

**Released Jointly By**  
National Parks Conservation Association  
The Wilderness Society  
Bluewater Network-A Division of Friends of the Earth  
Wildlands CPR  
Greater Yellowstone Coalition  
Sierra Club  
Natural Resources Defense Council

# PRELIMINARY ANALYSIS

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## **Reason for Rewrite of National Park Policies Remains Unclear; Draft Contains Damaging Proposals**

Protecting national parks such as Gettysburg, the Grand Canyon, Martin Luther King’s birthplace, and Yellowstone for future generations has been the highest priority of the National Park Service since its inception. The 1916 Organic Act, which created the National Park Service, directs that the national parks be preserved “by such means as will leave them unimpaired for the enjoyment of future generations.”

Based upon preliminary analysis, this mission of long-term, conservative stewardship of the nation’s heritage has been weakened in the current proposed rewrite of the policies that govern management of our national parks.

While making some potentially positive changes to the existing (2001) Management Policies, such as including language about the National Park Service’s increased homeland security duties and certain business practices, the Department of Interior’s current draft includes several damaging proposals similar to those in an earlier draft, outweighing any improvements made. Most notably, the proposal removes significant language included in the existing 2001 Management Policies about the importance of conservation above all else in park decisions.

Following are specific sections from the existing Management Policies that have either been deleted or significantly modified in the draft rewrite released last week, and the implication of these changes.

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### **Section 1.4.3**

NPS Single Conservation Purpose versus Dual Purpose

#### **Specific Changes:**

Entirely removes the language referring to the Organic Act as beginning "with a mandate to conserve park resources and values" and that this mandate "is independent of the separate prohibition on impairment, and so applies all the time, with respect to all park resources and values, even when there is no risk that any park resources or values may be impaired." This section also removes the language describing how courts "have consistently interpreted the Organic Act, in decisions that variously describe it as making 'resource protection the primary goal' or 'resource protection the overarching concern,' or as establishing a 'primary mission of

resource conservation,' a 'conservation mandate,' an 'overriding preservation mandate,' an 'overarching goal of resource protection,' or 'but a single purpose, namely, conservation.'"

**Impact:**

Removing these sections reduces the clarity of the NPS mission. These removed sections unambiguously placed conservation and resource protection as the NPS primary purpose. The language was replaced with more ambiguous language dispersed throughout the document that could lead to the conclusion that NPS has a dual purpose, namely protecting resources and providing opportunities for enjoyment, where those purposes have equal weight. If this language were retained, the ambiguity of all the other sections would be removed.

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**Section 4**

Natural Resource Management – Air

**Deleted from the first paragraph:**

“Natural resources, process, systems, and values found in the parks include ... physical resources such as ... clear skies” and “highly valued associated characteristics such as scenic views.”

**Added to the second paragraph:**

“The term ‘natural condition’ is used here to describe the condition of resources that would occur in the absence of human dominance over the landscape, but not necessarily the absence of humans.”

**Impact:**

In combination these changes fundamentally weaken the standard that the National Park Service must apply to managing park air resources. Under the existing policies, pollution-free air (“clear skies”) is an essential part of the parks, equal to soil, water, and other physical resources. The rewrite demotes clear skies to an “associated characteristic.” Although not defined or used elsewhere in the draft, the term “associated characteristic” strongly implies that clear skies would not qualify for the same degree of protection as would other physical resources of the parks. This is reinforced by the draft’s deletion of scenic views as a highly valued natural resource of the parks. In addition, the current policies effectuate the Clean Air Act mandate to remedy all existing impairment of park visibility caused by man-made air pollution, and to prevent future impairment (CAA Sec. 169A). The states are now writing plans to implement this mandate, and as part of that process are defining “natural” visibility conditions for the parks. By redefining the term “natural” to include impacts caused by human activities, the redraft opens the door to some level of existing air pollution being included in the definition of “natural.”

For example, Great Smoky Mountains National Park’s natural 100-plus mile views that existed before the proliferation of coal-fired power plants would never be restored if “natural” conditions were redefined to include the presence of man-made activities like power generation.

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**Section 4.9**

Soundscape Management

**Deleted from the first paragraph:**

“The National Park Service will preserve, to the greatest extent possible, the natural soundscapes of parks.”

**Impact**

The purpose for this change is unclear, not specifying where or in what circumstances natural soundscapes should be protected as they are today. By removing this goal from the opening of this section, one could interpret this as a de-emphasis on soundscape preservation. While the new revision still notes that the National Park Service “will restore degraded soundscapes wherever practicable and will protect natural soundscapes from degradation due to unacceptable noise,” the force of the word “preservation” with regard to soundscapes is lost. Moreover, by substituting “wherever practicable” for the phrase “wherever possible,” this revision may force a “cost-benefit” analysis on future soundscape conservation efforts, which could hamper National Park Service actions to study and preserve soundscapes in a tight budget environment.

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**Section 6.2.1**

Assessment of Wilderness Suitability or Non-suitability

**Deleted:**

“All lands administered by the National Park Service, including new units or additions to existing units since 1964, will be evaluated for their suitability for inclusion within the national wilderness preservation system. The assessment must be completed no later than one year after the establishment of the park or the acquisition of new lands.”

**Impact:**

This sharply contrasts with the 2001 Management Policies that explicitly require a wilderness review of all existing park units, lands that are added into the system, and lands deserving re-evaluation due to changed circumstance. In addition, the mandate to conduct these reviews in a timely manner, many of which are decades overdue, is entirely removed. Hundreds of thousands of acres currently under the jurisdiction of the National Park Service and potentially having wilderness character are affected by the proposed revisions and risk not being reviewed and/or protected. Included in this list are Nevada’s remote 76,000-acre Great Basin National Park and the spectacular Redwood National Park along California’s northern coast.

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**Section 8.2**

Visitor Use

**Deleted:**

“The Service will not allow visitors to conduct activities that unreasonably interfere with...the atmosphere of peace and tranquility, or the natural soundscape maintained in wilderness and natural, historic, or commemorative locations within the park.”

**Impact:**

It is not clear why the Department of Interior would wish to allow the activities of a few visitors to interfere with the peace and tranquility enjoyed by many other visitors. Together, these deletions retreat from an emphasis within the national parks on protecting visitor enjoyment of natural sounds and natural quiet.

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**Section 8.2.3**

Use of Motorized Equipment

**Deleted:**

“Where such use is necessary and appropriate, the least impacting equipment, vehicles, and transportation systems should be used.”

**Impact:**

The snowmobile controversy in Yellowstone is a good example. The National Park Service and the Environmental Protection Agency have independently concluded in three major studies since 2000 that allowing snowmobile use to continue in Yellowstone—even with limits on the number and type of snowmobiles—results in significantly more noise, exhaust, wildlife disturbance, and human health risks than the environmentally-preferred alternative of replacing snowmobiles with snowcoaches. The new draft policies remove specific direction to the National Park Service to heed such scientific conclusions and use only the least impacting equipment and vehicles. This opens the door to more snowmobiling and associated noise and air pollution, and wildlife disturbance, not only in Yellowstone but also in other national parks.

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**8.2.3.1****Deleted:**

”Off- road motor vehicle use in national park units is governed by Executive Order 11644 (as amended by Executive Order 11989)...”

“Routes and areas may be designated only in locations in which there will be no adverse impacts on the area’s natural, cultural, scenic and esthetic values, and in consideration of other visitor uses.”

“Consistent with the executive orders and the Organic Act, park managers must immediately close a designated off- road vehicle route whenever the use is causing, or will cause, unacceptable adverse effects on the soil, vegetation, wildlife, wildlife habitat, or cultural or historic resources.”

**Impact:**

These combined changes reduce clarity for park managers regarding adverse and unacceptable impacts, and therefore overall management, of off-road vehicles. First, they remove reference to the specific executive order numbers that provide the basis for managing off-road vehicles (and that provide more explicit language on types of unacceptable impacts). In addition to not providing guidance on which executive orders to refer to, the new policies also remove specific reference to the types of off-road vehicle impacts, including soil, vegetation, wildlife, cultural and visitor impacts, that are unacceptable. How will a park manager use these new policies to determine when and where to actually close routes with no reference to the types of impacts that might justify such closures? If those impacts have been codified anywhere, the new regulations provide no guidance as to where that information can be found. This leaves off-road vehicle impact problems largely up to the discretion of individual park managers.

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**Section 8.6.8.1**

Domestic and Feral Livestock

**Deleted:**

“No livestock use or activity, regardless of how authorized, will be allowed that would cause unacceptable impacts to a park’s resources, values, or purposes. In particular, livestock use that depletes or degrades non-renewable resources, or whose effects cannot be satisfactorily mitigated, will not be allowed.”

**Impact:**

By removing this language in the “umbrella criteria” section that sets forth the general standards for livestock use in National Park Service units, there is a general shift away from existing language that places highest priority on protection of park resources, to language that allows or continues permitted grazing with park protection taking a back seat. Again, it is not clear what problem the Department of Interior is trying to solve with this proposed change.

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**Deleted:**

Compliance and Accountability

“...Adherence to the policy is mandatory unless specifically waived or modified in writing by the Secretary, the Assistant Secretary or the Director.”

**Replaced with:**

“The policies in this document are intended only to improve the internal management of the National Park Service, and are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its department, agencies, instrumentalities or entities, its officer or employees, or any other person. . . . NPS employees must follow these policies unless specifically waived or modified in writing by the Secretary, the Assistant Secretary or the Director.”

**Impact:**

Recent court decisions ruled that the National Park Service intentionally bound itself to its policies, in part because of the inclusion of the above statement saying adherence is mandatory. The practical result is that the general public could hold the National Park Service accountable for fulfilling the obligations and meeting the deadlines that the agency voluntarily set out in its policies. The proposed rewrite firmly shuts the door on any public accountability of obligations imposed by the policies by explicitly stating that they are not enforceable as law.

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**Use and Popularity of the Current Management Policies**

National park managers make frequent decisions based on the explicit guidance contained within the agency’s Management Policies. The existing version of these policies was revised in 2001 with extensive public input and support.

Consistently, more than 90 percent of the public rates its experiences in the national parks as good to excellent. Recent polling results indicate broad opposition to commercialization, off-road vehicles, and other threats to their memorable park experiences.

**History of Management Policy Revisions**

Revising the National Park Service’s management policies isn’t unusual, but the process, which is conducted every 10 years on average, is usually driven by the agency itself with preceding broad public input.

The two most recent policy revisions occurred during the Reagan (1988) and Clinton (2000) administrations. In each case, the revisions were made after a very deliberate process that included thorough public scoping and review, and carefully considered policy revisions. This process has enabled the agency to first define what problems may exist with the existing policies, and then carefully assess options to address to challenges. Regardless, both the agency's understanding and appreciation of the importance of keeping parks unimpaired and the protection of park resources improved with each revision.

### **Our Preliminary Assessment**

Most importantly, the National Park Service protects America's most inspiring natural wonders, wildlife, and cultural artifacts, and preserve our nation's heritage for future generations. We are very concerned that these policy revisions depart significantly from the fundamental stewardship ethic that has preserved our national parks from their beginning.

### **What the Public Can Do**

The Park Service is accepting public comments on the revisions to the management policies until January 18, 2006. To comment on the draft, read it online at <http://parkplanning.nps.gov/waso> and send feedback by e-mail to [waso\\_policy@nps.gov](mailto:waso_policy@nps.gov) or by mail to Bernard Fagan, National Park Service, Office of Policy, Room 7252, Main Interior Building, 1849 C Street, NW, Washington, D.C. 20240.

### **For More Information**

For more information about the National Park Service's management policies, please contact NPCA Vice President for Government Affairs Craig Obey at (202) 669-9689 (cell) or (202) 223-6722, ext. 234; Kristen Brengel, The Wilderness Society at (202) 429-2694; Bluewater Network Public Lands Campaign Director Carl Schneebeck at (415) 544-0790, ext. 19; Bethanie Walder, Wildlands CPR, (406) 543-9551; or Charles Clusen, Natural Resources Defense Council, (202) 289-2412.