



**THE COALITION OF  
NATIONAL PARK SERVICE  
RETIRES**

*Voices of Experience – Advocating Protection of America’s National Parks*

**John W. “Bill” Wade  
Chair, Executive Council  
Coalition of National Park Service Retirees**

**Testimony  
Before the Subcommittee on National Parks  
Committee on Resources  
United States House of Representatives**

**Hearing on “The National Park Service 2006 Draft Management Policies  
And proposed changes to Director’s Order 21”**

**February 15, 2006**

Mr. Chairman, and other distinguished Members of the Subcommittee, thank you for holding this hearing and thank you for inviting me to express my views, and the views of our Coalition on the important topic of managing our nation’s National Parks. I retired just over eight years ago from the National Park Service after a 32-year career, including serving the last nine years of that career as the Superintendent of Shenandoah National Park. I am now the Chair of the Executive Council of the Coalition of National Park Service Retirees.

The Coalition now consists of 480 individuals, all former employees of the National Park Service, with more joining us almost daily. Together we bring to this hearing over 14,000 years of experience. Many of us were senior leaders and many received awards for stewardship of our country’s natural and cultural resources. As rangers, executives, park managers, biologists, historians, interpreters, planners and specialists in other disciplines, we devoted our professional lives to maintaining and protecting the National Parks for the benefit of all Americans – those now living and those yet to be born. In our personal lives we come from a broad spectrum of political affiliations and we count among our members, five former Directors or Deputy Directors of the National Park Service, twenty-five former Regional Directors, or Deputy Regional Directors, twenty-eight former Associate or Assistant Directors and one hundred and twenty former Park Superintendents or Assistant Superintendents.

#### The National Park Service Organic Act – Its Origin and Intent

The Act (see 16 U.S.C. § 1) establishing the National Park Service, often referred as the “NPS Organic Act,” was passed nearly 90 years ago – on August 25, 1916. Almost since its inception, it has been subject to debate because of what some view as its “contradictory mandate.” I addressed this issue in detail in my testimony to this Subcommittee on December 14, 2005, using the scholarly research and analysis of the late Dr. Robin W. Winks, preeminent historian and professor at Yale University. We believe it is time to reframe this debate and to accept the fact that this mandate is a complementary one, rather than contradictory. The mission of the NPS is to ***conserve the resources unimpaired for the enjoyment of this, and future generations.***

The Organic Act (as amended), requires the National Park Service to do the following:

*The service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified, except such as are under the jurisdiction of the Secretary of the Army, as provided by law, by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.*

*Congress declares that 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, its territories and island possessions; that these areas, though distinct in character, are united through their inter-related purposes and resources into one national park system as cumulative expressions of a single national heritage; that, individually and collectively, these areas derive increased national dignity and recognition of their superb environmental quality through their inclusion*

*jointly with each other in one national park system preserved and managed for the benefit and inspiration of all the people of the United States; and that it is the purpose of this Act to include all such areas in the System and to clarify the authorities applicable to the system. Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined in section 1c of this title, shall be consistent with and founded in the purpose established by section 1 of this title, to the common benefit of all the people of the United States. The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress.*

It is also important to consider the language from the 1978 Senate Committee Report on the General Authorities Act amendment that says:

*“The Secretary has **the absolute duty, which is not to be compromised, to fulfill the mandate of the 1916 Act** to take whatever actions and seek whatever relief as will safeguard the units of the National Park System.”* [Emphasis added.]

We believe that the Secretary of the Interior and other leaders of the Department, and the Director of the National Park Service are, in fact, abrogating this duty and already are compromising the mandate of the 1916 Act. Moreover, we believe that if the draft 2006 policies are implemented, the result will be substantially greater compromise of the 1916 Act.

#### History of National Park Service Policy

The first expression of “policy” intended to provide guidance in managing the National Park System was the “Lane Letter” of May 13, 1918. This letter to National Park Service Director Stephen Mather from Secretary of the Interior Franklin Lane outlined the administrative policy to which the new National Park Service would adhere. Lane stated that his policy was based on three broad principles. The first of these principles, he said, was, “. . .that the national parks must be maintained in absolutely unimpaired form for the use of future generations as well as those of our own time. . . .” Lane went on to say: “Every activity of the Service is subordinate to the duties imposed upon it to faithfully preserve the parks for posterity in essentially their natural state.”

Significant reiteration, revision or updating of policy has occurred periodically since 1918, but generally not more frequently than every ten or more years. Every one of these reiterations have restated or reinforced the “conserve unimpaired” requirement; including Secretary James Watt, who in a letter to the Director of the NPS on July 6, 1981, quoted the principles from Secretary Lane’s letter and stated: “The principles outlined for the first Director of the Service more than 60 years ago apply with equal force to the management of the National Park System today, and I reaffirm them wholeheartedly.” Following his quote of the Act of August 18, 1970 (as amended), and the portion of the 1916 Act setting forth the fundamental purpose of parks, he stated: “No agency in government has a clearer mandate.” Finally, he said: “In summary, let us get back to the basics. Let us protect the land and its resources. Let us serve the visitor. I am confident that the Service can and will, through professional, innovative, and accountable management, fulfill its statutory mandate, and I pledge my support to that end.”

Most recently, NPS policies were updated in 1988 and again in 2001. These revisions were generated from within the NPS, when it was recognized by career professionals that updating was needed. Each of these revisions underwent rigorous internal and external public input and review, even during the drafting stages.

NPS Management Policies have become recognized, even by the Courts, as the official interpretation of the legislation establishing the NPS and its mission.

### The 2006 Draft Policies – A Deeply Flawed Process

Management of the National Park System has been extraordinarily free of political whim – until now. All indications are that nearly 90 years of consistency in interpretation of the legislative mission of the National Park Service is at the brink of crumbling and that the National Park System is in jeopardy of suffering a “hostile takeover” by recreational (primarily motorized) and commercial interests.

Just over one year after the 2001 Policies went into effect (after nearly five years of effort in developing them), on April 25, 2002, Chairman Radanovich of the Subcommittee on National Parks, Recreation and Public Lands conducted an oversight hearing on those policies. In his opening remarks, Chairman Radanovich stated: “I am concerned that the new policies have discarded this balancing requirement. They appear to place the requirement to conserve park resources unimpaired far above the second component of that dual mandate. That is a very significant change from the direction given by Congress and from the policy direction relied upon by the Park personnel for decades.”

Any reasonable reading and analysis of all of the history, analysis and interpretation of both the Organic Act (as amended) and subsequent policy statements from 1918 to 2001 provide compelling evidence that Chairman Radanovich’s statement couldn’t be more inaccurate. In fact, very little in the 1988 version of the “Foundation” language was changed in the 2001 policies.

In her testimony at this oversight hearing, NPS Director Fran Mainella stated, “...in all honesty, if you go back to reading the 1916 Organic Act, as I read it, it always has been existing that the **enjoyment was always under the contingency of the fact that it had to be that the resources were still always protected, or go unimpaired** (emphasis added).” Later in that same response, she said, “...and if you are going to err, you will err on the side of the resource...” and still later she said, “...your erring always has to be on the side of the resource.” She was correct on all counts.

Unfortunately, in a letter dated September 24, 2003, to Chairman Radanovich answering the questions he posed subsequent to the April 25, 2002, hearing, Director Mainella flip-flopped by saying: “We do not believe that Congress has ever placed resource protection on a ‘higher plane’ than public enjoyment.” In responding to the question asking, “... what is the legal basis for concluding that the Organic Act requires that ‘when there is a conflict between conserving resources and values and providing for the enjoyment of them, conservation is to be predominant?’” her answer was, “We believe this statement is an inaccurate interpretation of the law.”

In her letter dated December 14, 2005, to you, Chairman Pearce, Director Mainella reversed herself once again by stating: “...does not mean that we need to change the fundamental laws and purposes the National Park Service was created to provide for the American people. In fact, the

need for National Parks and for protecting and preserving them 'unimpaired for future generations' is even more important today than it was in 1916...." Later in the same letter, she states: "The document [draft 2006 management policies] also reaffirms our stewardship goal. As Deputy Director Martin testified, "When a conflict arises between conserving park resources and values and providing for their enjoyment, the process for determining what are appropriate uses and the mandate that unacceptable impacts not be allowed ensures that protection of park resources is maintained... There is no change in the fundamental policies underlying the Organic Act, but an improved way to ensure that its objectives are, in fact, achieved. Thus, conservation is predominant."

The Director's statements on the mission of the National Park Service make it difficult at best to identify what her real beliefs are and are no less disturbing than her statements regarding the reasons for, and the process to be used for revising the policies.

In her September 24, 2003 cover letter to Chairman Radanovich, she states: "Finally, I have already begun a systematic review of the NPS Management Policies of 2001. The purpose of this review is to assure they are in alignment with both the Organic and General Authorities Acts, and with Secretary Norton's 4 C's – Consultation, Cooperation and Communications, all in the service of Conservation."

Yet, a week later, on September 29, 2003, in a meeting with me and one other representative of our Coalition, we questioned Director Mainella about any planned efforts to review the Management Policies, and she stated to us that nothing was being undertaken at that time, but that if a review were to be undertaken, it would be an internal review.

Rumors began to abound in late 2003 that far more than an internal review of the management policies was actually underway. There were indications that Deputy Assistant Secretary, Fish, Wildlife and Parks Paul Hoffman was rewriting the policies, and in late August, 2005, his surreptitious efforts finally came to light in the form of a radical and destructive rewrite of the entire 2001 policy document.

Almost immediately the public reacted with outrage, not only to the content of the proposed revisions, but to the secrecy of the process. The NPS began immediately to distance itself from the Hoffman draft, providing various explanations to mitigate the damage, most following the theme put forward by NPS spokesperson David Barna: "Paul Hoffman had some initial suggestions and prompted us. Paul Hoffman was playing devil's advocate. He was saying, 'Show us, the political appointees who make policy, why do you do things the way you do?'" (LA Times, August 26, 2005.) If that was the intent of Mr. Hoffman, we contend that he could have accomplished that in a 2-3 page memorandum and saved himself the extensive time and energy he put into crafting his 194-page rewrite.

The NPS moved quickly to assemble a work group to re-work the Hoffman draft. The deliberations of this group were not subject to any public input and virtually no other NPS employees contributed to their work, nor were other NPS career professional subject-matter experts able to review their draft until it had been "vetted" by the DOI.

In a letter dated August 29, 2005, to the New York Times (published on September 5, 2005), Director Mainella said: "This document is not, as you say, a 'secret draft.' A group of 16 career park service employees, representing all regions and disciplines, recently met - at the request of the offices of the assistant secretary for fish, wildlife and parks and the director of the National Park Service - to review and provide recommendations on the working document."

This provides clear evidence that the political leadership of the DOI – in fact Hoffman’s office – retained control over the process, and without a doubt, the content. We have referred to the resulting draft as the “Hoffman Lite Version” because it retained so much of the language and concepts of Hoffman’s original version.

Continuing the attempt to convince the American public that the current version is not influenced by the political dogma of the leadership of the DOI, Director Mainella recently has asserted that the current draft was written by “100 [or over 100] NPS career professionals.” Later, after being challenged to identify these contributors and being unable to do so, she reverted to saying it was written “with extensive participation of professional NPS employees.” Even if there were 100 professional-level contributors, which we doubt, that represents less than one-half percent of the total employees in the NPS – hardly an indication that it is the product of the professional judgment of experienced managers of the National Park System.

Given Director Mainella’s earlier disingenuous and vacillating statements, our Coalition (and a number of other organizations) has repeatedly requested to be provided with the reasons why such a drastic revision of the policies is needed. The disingenuousness has continued with the following answers, provided by various representatives of the DOI and the NPS at various times since the Hoffman draft:

- Congress requested the revisions. [We can find no record of a request from the Congress to revise the policies. A letter from Chairman Radanovich to Director Mainella, following the April, 2002 oversight hearing might have made such a request, but our requests to the NPS to obtain that letter have not been successful.]
- There have been many changes “since the last National Park Service policies were revised five years ago.” [This is an especially disingenuous remark, made by Director Mainella as recently as two weeks ago, since the push to rewrite the policies got underway less than a year and a half after the 2001 policies went into effect.]
- The rewrite is the result of requests from the NPS field managers and the rewrite is the product of “extensive participation by professional NPS employees.” [We can find no evidence of significant requests from the field managers – especially to engage in such a radical rewrite. Moreover, the fact that decisions to rewrite the policies were made as early as April, 2002, demonstrates even more that this was a politically-driven process, rather than one based on any justifiable need for the policies to be revised.]
- Since the 2001 policies became effective, laws and regulations have changed. [No one has specified what changes in laws and regulations have been so fundamental or significant as to prompt a total rewrite, rather than amendment, of the policies.]
- NPS has increased responsibilities in homeland security. [This is true, but the applicable revisions in the 2006 draft are inconsequential and could have been implemented as an amendment to the 2001 policy document.]
- There is rapid population growth around parks. [No specific examples have been provided that are such that would dictate the radical rewrite, nor is there any data to support this assertion. To the extent this may be true, it is probably a better argument for keeping strong, clear policies than for creating weaker and indefinite ones.]
- “Since the last update of the management policies, the National Park System has changed significantly in size, context and structure. The system has grown from 375 units to 388 units.” (Assistant Secretary Craig Manson to the Sacramento Bee on September 11, 2005.) [In fact, only eight new areas have been added to the National Park System since the end of 2000, and none of them is so fundamentally different from existing areas in the system as to necessitate the radical rewrite.]

- The rewrite was prompted by requests from constituents and the public. [This statement has been made by Assistant Secretary Paul Hoffman, although he has provided no specifics as to numbers, who the constituents are or what their specific concerns might have been. Conversely, NPS data show that well over 95% of the visitors to NPS areas report that their experiences have been satisfactory or more than satisfactory. In the recent December, 2005, Harris Poll, NPS is still at the top of the list in terms of favored government agencies. And, well over 60 opinion pieces in newspapers across the country have called for a reversal in the attempt to radically modify the policies. Preliminary data regarding the public comment process on the policies indicate that well over 25,000 comments already have been received and that the vast majority of them are "negative" in terms of favoring the new draft. So, we wonder who it is that is pressing for this radical change in the management policies, other than a small number of very narrowly-focused special-interest groups which seem to receive greater attention by the DOI than does the broader public trust. We presume that if such an extensive constituency exists, it will make its wishes known during the current comment period.]
- There is improved technology that provides new ways to enjoy parks and reduce adverse impacts on resources. [The 2001 policies provide appropriate provisions for evaluating these methods of enjoying parks and for addressing potential impacts.]
- There is a new focus on civic engagement and cooperative conservation. [We dispute the assertion that cooperative conservation is a new policy. The NPS always has had a policy of public involvement and welcomes the input from stakeholders, communities and the various publics surrounding parks. The NPS Director has already issued an updated Director's Order for Civic Engagement, responsive to the existing 2001 policies (without revising them) and giving clear direction.]

The George Wright Society, a highly-respected nonprofit association of researchers, managers, administrators, educators, and other professionals who work on behalf of the scientific and heritage values of protected areas, concluded their formal comments to the NPS on the draft 2006 management policies by saying:

We are also concerned that the process of revising the policies was based on a presumption, unsupported by consultation with Congress and the public, that changes to the 2001 Policies needed to be made. Rightly or wrongly, this calls into question the legitimacy of the revisions because of the perception that the public was left out of the process at the beginning.

#### The 2006 Draft Policies – Critically Flawed Content

Examination of the Organic Act (as amended) once again, reveals the following operative language:

- The legislation provides for **one** fundamental purpose, not more than that. Reference to the one fundamental purpose is reiterated in the later amendment by Congress.
- Conserving the resources and providing for their enjoyment are not two purposes – they are part of the same single purpose, and **both are to be carried out in such a way that the resources are left unimpaired.**

- Clear direction is given to view the National Park System as a whole, rather than as individual units. Any use, activity or decision that results in derogation of the values or resources of one unit of the system is to be seen as a derogation of the system as a whole.
- The National Park Service must manage in a way that precludes giving deference or benefit to a particular interest group, or to a geographical area, such as to entities adjacent or proximate to a particular park.
- The National Park Service is directed to manage for all people of the United States; rather than with special deference to any particular interest group.
- The National Park service cannot conduct activities in derogation of the values and purposes for which the areas of the National Park System have been established without specific provision by the Congress.

No policy governing the management of the National Park System should be in violation of, or inconsistent with the intent of law. Yet throughout the draft 2006 management policies, there are thinly disguised attempts to re-interpret these provisions of the Organic Act. One of our members, in his formal comments to the NPS on the draft policies, put it this way:

Tectonic shifts away from traditional philosophy and the intents of governing statutes are the general and pervasive hallmarks of these revised policies.

We must go to Chapter 1, The Foundation, where meaning and intent abide. The gutting of Section 1.4.3 of the legitimate 2001 NPS Management Policies will suffice as both beginning and end of this critique. This Section, in the legitimate 2001 Management Policies summarizes the statutory evolution of the Organic Act that created the National Park Service in 1916. It is the distilled essence of the mandates of the Congress in the light of experience and changing times. Those mandates are explicit in resolving the old dilemma: Preservation vs. Use. They put preservation first, because the integrity of the System itself, the protected landscapes and cultural artifacts, is the basis for the derivation of values which we celebrate in these sacred places. These principles are set forth as statutory language and declarations of the Congress.

But these critical words and declarations are diluted or, dropped from the pages of the revised policies. A complete recasting of Section 1.4.3 results in fuzzing and confusing the clarifications of the Congress in the 1970 General Authorities Act and the 1978 Redwood amendment. Replacing the language of the Congress is interpretation and argumentation designed to fit a politically dictated agenda.

These arguments, among other things, equate preservation and use, i.e., enjoyment, in direct contradiction to the law on the books that puts preservation in a first and logical order. This regressive shift is intended to open the way for more mechanized "enjoyment" and additional commercialization of the parks.

Moreover, throughout Chapter 1, The Foundation, as restated in the revised policies, there is departure from or dilution of the honed, direct, and simple mandates of the legitimate 2001 Management Policies. This straying from the straight and narrow is a reflection of the jerry-rigged nature of the revised policies. They are not the product of organic growth, considered thought, and real participation by agency professionals. Nor are they grounded on the true foundation of law and intent of the Congress. Rather they reflect a rush job by a

political functionary whose objectives are political: to open the parks to commercialization and mechanical intrusions inimical to the dignity and preservation of the National Parks of the United States of America.

These revised policies are fatally flawed at the foundations. That means they must be discarded. They cannot be fixed for they are structurally unsound. They are, to coin a phrase, irreversibly impaired.

An example of the “fuzzing” rather than clarifying is the glib contention in the Introduction of the 2006 draft that “preservation, conservation, and protection” can be used interchangeably (if this is true, why did the drafters change nearly every “protect” and “preserve” to “conserve” – obviously the political leadership feels there is a difference in the meanings of the terms). This was added only after widespread objection to the earlier “Hoffman draft,” and clearly is intended to gloss over a general weakening of the policies. Although it is true that the different words have over many years appeared in different statutes, the fact is that the word choices in the existing policies represent decades of National Park Service experience – supported by significant case law – in analyzing and applying the core intent of all of those statutes together. In any case, “conserve,” which has been liberally substituted for the other two terms throughout the document does not have the same meaning as “conserve unimpaired.”

Moreover, the introduction in many places in the policies of additional imprecise or conditional language such as “where practicable” or “where possible” make it more difficult, not less so, to manage parks. At minimum, it has the appearance of telling managers that they don’t need to do anything that isn’t convenient and easy, or for which there might not be enough money.

The NPS has stated they wished to present clear and less ambiguous policy direction for its superintendents, yet it has produced a product more vague and unclear than what currently is effectively in use. We who have been Superintendents in the field value the National Park Service’s traditionally decentralized approach to management, but clear and strong policies help us make good decisions while amorphous and weak policies invite confusion and error. The only possible consequence of inserting weak and indefinite words where strong and clear ones have been is to increase the possibility of harm to resources.

A troubling example of reducing the standard of park protection in the draft policies appears In Chapter 1, and throughout following chapters, wherein the draft policies address “unacceptable impacts.” In several places, the policies substitute a higher threshold of “unacceptable” impacts than found in the 2001 policy, without specific direction to prevent or reduce adverse impacts. The rewrite seems to suggest that no protective (read “conservation”) actions are ever needed or even desirable if the impact expected won’t be “unacceptable.” Since the Service’s understanding of complex ecosystems is too limited to set thresholds that would prevent irreversible damage, this approach is totally unacceptable if the NPS is to meet its statutory responsibilities. In many cases, it is possible to “avoid” lesser impacts as well as “unacceptable” ones, which should be done where “practicable” (another term widely adopted by these policies). Moreover, rather than stating what will not be allowed, the draft indicates that “appropriate” activities will be allowed. In both Chapter 1 and Chapter 8, appropriate uses are not defined as a positive determination, but rather as what will not result, including a fairly high impact threshold. While the new draft inserts wording about authenticity for visitor experience, it does not make this a part of determining appropriateness of activities.

Throughout the proposed revisions park managers would be ordered to *cooperate* with local interests, as though the present requirement to communicate, consult, and collaborate were not

more than enough. “Collaborate” means to work together, which we heartily approve, but cooperation in this context (and elsewhere in the 2006 draft) implies that managers are to do more than collaborate, but are to place certain stakeholders’ interests above those of others. Had Superintendents been required to “cooperate” with local interests when Donald Hodel was Secretary of the Interior a major part of Manassas National Battlefield Park would now be a regional shopping mall. Had “cooperation” been the standard when Manuel Lujan was Secretary, a Disney theme park would overshadow that battlefield and there would be no Civil War Trust or American Battlefields Protection Program such as Secretary Lujan initiated. At other times a standard of “cooperation” would have placed a commercial development inside Little Bighorn Battlefield in Montana, close to the spot where Crazy Horse overwhelmed Custer; a freeway would today rip through, rather than tunnel under Cumberland Gap National Historical Park; the Cape Hatteras Lighthouse would be rubble in the ocean or about to become so; and an interstate connector from I-66 would bridge the Potomac over the Three Sisters Islands and tear through Georgetown and the District of Columbia to a point near where we sit right now.

There is not a day in any year when some smart entrepreneur does not have an idea about how to make a great deal of money, or some gateway community does not have an idea about how to improve the local economy, by causing “only a little harm” to some park somewhere. If Superintendents are forbidden to do their jobs of preserving the parks, and instead are required to defer to the forces that threaten them, the cumulative effect of thousands of proposals will soon destroy the places our nation holds most dear.

#### Potential Consequences of Implementing the 2006 Draft Policies

#### **Mediocrity – a thousand whittlings and several deep gouges.**

Newton Drury, director of the National Park Service from 1940 to 1951 once said:

*If we are going to succeed in preserving the greatness of the national parks, they must be held inviolate. They represent the last stands of primitive America. If we are going to whittle away at them, we should recognize, at the very beginning, that all such whittlings are cumulative and that the end result will be mediocrity.*

The whittling has begun. We are deeply concerned that many of the provisions of the 2006 draft could amplify “tolerance creep” in national parks. The issue becomes, “Where do you draw the line?” If there is no line, but instead there is a fuzzy zone of tolerance that is continually subject to more and more lenience – a chipping away at the margins, before long the National Park System is no longer special. We have already seen tolerance creep relative to the use of snowmobiles in Yellowstone – the use of which is in violation, in several ways, of the 2001 NPS management policies. If we can allow these noisy, solitude-shattering and polluting recreational machines at the revered Old Faithful – against the counsel of 15 years of scientific research and against the wishes of 85% of the over 350,000 American citizens from whom comments were received during three different NEPA reviews, what is next? Would we consider allowing rollerblading in Independence Hall? Or the use of the “new technology” segue personal transporters inside the Lincoln Memorial? Or would we allow off-highway vehicles to run over the dunes at White Sands National Monument? Or would it be acceptable to engage in extreme spelunking in Lecheguilla Cave in Carlsbad Caverns National Park? Many Americans consider Yellowstone National Park to be every bit as deserving of protection and reverence as is Independence Hall – the only difference being that one is a natural area and the world’s first national park and the other represents one of the most significant events in this country’s history.

**Homogeneity – national parks will lose their distinctiveness and individuality.**

Recreational snowmobiling, off-highway vehicles, personal watercraft and other similar uses are allowed on hundreds of thousands of acres of public lands throughout this country. To allow these kinds of uses, which often have significant impacts to the parks' resources and on the enjoyment of those resources by other visitors gradually makes these areas just like the other lands on which the uses are allowed. Previous generations of Americans, through their elected officials have added those areas to the National Park System that they believed to be the most precious and that deserved the highest level of protection and reverence. Designers of the national park idea intended that these areas be perpetuated unimpaired for each successive generation, their children and grandchildren. Allowing or causing areas in the National Park System to become homogeneous with other public lands eliminates their "specialness," which Congress and the American people clearly have subscribed to, and enjoyed the benefits of, for almost a century.

**National parks will become less so.**

National Parks have a national – or even an international constituency – and the views of local residents should not be weighted heavier than those of park supporters several states away. To the extent that parks are managed in ways that give deference or benefit to any special or local interest, they are no longer national parks. When special recreational interests, or commercial interests, or local or regional governments are allowed a greater say in how a park is managed, the majority of American citizens have lost a part of their national heritage.

**A recipe for significant deterioration of resources and values.**

Implementation of much more permissive management policies, coupled with a significantly reduced ability by the parks to monitor impacts and enforce restrictions resulting from diminished current and projected budgets and staffing bode bleakness for the parks.

**An altered mind-set for managing parks.**

In the management policies, the chapters that follow The Foundation are generally prescriptive and intended to be specific in their guidance; while The Foundation (Chapter 1) provides the "mind-set" by which parks are managed. We have seen reports that quote some park superintendents who say they don't anticipate that the new management policies are likely to significantly alter how they manage their parks and that the public isn't likely to see any significant changes. This may be true for the near future because current superintendents are accustomed to managing under the current policies and aren't likely to quickly change. But what happens with the next tier of superintendents, and the next? What might be judged as unacceptable now to superintendents will be judged by their successors on the basis of how they interpret the policies about which they are most familiar. It is one thing that the draft 2006 management policies are much more permissive in terms of uses of the parks, but it is even more disturbing that future superintendents could be managing with the inaccurate and mistaken mind-set provided for in its Foundation chapter.

Director's Order #21

While we are in general agreement with the idea of making this DO more positive in terms of fund raising activities in the NPS, we oppose a number of the specific items within the rewrite.

We are very disturbed that the specific prohibitions against accepting donations from companies that generate revenue by selling firearms, tobacco and liquor have been removed. Opening the door to such donations violates, in our opinion, the long-standing tradition that National Parks are different from every place else. The boundaries of parks mean something; when a visitor enters, he/she is leaving the common and entering the extraordinary. Let's not cheapen that by accepting money from sources that do little to contribute to a healthy America.

We are equally disturbed by the relaxing of the standards that govern the acknowledgement and recognition of donations, gifts, and other grants. Again, parks are different. Visitors go there to escape the commercialization that exists everywhere in their daily lives. They shouldn't be subjected to named buildings, commemorative benches or patio bricks, donor walls, sponsored interpretive programs, and the like. Let's keep national park areas free from this kind of scenic and psychic litter.

We are not in favor of NPS employees, in any way, being allowed to solicit donations from park visitors. Visitors are guests of the National Park Service. They come to be inspired, educated, enthralled, and to enjoy themselves. They don't come to be panhandled by a bunch of gray and green employees.

We are not in favor of superintendents being evaluated on their ability to raise funds. If this is approved, the NPS is going to create a generation of park managers who care less about the three major tasks of the NPS – protect resources, provide quality visitor services, and maintain healthy relations with park interest groups – and more about their fundraising activities.

How can the NPS legitimately propose to prohibit outside organizations from criticizing the Congress, the Administration or the Bureau from meeting their responsibilities to adequately fund the National Park Service? This still is America, and these organizations have not surrendered their right to either criticize or praise political entities.

In summary, we subscribe to the following principles regarding commercial activities in national parks put forth by Gary Ruskin in *Commercial Alert*, December 1, 2005:

- Our national parks are owned by the public; they should not be for sale – period!
- Parks should be free from the marketing that assails us in our daily lives. We go to parks for respite, not for further bombardment by marketers.
- Our national parks do not exist to help companies make money. Rather they exist for our enjoyment and edification, and to preserve their contents for future generations.
- It is not the proper role of the National Park Service to endorse the products of private companies.
- The National Park Service should encourage philanthropy – gifts with no strings attached – but it should not be a party in corporate marketing.
- The solicitation and receipt of corporate contributions in exchange for public relations services will inevitably lead to conflicts-of-interest. Will the NPS be less inclined to reduce the air pollution levels in the parks if they are sponsored by Ford or Shell? Will they be more predisposed to permit all-terrain vehicles if they are sponsored by Kawasaki Motors or Yamaha Motors?

Finally, as a general comment, we believe that the rewrite of this Director's Order should be postponed until the current effort to revise the management policies of the NPS is either halted or finished. Directors Orders flow from policy, not vice versa.

### Trust

In the final analysis, the basic issue is trust. Frankly, we simply do not trust the current leadership of the Department of the Interior and the National Park Service to do what is right relative to the mission of the NPS, nor to do what represents the best interests of the American people. They have ignored science, research and scholarly analysis in parks. They have ignored the preferences of the American people. We have little confidence that they will pay much attention to the comments currently being received from the public on the draft policies unless they are the comments they want to hear.

Moreover they have disrespected the experience and professionalism of perhaps the most dedicated work force in the civil service. They have created a culture of fear in the organization. We have received anecdotal evidence from our numerous contacts within the NPS that despite the fact that very few career employees support the draft policies or believe they are in the best interests of the resources of the National Park System and the American people, many of them do not intend to comment on the draft policies because this fear of retaliation and marginalization is so widespread.

Director Mainella has been quoted as saying that the revised draft management policies "do not increase the likelihood of more motorized equipment, off-road vehicles, commercial activities, reduced air quality, noise, cell towers, or other activities currently governed by law or regulation in national parks." Examples abound of efforts by these leaders to do exactly the opposite.

On the contrary, we believe that the agenda of these leaders is best expressed by a statement in an interview conducted with then Assistant Secretary (now Under Secretary) of the Interior Lynn Scarlett in January, 2004, wherein she stated, "You have a national park statute that requires that parks are managed to both protect the resources of the park and, on an equal plane with that, provide recreational opportunities and visitor enjoyment of the parks."

It seems clear to us that the draft 2006 management policies are written to fulfill her interpretation of the mission:

- To manage parks in a way that diminishes resource protection in favor of increased "enjoyment."
- To increase the opportunities for purely recreational activities in parks.

### Recommendations

Quoting the George Wright Society's comments again:

"In summary, there is no doubt that Congress' intent in establishing the National Park Service, individual park units, and the overall national park system has always been that resource preservation and protection is paramount and that any uses allowed in the parks must never under any circumstances jeopardize the enduring resource values that are the very basis for America's national park idea. We feel safe in asserting that a large majority of the American people have always endorsed, and continue to endorse, this vision of the national parks. Any revision of the NPS Management Policies, now and in the future, must be based on this foundational commitment to resource protection and preservation. Dozens of the proposed revisions to the 2001 Management Policies unnecessarily

obscure, and not infrequently violate, this commitment. There are a number of good things in the 2006 revisions, but they are far outweighed by revisions that are detrimental to proper management of the parks. The 2006 proposed revisions consistently change wording so as to emphasize the permissibility of park uses rather than the protection and preservation of resources and resource values. The unmistakable impression is that the 2006 revisions are a systematic attempt to weaken the 2001 Policies.

"We are also concerned that the process of revising the policies was based on a presumption, unsupported by consultation with Congress and the public, that changes to the 2001 Policies needed to be made. Rightly or wrongly, this calls into question the legitimacy of the revisions because of the perception that the public was left out of the process at the beginning.

"We therefore recommend that the Department of the Interior and the National Park Service discard the current proposed revisions and begin the process afresh by holding a national public scoping process to determine, in the first place, whether revisions to the 2001 Management Policies are truly necessary after only five years. If such a scoping process determines that major changes in circumstances (e.g., post-9/11 national security concerns) warrant a new edition, then collectively we will be starting the revision process from a much firmer and more transparent position. We will be better able to determine exactly what needs to be added to or altered in the 2001 policies to address these changed circumstances and whether, in addition to that, the language of core sections of the policies needs to be sharpened to bring the protection and preservation mission of NPS into perfectly clear focus."

We agree with these comments. The only acceptable "yardstick" to measure these revisions against is the 2001 policies. Are these revisions "better and more clear" than those policies? We believe the answer to this question is "no."

We urge this Subcommittee to:

1. To direct the Secretary of the Interior and the Director of the National Park Service to abandon the current rewrite of the policies, rather than persisting in trying to fix a deeply flawed process and content. To polish the apple when it is rotten at the core is a waste of time. They should hold a national scoping process to determine what, IF ANY, revisions need to be made to the 2001 policies and then determine the most expedient way to carry out those revisions.
2. To direct the Director of the National Park Service to suspend further work on Director's Order #21 until the management policies issues are resolved. It makes little sense to push ahead with approval and implementation of this guidance (also deeply flawed) and then find that revised management policies require them to again be rewritten.