

STATEMENT OF STEPHEN P. MARTIN, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, U. S. DEPARTMENT OF THE INTERIOR, BEFORE THE NATIONAL PARKS SUBCOMMITTEE OF THE HOUSE COMMITTEE ON RESOURCES, CONCERNING THE NATIONAL PARK SERVICE 2006 DRAFT MANAGEMENT POLICIES AND PROPOSED CHANGES TO DIRECTOR'S ORDER 21.

FEBRUARY 15, 2006

Mr. Chairman, thank you for the opportunity to appear before your subcommittee to discuss recent draft revisions to the National Park Service (NPS) *Management Policies* and Director's Order #21. On November 1, 2005, we also testified on the draft revisions to NPS Management Policies before the Subcommittee on National Parks of the Senate Committee on Energy and Natural Resources.

The NPS Management Policies provide guidance for managing the National Park System and offer the public an understanding of our management practices and goals. These policies are based on laws, Executive orders, proclamations, and regulations that govern NPS as well as departmental policies and longstanding NPS practices. This document, like the Management Policies that have preceded it, pursues the highest standard of conservation and enjoyment of our 388 park units, which now welcome over 287 million visitors a year.

We are currently in a public comment period on the draft policies and welcome comments on the draft to help us achieve the highest standard of conservation and enjoyment of our park units. When the comment period closes on February 18, 2006, a team of NPS employees will review the comments and seek consultation with NPS subject matter experts. After the team has completed its review we will send the edited document to a National Park System Advisory Board committee and to the NPS National Leadership Council (NLC). Following an additional Service-wide review, the proposed final document will be vetted with the NLC and the Department of the Interior.

The current draft document strengthens the guidance to park managers in order to ensure clear continued commitment to the fundamental purpose of the National Park System, as set out in the NPS Organic Act of 1916, "to conserve the scenery and the natural and historic objects 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."

The overarching message of this draft document is to continue improving how we manage parks "to protect park resources and values to ensure that these resources and values are maintained in as good or better condition for the enjoyment of present and future generations." In working on the draft policies we set forth the following guiding principles:

- Comply with current laws, Executive Orders, and regulations,
- Prevent impairment,
- Be responsible for key authorities and decision making,
- Emphasize consultation and cooperation with local, State, and Federal entities,
- Pursue the best contemporary business practices and sustainability,
- Encourage consistency across the system – "one" National Park System,
- Use NPS legacy goals, cooperative conservation and civic engagement as guides,
- Improve the tone so there is no misunderstanding about the NPS's commitment to appropriate use and enjoyment, including education and interpretation, of park resources, while preventing unacceptable impacts,
- When there is a conflict between the protection of resources and their use, conservation will be predominant, while taking appropriate steps, including scientific study and public involvement, to resolve the concerns, and
- Pass on for the enjoyment of future generations all park resources in as good or better condition.

Toward this end, we allow and welcome the appropriate use of parks. While we may quote particular sentences from the revised Management Policies to emphasize certain points, the document is designed to be used by managers, as a whole, to implement the mission of the NPS to protect, conserve and provide for the enjoyment of this nation's incredible cultural and natural heritage. If something in this draft document is inconsistent with that goal, we will certainly address it.

These new draft policies maintain our strong commitment to the fundamental mission of the NPS to protect and allow for appropriate enjoyment of the parks. The policies clearly underscore that when there is a conflict between use and conservation, the protection of the resources will be predominant. Indeed, current and future enjoyment depend upon maintaining unimpaired park resources. For example, the draft states that "when there are concerns as to whether an activity or action will cause impairment the Service will protect the resources," and it also states that "when proposed park uses and the protection of park resources come into conflict, park managers are obligated to ensure that the purposes for which the park was created are not diminished." This is logical because inspiration and enjoyment cannot occur without the preservation of the resources.

Consistent with the park organic statute, the revision defines and welcomes “appropriate uses” and establishes a clear process for managers to use to determine what are appropriate uses. Appropriate uses are defined as “a use that is suitable, proper or fitting for a particular park, or to a particular location within a park.” This definition rests within the broader park system mission mentioned above of conserving park resources and values while providing for their enjoyment so as to leave them unimpaired for the enjoyment of future generations.

The question that has been asked about this revision is “why now?” The answer is simple, yet multi-faceted. The world is changing, and we continue to strive for excellence. Excellence means improving our guidance to prevent impairment as well as “unacceptable impacts” to ensure that impairment will not be reached. Excellence means increasing the understanding of “appropriate use” and making certain that this component of the fundamental mission is not overlooked. Excellence means keeping the key management decisions in the hands of the managers by better defining “professional judgment.”

We face an evolving context of new technologies, new homeland security challenges, and public demands for efficient and transparent management practices that affect our stewardship responsibilities. The NPS must keep pace with these changes. With changing demographics and with the ever-increasing importance of our NPS stewardship, cooperative conservation, civic engagement, and 21 st century relevance are critical.

Another answer to the “why now?” question is that the existing management policies do not address “management excellence” and “sustainability” with clarity. Additionally, the revised policies offer better guidance on how to improve other key aspects of the management of parks including:

- Greater focus on cooperative conservation,
- Change of document tone to accommodate appropriate uses,
- Greater focus on management accountability,
- Better application of professional judgment and the use of scientific and technical information , strategic planning, and public process,
- Greater focus on management of human capital,
- Greater focus on program sustainability,
- Better, more realistic, financial management,
- Clarity on conserving, or improving resource conditions for future generations,
- New standards to ensure the prevention of impairment of resources, and
- Enhanced process for determining what uses are appropriate.

One final answer to the “why now?” question is that some members of this subcommittee expressed an interest in seeing the NPS review its policies, with a due date of a draft available for review by October 15, 2005.

Revised and improved policies also are needed because managers face continuing challenges as we preserve the parks while striving to serve our visitors and partner with our local communities. Every day, without fail, we are tested when we make decisions on what to do or what not to do; what to build or what not to build; what to allow or what not to allow. From these challenges, we learn and improve our practices.

The men and women who manage our parks are some of the best in government. We ask a lot of them, and they deserve good guidance. The courts have recognized that the NPS Organic Act confers on the NPS broad discretion to manage the National Park System and have left to its expertise the determination of the best approaches to achieving the Organic Act’s mandate.

Within the parameters of the Organic Act’s “fundamental purpose,” the courts have recognized that NPS may balance resource conservation and visitor enjoyment in determining where and when activities are appropriate in park areas.

The ability of an agency to remain healthy and sustainable over time lies with its willingness to honestly examine its own management practices and update them periodically to more efficiently and effectively fulfill the underlying mission. To this end, the NPS held a series of meetings with field professionals and Department of the Interior officials over the last few months. More than 100 key professional staff have worked on the document, including all of the NPS career national leadership team, many field and program managers, and the National Wilderness Steering Committee.

The revised management policies, now available for public review, recognize new challenges facing the NPS, such as homeland security and greater accountability and transparency, and incorporate advancements in technology with management tools, such as Facility Condition Index.

The revised policies also bring existing guidance up to date with new laws such as those related to fees; new Executive Orders such as “Preserve America” and “Facilitating Cooperative Conservation”; new Director’s Order #75A: Civic Engagement; new initiatives such as the “NPS Legacy Initiative: Doing Business in the 21st Century”; and the Secretary of the Interior’s “4C’s of communication, cooperation, and consultation, all in the service of conservation.”

The NPS *Management Policies* have traditionally served as the foundation for day-to-day park management decisions. For that reason, it is of paramount importance that the Management Policies provide clear and useable guidance that encourages consistency across the National Park System while celebrating the unique aspects of individual park units. In the draft Management Policies, managers will find detailed definitions of key management terms, enabling them to more clearly anticipate how resources can best be conserved while providing a positive visitor experience. These definitions ensure that park managers will always seek ways to avoid or minimize to the greatest extent practicable, adverse impacts on park resources and values.

This draft provides managers with guidance on the NPS decision-making procedures. This guidance includes engaging the public and using the best scientific information available when parks are planning for facilities or activities. This concept is further clarified by setting forth a list of criteria that park managers must apply, using their professional judgment, to determine what uses are appropriate in a particular park. Such criteria include, among others, ensuring that uses do not cause unacceptable impacts, create an unsafe or unhealthful environment for visitors or employees, or result in significant conflict with other appropriate uses. For example, in applying the criteria, a park manager may determine initially that a proposed activity would “result in significant conflict with other appropriate uses” and must therefore be disallowed. However, by applying a more sophisticated planning process, the manager may conclude that even small adjustments in the time or location of activities can avoid or adequately mitigate the conflict.

The revised policies encourage this kind of forward-thinking management. Another term of critical importance to park managers is impairment. The impairment standard comes from the most important statutory directives for the NPS, the NPS Organic Act of 1916 and the General Authorities of 1970, as amended. The revised Management Policies rectify an apparent inconsistency in the definition of impairment between the glossary and chapter one of the 2001 Management Policies. The draft Management Policies maintain a firm commitment to not only protect park resources and values from impairment but also to leave them in as good or better condition than they currently exist. They further describe the manager’s responsibility to incorporate civic engagement, the best available scientific, scholarly, and technical information to ensure that parks are managed for appropriate use and to prevent impacts from ever reaching the level of impairment.

The revised policies strengthen management excellence in other areas, as well. One of the most important of our new initiatives, the NPS Legacy Initiative, sets goals and objectives for management excellence, sustainability, conservation, outdoor recreation, and 21st century relevancy. These goals, as incorporated into the revised policies, will direct efforts toward areas of vital importance to the fulfillment of our mission. The revised policies have been updated by taking into account changing demographics, improving technology, new ways to enjoy parks, and better science to inform decision-making. Better baseline data on resource conditions, an improved understanding of the interrelationships within ecosystems, the use of best available technology, the application of adaptive management, and the practice of cooperative conservation may allow new uses and result in greater enjoyment, with reduced visitor use conflicts, while maintaining high conservation standards and leaving the resources in as good, or better, condition for the enjoyment of future generations.

In addition to improving the internal processes used by park managers, the revised policies recognize the benefits of external relationships, particularly in regard to partnerships and other collaborative activities. The NPS commitment to civic engagement is founded on the central principle that preservation of the nation’s heritage resources relies on continued collaborative relationships between the NPS and American society. The revised policies reflect a renewed commitment to civic engagement, and collaboration with states, communities, and tribes through effective consultation, participation, and the use of science in key decision-making processes.

The revised policies incorporate the guidance published in NPS Director’s Order #75A: Civic Engagement and strengthen our commitment to effective public involvement. For the NPS, true civic engagement is an institutional responsibility to actively involve communities in our mission. In the revised policies, inclusive and collaborative public participation will be emphasized in the planning process, and in interpretive and educational programming. By enhancing the NPS focus on partnering with communities and neighbors, we intend to ensure that sites representing the fullness of the American experience are preserved.

National park units conserve our national treasures, and it is these unique settings that draw millions of visitors to enjoy these special places. One result of this high demand is that, at times, the NPS must make decisions that are not popular with every group and every individual. Simply put, the national parks cannot accommodate everyone’s wants and needs. However, we have nearly 300 million satisfied customers each year who tell us that our decisions are most often the right ones. The NPS will work hard to maintain this high level of customer satisfaction.

In addition, our partners at the state, local, and private levels also provide a wide array of opportunities for the public to enjoy the activities that cannot be accommodated in the national parks. The NPS is committed to working closely with these partners in a coordinated effort to meet the nation's needs for healthy and enjoyable recreational opportunities. The revised policies will incorporate forward-thinking, servicewide initiatives to ensure the continued fulfillment of the mission as entrusted to us in the Organic Act of 1916.

In addition to the Management Policies, Director's Orders provide park managers and staff comprehensive guidance on Service-wide policy and required or recommended practices and procedures. They cover a variety of subject areas, from the delivery of park interpretive programs to the management of natural and cultural areas. These guidelines are regularly reviewed and updated.

Separate from the revision of the NPS Management Policies, the NPS also has drafted revisions to Director's Order (DO) #21 on Donations and Fundraising. DO #21, provides guidance on accepting donations and working with organizations who seek to raise money to benefit the parks and NPS programs and also helps to ensure that the support NPS receives from the private sector, non-profit groups, and friends groups are accepted, recognized, and utilized in accordance with applicable laws, regulations and policy.

Support for America's national parks from the private sector, non-profit groups, and friends groups is a tradition as old as the parks themselves. Even before the establishment of the NPS, citizens were stepping forward to donate funds to protect places that exemplify our national heritage. Today, more than 150 friends groups and the National Park Foundation carry forward this tradition in our national parks.

Prior to 1998, the basic policies covered in what is now DO #21 were located in a number of other policy documents. DO #21 represented the first comprehensive compilation of policies establishing parameters for the activities of NPS employees who accept donations directly and/or work with organizations who seek to raise money to benefit the national parks or programs of the NPS. However, the original DO #21 did not provide adequate guidance based upon the situations park managers were encountering on a daily basis. For example, some form of commemoration is currently occurring at more than 90 parks, and there is a need to provide consistent guidance to ensure that these commemorative activities are consistently applied across the National Park System.

The effort to revise DO #21 began in anticipation of the document's sunset date of 2002. The authorities have been subsequently extended pending the completion of a revision. In completing the revision, we have adopted guiding principles to ensure that we maintain:

- The integrity of our parks,
- The impartiality of the National Park Service, and
- Public confidence in what we do.

During the periodic review of DO #21, NPS workgroups identified a number of specific reasons for undertaking revisions. First, the NPS was asked by the Government Accountability Office to clarify the chapter pertaining to corporate and business donations. Second, the NPS needed to include new policy guidance that had come into effect since the 1998 version was issued, including the Partnership Construction Process that the NPS has adopted for large-scale capital projects involving donated funds. Third, the revision incorporated new Departmental guidelines on accepting donations. Fourth, the revision includes a reference guide, which offers more in-depth information on policies as well as helpful tools, references and model agreements. This reference guide was cited throughout the 1998 version, but had never been produced. Finally, the NPS made additional clarifications to the document which included:

- Flexibility in interacting with both small and more sophisticated fundraising partners,
- A more thorough vetting and approval process for donations,
- Appropriate donor recognition opportunities within an approved donor recognition plan, and
- Clarification of who may authorize fundraising campaigns and donations.

The revised draft DO #21 and its accompanying reference guide were released for a 60-day public comment period which closed on December 5, 2005. Over 1,000 comments on the draft revision were received. The NPS has convened a team of field representatives to review the comments and make recommendations on changes that may be needed to the draft policy.

In summary, the Organic Act continues to guide all of our management actions. It is the guiding statute for parks and is reflected in how our management policies and Director's Orders are written, allowing us to manage parks within the spirit and letter of the Act. It creates a single NPS mission with several components, including that future generations will be able

to enjoy National Park System resources only if we successfully conserve them and protect them from impairment. We think this makes good sense. In 1925, Stephen T. Mather, the first Director of the NPS agreed by saying, "The primary duty of the National Park Service is to protect the national parks and national monuments under its jurisdiction and keep them as nearly in their natural state as this can be done in view of the fact that access to them must be provided in order that they may be used and enjoyed." By managing park resources wisely, by evolving and adapting our policies to keep the parks relevant to the public we serve, we ensure that future generations will have the same opportunities for enjoyment of park resources that we have today.

We look forward to the opportunity to review the comments we receive on both the draft revised Management Policies and the draft revised DO #21 and to continue to engage the public and interested parties in a dialogue about the management of our National Parks. We are committed to ensuring that all NPS policies remain current, vital, and useful to our park managers as they work to carry out the important mission of the National Park System.

The revised management policies focus on the protection of park resources and provide a clear reflection of the agency's longstanding commitment to public enjoyment. The proposed areas of change will improve the way parks are managed, conserved, and enjoyed for the benefit of present and future generations.

That concludes my statement, and I will be happy to answer any questions you or other members of the subcommittee may have.