupy to the highest private bidder. As has been shown by empirical examples, privatization can be partial (finite contract for private owner(s) to manage land with state maintaining ownership) or complete (total disposition of any state interest in land to private owner(s) in fee simple absolute) in scope. Both processes involve soliciting bids from private actors, in which the government should attempt to maximize competition so that the private actor(s) who value the land most end up in managing and/or owning the land.

Transferring ownership of land to private actors is the least expensive process for the government, given that once the land is in the legal possession of a private actor, the government’s control is terminated, and the private actor is free to use the land in any way he sees fit. Therefore, the government has no more monitoring, enforcement, or transaction costs to anticipate once the initial transaction has been completed. Furthermore, the price that the government should be able to receive from purchasers of the land would be greater than in a contractual relationship because the private owner would possess the entire bundle of rights associated with the land, including the right to sell the land to another private actor, for an unlimited period. As with any sale of land, the government should look to promote competition by advertising the sale, publicizing offer prices, and only concluding the sale when bidding has stalled and the highest value purchaser has been recognized.

The billions in sale revenues, coupled with the savings on management, monitoring, and enforcement costs, would provide an influx in funding to the Department of the Interior

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budget and save American taxpayer dollars for other federal initiatives. Under public management and ownership, the burden for funding the national parks falls on all taxpayers, regardless of how often, or little, as individuals they value or visit the parks. After full privatization, sustaining the parks will depend on those who choose to voluntarily contribute to the private owners responsible for the parks’ preservation, whether that be through philanthropic donations with nothing asked in return, or payment to enter the owner’s park and take advantage of its natural wonders and man-made amenities. In the end, a transition away from public ownership would lend itself to balancing the federal budget and a more equitable solution as to who funds the national parks.

In the alternative, partial privatization only somewhat alleviates the costs of the parks to the American taxpayer but provides the comfort of guaranteeing the preservation of the parks due to continued federal ownership of the parklands. Rather than transferring the entire bundle of property rights to private actors, the federal government would contract with private actors to manage the federally owned parklands. So while the private manager would gain certain rights as to use of the parklands (establishing prices, bringing in vendors, building infrastructure, etc.), certain actions detrimental to the park’s nature would constitute a breach of contract. Such breaches by the private manager would allow the federal government to pursue several remedies such as 1) collecting damages, 2) injunctive relief, or 3) termination of the contract.

While not conveying ownership of parklands to private owners ensures that the national parks will remain “as is,” that decision comes at a cost to the federal budget. Solicitation of 5, 10, X year term contracts with private management will garner less interest (lower bid prices) from private actors because of both the limited contract terms and the

smaller bundle of property rights the private manager will have exclusive domain over. Transaction costs will arise every time a contract term expires or contract terminates in negotiating with potential managers. Monitoring costs will accrue as the governing agency tracks the private managers’ actions to make sure no breach of contract has transpired.

Both transitioning to private management with either private or public ownership is feasible as to the national parks, and preferable to the current regime in which both management and ownership is federally controlled. Yet the more crucial concern is whether the tradeoff in higher costs of the partial privatization, contractual regime for continuing federal oversight and ownership needed? Or are free market pressures enough to control private actors to not infringe upon the natural environment of the parks? The next section of this Note will demonstrate that retaining federal ownership over the national parks is an unnecessary and costly “double-check” on private action that is already restrained by the economic losses that would amount if a park’s environment were to suffer.

IV. END STATE OF PRIVATELY OWNED PARKS

The economic theory of privatization, backed by empirical evidence, as applied to publicly owned nature parks, has demonstrated clearly to this point that the private entrepreneur trumps the government manager in managing those lands more efficiently. Yet questions may still remain as to how much ownership the state should retain over the national park lands, considering that two of the empirical examples demonstrated improved outcomes even though the private owner was still restrained contractually to state overseers. The final section of this Note will lay out the two alternative regimes of land management, and then implore the adoption of fully privatizing the national parks rather than taking a

beneficial, yet not optimal half measure of privatizing management without allowing for private land ownership.

A. The Public-Private Partnership

If Congress were to take a half measure to amend the national parks dilemma, it would be to contract out the parklands to private actors to manage, while maintaining federal ownership of the property. Private entrepreneurs would be free to make autonomous decisions within the contractual constraints that the land be maintained for the purpose of a tourist and environmental park. Any action taken within the bounds of the contract would merit government intervention. But if a private manager were to breach the terms of the contract, the federal government would gain the right to terminate the contract and take back control of the lands. Damages could also be assessed against the private actor in the alternative.

Therefore, an overseeing state agency is still mandated by the public-private partnership paradigm. This agency would incur less taxpayer costs than the current NPS, but still take on monitoring, enforcement, and transaction costs which would be borne by the taxpayer rather than by a private enterprise. Across all parks, agency employees would have to run routine inspections to ensure private managers are not taking actions directly contrary to protection of the scenery and nature of the parks. If an infringement was spotted, the agency would need lawyers to bring a case against the private managers for breach of contract. It is likely that the private manager's particular park would be shutdown in the midst and/or aftermath of these disputes, harming potential park visitors. And after the case is closed and the government begins to search for new private

management, transaction costs accrue from a new bidding process, harming the American taxpayer and park visitors who cannot access the park during the transition phase.

If the government’s goal is to keep all lands currently held by NPS as national parks post-privatization, maintaining contractual restraints over private management is the only means that guarantees such an outcome. But such restraint comes at a direct cost to every individual taxpayer who funds the federal oversight of private park managers, regardless of if a portion of those 335 million taxpayers value the land’s use as a park less than the majority of Congress who impose such costs.

In the end, the only way to determine if the parklands are valued most highly as tourist nature parks or for other purposes is by lifting all government restraints and allowing the consumers on the free market to allocate those lands’ resources to their most desired ends. If that end is different than what those in government prefer, one must decide whether the decision maker for what is “best for society” be 1) the hundreds of millions of consumer preferences that calibrate the free market or 2) the 485 U.S. representatives and senators, who by intervening are implying that society is misguided in what it should value.

B. The Fully Autonomous Entrepreneur

By selling off the full bundle of ownership rights to all NPS parklands, the federal government is clear of any responsibility once the bidding process is complete and private entrepreneurs own all 63 national parks. The taxpayer is then free of the coerced burden of funding the national parks, as post-privatization, the parks will garner revenues from those who value the parks the most: visitors and charitable donors.

Those who bid highest for each park will gain full property rights over the lands, with no more restraints as to its use than any other plot of rural acreage. Although there

may be no ramifications imposed by the state for a private park owner harnessing the land's resources towards a good incompatible with a tourist nature park, financial profits and losses will arise with each decision he makes. Actions that utilize the parklands towards its highest valued use, as determined by consumers, will be rewarded with profits, while using the property for other purposes will only lead to losses. If facing losses, the entrepreneur refuses to change course, his financial downturn will force him to sell the parklands to a private actor who will reorient the land's use towards the lodestar of profit by maximizing consumer preferences.

C. The Optimal Endstate: No More Half-Measures

In order to convince the government to give up full control of park lands, there must be proof that sufficient market pressure exists that would effectively prevent a private entrepreneur from taking actions to utilize the land for purposes other than a nature park.

Returning to the empirical examples of Central Park, or the collective total of USFS lands, these were instances in which the government wisely retained ownership of the land and chose to enter contractual relationships with private management. If the government had chosen to fully transfer those lands to private management and ownership, the likely result would have been degradation of the nature that the government saw as its express charge to protect and preserve. This is because the highest value use of Central Park or USFS lands is not its natural landscape. Central Park is located in downtown Manhattan, the prime destination for an office building or condominium, in which a land owner could look to profit from rents received from businesses or residents that would occupy the high rise upon its completion. The end state of Central Park under private ownership would be the eradication of the park, as potential consumers value this prime real estate for living and working to a

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much higher degree on average than for recreation. Government ownership of Central Park is the only barrier holding back the tsunami of residential and commercial developers who would pay premium price to break new ground in the midst of Manhattan.

USFS lands are more similar in form to the current national park lands than Central Park, NYC, given that all USFS and NPS lands are much farther geographically isolated from the urban centers in which land is valued for what can be built upon it rather than its natural beauty unaltered by human hand. Yet there is a glaring difference between USFS and state park lands versus national park lands; the national parks are simply more spectacular to witness. If there was a monopoly on the jaw-dropping landscapes and the most diverse ecosystems in the United States, it would not be an exaggeration to suggest that the 63 national parks would occupy a 95 percent market share, while the tens of thousands of USFS and state park lands making up the remaining 5 percent of the market. The mile-deep chasms of the Grand Canyon, rainbow hot springs of the Yellowstone, or towering Tetons, cannot be found elsewhere in the United States, or even the world for that matter. Therefore, they are extremely scarce, and unlike other economic goods, cannot be replicated or remanufactured, so they will remain scarce.

On the other hand, USFS and state parks provide landscapes that are indeed beautiful, yet in a less unique and spectacular manner to their superiors, the national parks. Therefore, because there is a large quantity of the lakes, forests, rivers, and hills that make up USFS and state parks, their landscapes are not economically scarce since their supply on the land market is large, especially when compared to a landmark such as a Rainier or Denali that is a national park’s calling card. It would make sense that the federal government took

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control of the greatest landscapes to provide them with protection as national parks, and to signal to Americans that this is where America the Beautiful can be most fully realized.

It is the relative scarcity of the natural landscapes and ecosystems within the national parks that would save them from degradation under private ownership, while in the alternative, it is the relative abundance of the natural landscapes within the USFS and state park lands that would lend them more susceptible to degradation. If a private owner of national park lands were to take an action to harm one of America’s most valued natural landscapes, his decision would cost him immensely more than it would benefit him, as the land’s economic value is best utilized if the land is left untouched. But as landmarks become less scarce and more commonplace, as those that occupy USFS lands and state parks, the highest valued use of the land shifts from preserving the nature to degrading it, since it may be more valuable, for example, to begin cutting down trees to make profits in the logging industry, than it would be to leave the nature unharmed and attempt to enter the tourism and recreation industry.

If the desired endstate is maximizing consumer preferences, than the government’s optimal solution is full privatization of all publicly owned lands, regardless of whether the land is currently a national park, state park, or USFS land. By fully relinquishing control over lands, the government leaves all decision making as to the best usage of the lands to the private entrepreneur, who is in turn subject to the wants of the consumer. The consequence of this decision will be that while certain lands are preserved for their natural beauty, in order to attract paying tourists, other lands will be utilized to harness their natural resources to fulfill consumer needs for energy or to build homes or businesses upon to fulfill consumer needs for housing and a growing marketplace. In the latter scenario, nature will be

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abrogated, but only in parks with landscapes or ecosystems that consumers value less than other economic goods the lands can provide them.

It is doubtful that any of the current national parklands would be allocated to uses other than the highest valued use: tourism, which would put immense market pressure on private owners to leave the nature be. So, when comparing the two privatization options: 1) private management, public ownership, and 2) private management and ownership, both have a similar outcome in terms of preserving the parks’ sustainability. But private management is only fully allowed to flourish when there are no restraints on the entrepreneur in whom he contracts with, or how he prices goods and services. Therefore, all the National Parks should be completely privatized, with private owners of the lands having fee simple absolute ownership with no contractual constraints imposed by the state.

CONCLUSION

America’s 63 national parks must be privatized, or there will continue to federal mismanagement and underfunding that harms the parks’ ecosystems and visitors who look to experience such nature. Private management of parklands will remove price ceilings so as to increase park revenues that fund revitalization of infrastructure to the benefit of the plants, animals, and humans that occasion the parks. Private ownership will eliminate park costs to American taxpayers and allow parklands to be allocated to their most desired uses.

Most national parks would remain as initially envisioned by Theodore Roosevelt at their conception: places in which Americans can marvel at nature while promoting the ecosystem’s sustainability to the benefit of future generations. Even without government coercion, private owners would still be motivated to utilize the parklands in the most

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profitable manner. Given the current, tremendous demand on the market for the national parks’ spectacular scenery and bountiful wildlife, it is improbable that a private owner would deviate from utilizing the park as a profitable tourism enterprise, since there is no alternative use that would attract such consumer demand and yield greater profits.

It is a happy coincidence in the case of the 63 national parks, the privatization pill is easier to swallow because there would be no significant deviation in the use of the parklands when comparing the current system of federal ownership and management to the post-privatization outlook. When publicly provided good, such as a park, can be predicted to attract equal investment by private actors once the government exits the market, it reflects well on the government in a sense that the state is providing a good in which its citizens actually value. This is represented in the American public’s pride in the National Park System that has been championed by the federal government, that is not reserved for other federal projects that have come and gone in the era of big government. It is also represented in those who may react to this Note repugnantly, fearing the worst outcomes for a revered institution should the state no longer be involved, as the Note implores.

When it comes to an economic good, such as a parcel of land, that can be utilized in a myriad of different ways, who should decide towards which end the good should be allocated: society or the state? It has been falsely argued that the state is best at watching out for America’s best interests. At the federal level, 335 representatives and 50 senators form agencies that provide public goods such as the national parks. While Congress is supposed to democratically represent the will of its constituents, it is impossible that 385 voices can represent the needs and desires of 335 million Americans to the same extent as the free market in providing economic goods. The constantly changing, infinitely intricately, will of a

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society is best represented by the free market, in which every human actor participates in tons of transactions daily, regardless of one's wealth, education, or status.

A republican form of government should be constituted to promulgate laws seeking to enforce a common morality and protection of political rights that private actors within the free market cannot look to coordinate on their own. But when it comes to economic goods, decisions as to how scarce resources are to be allocated are best left to private actors. In that regard, the time is now to allow the American people to decide how the most precious of U.S. soil should be best utilized by returning control of the national parks to ordinary citizens. Privatization equals preservation in the case of the national parks; Americans can be confident that the dual mandate of consumer experience and environmental sustainability will be revitalized rather than extinguished.