



## American Land Rights Association National Inholders Association

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### National Park System 1916 Organic Act

Testimony by Chuck Cushman,  
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National Parks Subcommittee  
Honorable Steve Pearce  
Chairman

House Resources Committee  
Honorable Richard Pombo  
Chairman

US House of Representatives

December 14, 2005  
1324 Longworth House Office Building, Washington DC.

Thank you, Chairman Pearce, for the opportunity to testify regarding the act of 1916 that created the National Park Service. My testimony is about the battle ever since over whether Congress intended to encourage parks for public use as well as preservation or simply preservation with public use becoming a minor sidelight.

American Land Rights supports our National Parks and other areas managed by the National Park Service. We believe they should be protected and taken care of. We also believe they should be open to public use and recreation to the maximum extent possible and not closed off to meet preservationist and bureaucratic convenience.

I have been involved with the National Park Service for 51 years. My father served as a ranger naturalist, now called interpreter, in Yosemite with the Park Service from 1955 until 1962. He also owned a cabin in Yosemite that he was required sell to the Park Service if he wanted to keep his job.

I served as a volunteer in three National Parks. Yosemite, where I used to help my father write out his ranger talks and pick slides for his presentations; Channel Islands with the Audubon Society, rowing bird watchers through the surf for several years (Channel Island would not be made a park until many years later); and as a member of the second Student Conservation Corps in 1959 in Olympic National Park. (I was accepted into the first Student Conservation Corps in 1958 but served one year later). We built and rehabilitated trails, and carried out all kinds of park enhancement duties during our month long service.

I organized two folk music and dance workshops in cooperation with the National Park Service in Yosemite in the 70's. I purchased my own cabin in Wawona in Yosemite with a partner in 1970 and own it to this day. I am an inholder. I began my career defending property rights when the NPS tried to take my house in the early 70's.

I also served from 1981 to 1984 as a member of the National Park System Advisory Board.

I've helped various officials in the National Park Service over the years to stop damage to the parks by people forced into conflicts with the agency. It could be fairly said that I have opposed the bureaucracy of the NPS many times over the past 33 years when I felt the agency was out of control or too heavily under the influence of outside environmental groups that had little sensitivity for the needs and rights of families, landowners, communities and neighbors of the various Park System units.

The American Land Rights Association (ALRA), formerly the National Inholders Association, represents private landowners throughout the United States. Of special interest are those people owning private land or other interests within Federal boundaries or who are affected by Federal statute such as the Endangered Species Act and various Wetlands regulations. ALRA has over 22,000 members in 50 states and in over 200 federally managed areas. There are an estimated 1.2 million inholders nationwide. We are affiliated with or network with hundreds of independent organizations as well as communities nationwide and have an e-mail network of approximately 600,000.

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Our National Parks and other system units are great places and must be protected. Yet, the NPS is consistently driving people away from our parks and often doing the best it can to limit access.

## Use vs. Preservation

### A Fundamental Battle for the National Parks

Witnesses at this hearing were asked to be prepared to answer the question “**What does it mean to leave a resource unimpaired for the enjoyment of future generations.**” The answer to that question lies in the word, “enjoyment.” If future generations have no access to the resource, then regardless of their beliefs, they can’t enjoy it.

**Yellowstone National Park Act, 1872:** The Yellowstone Act preserves the watershed of the Yellowstone River “for the benefit and enjoyment of the people.” Put under the “exclusive control of the Secretary of the Interior,” the land was “reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park or pleasuring-ground . . .”

**National Park Service Organic Act, 1916:** “There is created in the Department of the Interior a service to be called the National Park Service, which shall be under the charge of a director . . . . The service thus established shall *promote* and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified, except 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 to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the *enjoyment* for the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”

**General Authorities Act, 1970:** The purpose of this act is to include all areas administered by the National Park Service in one National Park System and to clarify the authorities applicable to the system. Areas of the National Park System, the act says, “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 people of the United States . . .”

**Redwoods Act, as amended 1978:** This act reasserted the system-wide standard of protection prescribed by Congress in the original Organic Act. It states, “Congress further reaffirms, declares, and directs the promotion and regulation of the various areas of the National Park System. . . . shall be consistent with and founded in the purpose established by the first section of the Act of August 25, 1916, 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 the 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 clear that Congress always intended that there be use and recreation as well as preservation for Park Service areas. In recent decades a new dogma, a perverse new set of values, has developed in the Park Service emphasizing preservation and undercutting use and recreation. Most agency staff do not see use and recreation as an important part of their mission. This has come about in large measure due to the rise of large special interest groups devoted to preservation or their own special vision of what recreation is as their own values. They write legislation, lobby Congress and are extremely active in the creation of management strategy of our National Parks. They are a very loud minority which has risen to power over the parks because there is no balancing well-organized constituency to battle for maintaining use, recreation and access to our parks. There is a revolving door between personnel in these preservationist groups and in the Park Service to such a degree that it is hard to tell them apart. For example, in the 1980s when the National Parks and Conservation Association (NPCA) published and lobbied Congress for its massive expansion plan for the National Park Service, the

Director of the National Park Service was on the NPCA Board of Trustees and the head of the NPCA was a former Interior official under President Carter.

The Park Service has evolved into a ‘preservation only’ mentality. The concept of our National Parks has become so popular, that no Member of Congress wants to be seen as appearing to be anti-national park. To some degree most of Congress is intimidated about facing criticism for appearing to be against parks if they raise a word in the direction of real Park Service oversight. As a result there is little oversight of the Park Service. The agency is pretty much able to march to its own drummer, right or wrong.

Added to that is the cloistered, cult like multi-generational culture in the agency where son follows father who follows grandfather into the work, and the agency becomes more and more isolated from anyone who disagrees with them. Park personnel often do not own private homes, live off a government paycheck in government housing for most of their lives, and as result have little in the way of a feel or relationship with local communities, private business or the needs of many private citizens. They “cannot feel their pain.”

There is an arrogance that comes with power and little oversight. The agency views itself as immune from criticism; Its political observation is largely accurate. And like most bureaucracies, it always wants more power, more money, more employees—and especially—more land.

One consequence is that land acquisition has become a huge part of the culture. Private lands both inside and outside of parks that might have served the visiting public, are purchased, often with the use or threat of condemnation or eminent domain. Amazing as it sounds, examples are listed below where the Park Service actually condemned private recreation sites including campsites thereby reducing recreation and access.

Part of this is about control. The agency must have control. There is paranoia about what private landowners might do. Often, the only tool the NPS has to control private lands inside or adjacent to parks is to buy the land even if the landowner objects.

## Yellowstone National Park

To show how the Park Service tilts toward preservation at the expense of use and recreation, just look at the Draft 1980 Yellowstone General Management Plan. It generally says (portions of this are written from memory) this:

It quotes from the original Yellowstone Act of March 1, 1872 that says:

“...hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park or pleasuring ground for the benefit and enjoyment of the people.”.

“...said public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition.”

The Yellowstone Draft Management plan of 1980 then goes on to say something like, **“but in contemporary terms the law should mean” – and repeats the second quoted paragraph above completely leaving out the public park or pleasuring ground mandate.**

Even though Congress had passed a law stating that it was a public park and pleasuring ground, the Park Service employees of the Yellowstone Management Plan were arrogant enough to think they were empowered to modify what Congress had said and ignore half of the two basic goals

set aside by Congress. This arrogance is systematic through the National Park System. They know better than Congress.

## **Yosemite National Park**

The current implementation of the Yosemite General Management Plan and river repair program is a perfect example where hundreds of millions of dollars are being spent to structurally lock out the public.

And Congress thinks it is spending money to repair the park. Congress is actually giving money to the Park Service to implement its 35-year goal of largely removing visitors.

### **Here is a Summary of the Problems In Yosemite**

The Yosemite Valley Plan was largely funded by Congress in response to damage caused by overly exaggerated 1997 flood estimates. Most of the money is not going for flood repair but instead to achieve a predetermined Park Service agenda responding to the anti-people goals of a noisy minority.

The Yosemite Valley Plan resembles an urban renewal plan and appears to be a boondoggle. Most of the money (96%) is allocated for construction and redevelopment. Only 6% is targeted for restoration—primarily removal of the Rivers Campgrounds and popular picnic areas (Swinging Bridge and Church Bowl). Associated parking is being removed. All of this at a cost that could go well over half a billion dollars.

John Reynolds was the author and motivator for this plan. He continued to drive it as an upper agency official in the Park Service and elsewhere as his own personal monument. For many years his son managed the plan for the Park Service in Yosemite—a family takeover of one of America's treasures. Unmonitored nepotism is dangerous to our National Parks. In some cases parks become family fiefdoms.

**The Yosemite Valley Plan has become a boondoggle.** The money is being misspent, unaccounted for and probably just plain missing. They have more planners than interpreters for the park. Did you ever take a nature hike with a planner? The plan has little or no science. It is largely driven by organizations who believe people are bad and they must be restricted from the parks. Many park users such as the climbers have joined the coalition trying to stop this radical exclusionary plan.

The NPS is closing nearly 60% of drive-in campgrounds in Yosemite Valley forcing families with young children, seniors, and the physically challenged to go elsewhere rather than deal with the increasingly difficult conditions of access to Yosemite.

Parking is critical in Yosemite. Over 70% of the pre 1980 parking will be closed. It's very difficult for young families to fully enjoy Yosemite without the freedom of their cars. No cars in the Valley will mean driving many, if not most, families to other places. This deprives them of the unique experience Yosemite offers and inflicts economic hardship on the gateway communities and small businesses around Yosemite.

It also deprives Yosemite of generations of future supporters who will be the taxpayers and policy makers in the future. Few will remember a quiet afternoon lying in the tall grass in one of the meadows in Yosemite Valley listening to the roar of Yosemite Falls and the quiet whistling of the wind in the grass.

The NPS ultimate goal is to eliminate cars from Yosemite Valley and force people on to buses. This is based on a 70's era plan when cars were more dirty than they are now. Now most busses are more dirty.

The Park Service has to get rid of the River Campgrounds because they represent the 'heart and soul' of the restoration in what is *supposed* to be a restoration plan. Yet the campgrounds represent the least impact on the environment and are the least expensive to maintain.

The Park Service has failed to do its homework. They have not quantified the Park's carrying capacity. The Park Service is unable to scientifically document the amount of visitor use the park can sustain before negatively impacting resources. They are largely following what has become a new religious ethic of "**do not touch**" preservation.

Most Americans will not subject themselves to being forced onto buses. This is especially true for seniors, the disabled, and families with young children. Riding the bus for a whole day, lugging your family freight, will result in a more costly, commercialized, and more controlled experience—a visitor's worst nightmare.

The average family would get on a bus way outside the park, have to get off with all their gear if they want to visit Bridalveil Falls, where they have no way to guard their supplies while they hike, then get back on the bus, reload their stuff, get off at the next site, unload all their stuff etc etc. Most people will simply not accept this level of inconvenience. They will go somewhere else.

**Imagine the young family coming to Yosemite with two children.** They are given no option but to board a bus with all that is necessary to survive for a day—stroller, diaper bag, change of clothes, picnic cooler, fishing pole, camera equipment, etc. Would you do that? How do they get off and enjoy places like Bridalveil Falls? Load. Unload. Load. They'll be so tired by the time they try to cope with the stress, the young family **will go someplace outside the Yosemite Region** that is more accessible.

The special interest political plan by the National Park Service is damaging the Park and strangling visitorship. That means the economies of communities in the entire Yosemite Region will suffer substantial long-term economic harm. It is not based on science. There are no peer-reviewed carrying capacity studies.

**Congressman George Radanovich** has stated publicly in the press, "the preparation of the plan, in fact the entire planning process, has been fatally flawed." When Congress passed Public Law 105-18 in June of 1997 awarding a \$187,321,000 flood recovery package to Yosemite National Park, it was with the understanding that it would be used 'for construction' for emergency expenses resulting from flooding and other disasters ... Yet then-Superintendent B.J. Griffin testified at the subcommittee El Portal Oversight Hearing that more than \$123 million was for pre-flood projects.

The draft Yosemite Valley Plan came with a \$343 million price tag, but only a few months later the final document suddenly increased to \$441 million. It could go as high as ONE BILLION DOLLARS.

Read carefully these two short articles about families trying to use a bus to get around Yosemite.

## **Yosemite Freight and YARTS by Peggy Mosley**

(YARTS is the Yosemite National Park bus access system.)

Imagine this scenario and then decide if you really want to take a bus to tour Yosemite.

It's 8:30 AM. You, your spouse and two small children are totally excited about the prospects of visiting Yosemite for the very first time. You have debated about taking your own private vehicle (which could soon be forbidden) or leave the driving to them, and take the bus.

You elect to try the bus. You gather your family, your Yosemite Freight, (which consists of a stroller, diaper bag, picnic basket for lunch, camera bag, bicycle, clothing

change for the kids, etc.), open your wallet for the \$28.00 fare for the four of you, (remembering, of course, that the gate fee is \$20.00 for a 7 day pass, for as many people as you can safely put in your vehicle—for a 7 passenger van, that's 41 cents per person day) and board the bus by 9 AM.

The bus arrives and you load your 'freight' on the bus. Since Buck Meadows (Highway 120) is the last pickup stop prior to entering the park, you rumble along the scenic highway into Yosemite. Perhaps, your first stop will be Bridal Veil Falls, where you've heard about the spraying mist, the hike up the backside of the falls, etc.

You arrive at Bridal Veil, and get off the bus—yes, you, your family and all your 'freight'. Now what?? The kids are antsy after the hour plus ride and need to stretch their legs—not to mention the adults. Where will you leave all your belongings while you experience the Falls? Or what about that desire to hike up the backside? Someone must stay back to watch the 'freight'!

Now that you've 'done' Bridal Veil, the next bus arrives to spirit you off to the next stop—maybe the big meadow for your picnic. You load your 'freight' and family and head for the next stop, where you get to unload again, haul your 'freight' to the picnic site and proceed to have lunch.

One of the kids is fascinated by the cute little striped yellow thing flying around the clover. Bingo!!! Now that is some sting on a tender little finger, that begins to swell amidst all the piercing screams of a child is great pain. What to do? Your vehicle with its trusty first aid kit is back at your hotel in Buck Meadows, and there's no YARTS bus in sight to take you for first aid.

Finally you get to the Visitor Center in the Valley and everyone needs a treat after the harrowing ordeal with the bee. Stop at Degnans for something and prepare to unload your wallet a second time.

If you decide to take the 2.5 hour tour of the Valley Floor, expect to spend about \$18/person. If you get out for under \$100.00, consider yourself most frugal.

It's finally nearing 5 PM and almost time to find the YARTS bus where you can load your 'freight' for the final time and head back to your hotel, where you'll arrive about 6:30 P.M.

Wow!!! What a day—What a Yosemite Experience!!! Do you suppose Teddy Roosevelt ever imagined he was creating such a monster? I don't think so!

The one year YARTS Demonstration program was entirely successful. It clearly demonstrated that people will NOT ride a bus—the YARTS ridership during the demo period was primarily employees of NPS and YCS—riding at taxpayer expense.

### **Fresno Bee, Wednesday, April 23' 2003. Front Page.**

YOSEMITE NATIONAL PARK—This was definitely not the land of the happy camper Tuesday.

Dozens of campers and other outdoor enthusiasts gathered in Yosemite Valley to tell Rep. George Radanovich that park plans are not giving the public enough campsites. The Mariposa Republican was holding a field hearing at the park to discuss campgrounds in the valley.

At issue are the 361 campsites that were wiped out in the 1997 flood. The National Park Service doesn't plan to bring them back, and Radanovich, who wants to restore many of them, wanted to hear more discussion.

Radanovich got his wish even before testimony began as he paused to spend a moment speaking with Yosemite Valley schoolchildren outside the hearing room.

About three dozen residents [Editor note: most dressed as prisoners] from surrounding communities and others chanted against the backdrop of the snow-dusted granite cliffs surrounding the valley.

"What do you want?" yelled Chuck Cushman, executive director of the American Land Rights Association and spokesman of a new coalition called Visitors and Communities for an Open Yosemite.

"More camping!" the marchers cried.

With Yosemite National Park in his congressional district, Radanovich is willing to oblige. But an approved valley plan— a \$441 million management blueprint signed in 2000 after two decades of effort— already excludes the 361 campsites.

A potentially long and difficult rewriting process would begin again if too many campsites are restored.

At the same time, Radanovich said he wants the valley to serve everyone, including people who can't afford to spend the night at park motels. He would like to see "no net loss" of campsites.

National Park Service Director Fran Mainella, who attended the hearing, said officials could add 25 campsites to the valley without rewriting the plan. She said the park could place other camping spots in locations such as Crane Flat or Tuolumne Meadows, outside of the valley.

"We could add 204 campsites outside the valley," she said. "We need to emphasize the day-use visitor. We see greater day-use here and around the country— people biking, hiking and picnicking for the day."

Quiet groans rippled through the crowd of about 200 in the hearing.

Plenty of people and groups are watching this closely, hoping for changes.

Why? Because millions of people pass through Yosemite Valley each year. The 7-square-mile glacial valley, known for its views of Half Dome, El Capitan and Yosemite Falls, attracts campers, rock climbers, hikers, backpackers and many others who feel passionate about using the park.

Officials have worked since 1980 on various plans to manage visitors and revive nature in the valley. Lawsuits and lack of money continually delayed the process until a massive 1997 flood crippled the valley.

With millions of dollars in flood repair ready and waiting, officials pulled together the Yosemite Valley Plan, which was approved at the end of the Clinton administration. The plan, which deals with everything from motel construction to habitat restoration, will take many years to complete.

Transportation is another sticking point in this plan. Officials would reduce valley parking spaces from about 1,600 to about 550 in years to come. The park would provide



satellite parking outside the valley and buses would eventually shuttle visitors into the valley.

Many critics believe a bus ride would ruin their experience, cost them more money and limit their freedom.

"We're concerned about the ultimate removal of the automobile," said Stephen Welch, executive vice president of the Pines Resort in Bass Lake, which is near the Highway 41 corridor outside Yosemite.

"Access and affordability are issues for our customers."

Some environmentalists like the idea of reducing the number of vehicles in the valley as well as re-establishing natural conditions— instead of campgrounds— next to the Merced River.

Wilderness Society regional director Jay Watson, a vocal supporter of the Park Service's plan, said the riverside restoration would help an area rich in biological diversity. He added that the plan provides 1,461 overnight accommodations in the valley.

"Out of this total, 1,179 are campsites, rustic tent cabins and economy-scale cabins," he said. "Only 282 beds, so to speak, or 19%, would be at the upper levels in cost."

Another supporter, Michelle Jespersen, associate regional director of the National Parks Conservation Association, said it's time to move on with the plan.

But critics said the plan falls far short of camping accommodations compared to 1980 levels. Paul Minault, regional coordinator of The Access Fund, representing rock climbers, said the 1980 Yosemite General Management Plan called for almost 1,000 more campsites in the park, including almost 300 more in the valley.

The Park Service should be promoting camping as a way to bring together people from all walks of life, he said.

"The nation's great parks present an opportunity to be a force for social equality," he said. "Unfortunately, the lodging picture in Yosemite preserves the social distinctions."

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There is a basic misunderstanding of the goals of the National Parks. Is the Park Service to encourage preservation in addition to use and recreation? Or is it going to be allowed to lapse into a preservation only mentality? Congress must instruct the agency if use and recreation are going to be allowed to continue in our parks.

**The Zeal of Park Service Preservationists Has Led To a Headlong Rush to Buy Land which often Removes Recreation and Access Opportunities.**

This conflict spills over into the headlong push toward land acquisition by the Park Service. The NPS is guided by its preservation only mentality as it rushes toward removing use and recreation from Park Service managed areas. Many of these activities take place run by small businesses on private land.

Another reason land acquisition is so much a part of the recreation and use vs. preservation is that land acquisition gives a superintendent a way to leave his mark on a park. It is measured in acres so he can say he did something specific. A body count without talking about the real bodies that have fallen in the wake of families losing their land to massive land acquisition.

Land acquisition becomes a way for the superintendent to show he is preserving land. But are we urging our Superintendents to show how they are enhancing recreation, use and access? The answer is clearly no.

## **PBS Frontline Documentary, “For The Good Of All”**

The committee should watch the hour long documentary, Public Television’s ‘Frontline’ about the Cuyahoga Valley NRA in Ohio which aired on June 6, 1983. The only difference between when this film was made and today is money. If you give the Park Service the money to buy land and remove private recreation, in five years you’ll get another documentary.

This tragic film documents the broken promises by the Congress and the Park Service in the Cuyahoga Valley National Recreation Area between Akron and Cleveland, Ohio. Congress changed the designation to ‘National Park’ in deference to a former Congressman, but it clearly does not meet any reasonable criteria as a National Park. Only 29 homes were supposed to be taken for the park. The law even promised the use of easements. Yet the number of homes purchased was well over 300, the small community was destroyed, churches and schools closed, their tax base eroded by unnecessary land acquisition. Cuyahoga Valley could have been a success without much land acquisition.

Numerous small businesses were driven out by the Park Service, some using eminent domain. Yet later, after much criticism, the Park Service invited some small businesses to come to the Cuyahoga Valley—to show what it used to be like.

This is related to the fundamental foundation of our parks. Because most in the Park Service believe their job is about preservation, use and recreation becomes a second class focal point with the agency only allowing enough visitors to justify their budget and keep enough support in Congress.

## **The Park Service Is Being Damaged**

Unfortunately, Cuyahoga Valley is not an isolated example of how our Park Service areas are being managed. It is commonplace. Gradually recreation and use are being eliminated. Yet Congress has largely failed to examine the abuses discussed in the film ‘For The Good Of All’ or how they could be corrected. The loss is the Park Service’s. Because Congress failed to provide proper oversight, the Park Service feels it is immune from criticism. People who don’t have to justify their actions generally fail to be the best they can be and hurt other people in addition. Congress, the Administration and yes, even the environmental groups, are cheating themselves and the American public out of a better Park Service.

## **Congress Has Failed In Its Oversight.**

The National Park Service has been immune from Congressional oversight because they manage great places. Parks are good in political terms; it is bad to appear to be against parks. The result is a runaway bureaucracy with little or no accountability. There is a gradual elimination of recreation and use from our parks with Congress doing little about it.

## **Intent of Congress – Does the Park Service Care?**

When legislation passes creating a Park Service area, there is often a carefully crafted give and take over what category the area should be designated as and what uses are to be allowed. Compromises are made to create the new park area. A ‘National Park’ has the highest standard of preservation management and the lowest number of uses. A ‘National Recreation Area’ has the lowest standard of preservation management and the highest number of uses. There are a number of categories in between. That is the way it is supposed to be according to Congress. But that does not mean that National Parks are not to incorporate lots of use and recreation.

But the Park Service makes no distinction between a National Park and a National Recreation Area when it manages the area. In the agency’s eyes, they are all the same with the same level of preservation enforced.

David Hales, the Deputy Assistant Secretary for Fish, Wildlife and Park in the Carter Administration told me personally in 1978 that, “if Congress put a circle around an area, we are going to own all of it.”

When Congress creates a new Park Service area, there is often a careful balancing in the law and legislative history between various uses, the local communities and other neighbors. Yet the Park Service largely ignores all of this. The Government Accountability Office has noted this management deficiency, as have many other investigators.

Years ago I filed a Freedom of Information request with each individual Park Service superintendent in the country asking for a copy of the legislative history of each area. Only 10% of the superintendents could even give me a copy. Approximately 90% could not provide a copy. That means that those superintendents, the highest level of law enforcement, had never read the law governing their Park Service area of responsibility.

There is no special training in the Park Service between managing a national park or a national recreation area. So they are all managed virtually the same, with the same preservation versus use and recreation bias.

The NPS emphasizes a general understanding of its own interpretation of the Park Service Organic Act and ignores the specific wishes of Congress for each area. The result is an unhappy relationship with local communities and inholders. The Park Service does not keep promises made by the Congress or by its own representatives and advocates during the political process of

creating a new area. The Park Service thinks that if it has the authority to do something—particularly to take and preserve land—it should exercise that authority to the maximum extent possible simply to exercise authority and control over others for the sake of preservationism.

That is why there is such a huge backlash against new Park Service areas and the controversies around them over the past 20 years or more. There would probably be one or two dozen additional Park Service areas if there had been a real attempt by the agency to honor promises in other newer parks. The Park Service and the environmental pressure groups are hurting themselves and the system, as well as the people who want to keep and use their own property or visit and use the parks.

## **Some Specific Case Studies Beginning In The 70’s**

**Lake Chelan National Recreation Area in Washington State**—was created at the same time as the North Cascades National Park. Lake Chelan was made a NRA so that the small community of Stehekin could continue its pioneering subsistence way of life. It was necessary for the community to have its access to wood, water and power continue.

Lake Chelan offered a unique opportunity to provide the handicapped, elderly, and children a truly wild experience at the end of a 40 mile boat ride, the only regular method besides float planes to get into Stehekin. There were only 1,600 acres of private land. According to the GAO,

the Park Service purchased most of these lands, cutting off the ability of the community to provide for many visitors, let alone the property rights expected to be honored by most Americans.

In fact, it has been said that by 1980 there were half as many beds available to disadvantaged recreationists as there had been in 1968 when the area was made a National Recreation Area. The Park Service has purchased most of the facilities and closed them down.

The Government Accountability Office (then the General Accounting Office) severely criticized the Park Service in 1980 with its report: "Lands In Lake Chelan Should Be Returned To Private Owners."

**Lake Crescent in Olympic National Park**—There had been more than fifteen recreation resorts and destinations at Lake Crescent before the Park Service went on its land acquisition rampage. Now there are only two. How many handicapped, elderly and children will not get that fine experience they would have had with those facilities still operating?

**The Buffalo National River in Arkansas**—While preparing for a debate on the "Today" show on NBC in 1988 between myself and Denis Galvin of the Park Service, the NBC staffers found that the Park Service had started out with 1,108 landowners. The law clearly encouraged easements and did not intend to destroy the special cultural communities along the river. The culture was so unique it was featured in National Geographic. However, NBC said there were only eight landowners left in 1988, the 20<sup>th</sup> anniversary.

I served with former Parks Committee Chairman Roy Taylor on the National Park System Advisory Board and Council in 1982. He told me personally that Congress never intended for the people of the Buffalo to be eliminated.

The destruction of the unique culture and heritage on the Buffalo River deprived millions of visitors from the full and complete enjoyment of the river. Many recreation opportunities were simply wiped off the map through land acquisition. In one case, there existed a complete old gristmill. After the Park Service took it, the owners were so angry they would not show the agency how to run it. The agency could have allowed this living history center to continue. Instead, all that intellectual library of ideas and history was lost.

**St. Croix River in Minnesota**—According to a 1978 report on rivers by GAO, the Park Service had acquired 21,000 acres when it was only supposed to acquire 1,000 acres of access sites according to the legislative intent. How many recreation opportunities were lost?

**Voyageurs National Park, Minnesota**—The Park Service admitted in a 1979 GAO report that it had acquired enough land for the park from the timber companies and did not need to acquire all the private landholdings that dotted this sparsely populated area. The agency went on to acquire the inholders.

**C & O Canal in Maryland**—The Park Service threatened all landowners with condemnation in the years around 1974. Even though it was required to offer landowners a life tenancy under the 1969 Uniform Relocation Act, the agency failed to provide each landowner notice of his rights because park officials wanted to limit any use and occupancy reservations to 25 years. The result is the landowners fought hard to get what little they were still entitled to under park law.

**Indiana Dunes National Lakeshore**—Less directly severe to people, but an indication of how much the Park Service tried to show it has a high visitorship, is the report done in the 80's by the Interior Inspector General that showed the Park Service set up counters on a large highway that ran close to the Southern boundary of the park and actually crossed Park Service land for a short distance. The agency set up a traffic counter there and then reported to Congress that the cars that went across Park Service land were visitors. They did the same thing on the George

Washington Parkway and the Baltimore Washington Parkway outside Washington, DC until Congress pulled the plug on this practice.

Unfortunately these cases are just the tip of the iceberg. Hundreds and perhaps thousands more have not been recorded. Investigators can find these kinds of stories at nearly every park or other special designation Federal area. The Park Service did the same thing at Acadia National Park in Maine where local travel such as commuting has been counted to inflate the number of 'visitors'. The agency appears to feel no remorse at constantly not telling Congress or the public the truth.

## **No Law to Prevent These Abuses Has Been Passed**

In the 1980's number of condemnations dropped significantly because the Reagan Administration opposed the use of this abusive tool wherever possible. Offshore oil and gas money was reassigned to other social priorities by keeping it directly in the treasury rather than diverting it into land acquisition.

**Golden Gate National Recreation Area, Sweeney Ridge in California**—In 1981 the Trust for Public Land (TPL) acquired an option on this property for \$8.5 million. It then negotiated a sale to the Park Service for \$9.6 million. Even the Park Service really did not want to buy the property at all in this case. Both the Carter and Reagan Administrations agreed that the land was not of park quality and should not be purchased.

However, as is often the case with large land trusts, TPL orchestrated a political campaign and forced a political confrontation. They obtained appraisals purporting to show that the land was valued at anywhere from \$21 million to \$24 million. The landowner, part of a large oil company, hoped to obtain a large tax deduction. Our investigation showed the land worth from \$7 to \$10 million.

Interior Secretary Bill Clark ultimately negotiated a sale near the \$8.5 figure, due in part to our campaign against this unfortunate use of land acquisition funds. The figure was 8% of the entire land acquisition budget for the Park Service for that year. Many other deserving landowners with hardships were left out because of this misuse of money. The problem is not that there wasn't enough money, but that the money was spent unwisely.

**Sleeping Bear Dunes National Lake Shore in Michigan**—Riverside Canoes owned by Kathy and Tom Stocklen has been serving the public well for many years. Even the Park Service admitted they ran a good clean recreation business. But they would not sign over an easement type contract to the Park Service without compensation. The Park Service had already purchased two other canoe liveries and a campground either through condemnation or threat of condemnation.

Finally, in 1990, the Park Service condemned the Stocklens. After several meetings with Park Service officials in Washington, no one at the agency could justify the condemnation, yet it went forward nonetheless. Finally, in 1992 just before the election, American Land Rights planned a huge demonstration in front of the Interior Building in Washington, DC. The Interior Department forced a settlement that gave the Stocklens back their land and compensated them for their attorney's fees prior to the demonstration.

Sleeping Bear was originally set up as a National Recreation Area. That is what a National Lakeshore is. It is tough to have full access to recreation when the managing agency buys out all the services providing certain types of recreation.

**Saddleback Mountain Ski Area in Maine**—Time after time from 1980 until 2001, for over 20 years, the family that owned Saddleback tried to work out a settlement of the route for the Appalachian Trail so that they could modernize, update and complete their ski area. Bad faith followed bad faith by the Park Service in negotiations. The Saddleback acquisition was finally settled after a very public and intense two-year battle in which American Land Rights participated.

The Park Service, with the Appalachian Trail Conservancy pushing it, was simply unable to work out a settlement that made sense to anyone. The two Senators from the state had to step in and settle the issue.

If a settlement had not been forced on the Park Service, the losers would have continued to be the family who owned the land and the community that lost jobs and \$40 million of much needed economic activity per year for the region, but the Park Service and the preservationist pressure groups wanted to use a "trail" as an excuse to shut down public use of the mountain. The recreation ski community could have permanently lost access to what could become one of the finest ski areas in America. The greens are demanding new National Parks in Maine. It is hard to imagine why Maine or Congress would allow the Park Service to take over 5 to 10 million more acres in Maine when it cannot solve problems and get along on a simple trail where the landowner was willing to grant access, but not the whole mountain. The wilderness preservationists want to shut down the existing recreation and the timber industry in Maine for what the National Parks and Conservation Association calls "Mega Conservation in New England". The regional head of the Wilderness Society was caught on tape saying that it would be "practical" for the Federal government to "take" 26 million acres in northern New England for preservation.

We found out recently that trail management had been ceded to what is now called the Appalachian Trail Conservancy. The ATC, collaborating with the current Superintendent, caused the problems. This is another example of a Park Service fiefdom. The current Superintendent has been there for over 20 years. She does not rotate as most Park Service employees are required to do. She is politically protected by the Appalachian Trail Conservancy that wants to keep its hold on power.

Tumbling Run Game Preserve—Pennsylvania – In a use and recreation versus preservation controversy, it is hard to imagine a use that is more compatible with the Appalachian Trail than the Tumbling Run Game Preserve.

#### **Appalachian Trail – Cumberland County, Pennsylvania** – Park Service Condemns Game Preserve in Pennsylvania

From an American Land Rights Association e-mail Alert in 2000.

The Tumbling Run Game Preserve, a beautiful piece of property owned by 24 families in Cumberland County, Pennsylvania is an excellent example of private conservation. It is a good neighbor to the Michaux State Forest, and has voluntarily allowed access to hikers along the Appalachian Trail.

This week, the National Park Service (NPS) announced its latest land grab, arrogantly claiming that it will proceed immediately to condemn the property. That is the thanks that the Game Preserve Association gets for attempting to cooperate with the federal government's power hungry bureaucrats. The landowners have offered to donate a trail corridor to the Park Service.

Even more incredible, NPS intends to use a procedure called a "Declaration of Taking." This is a law passed in 1931 that allows, in cases of national emergency, the federal government to seize land immediately, and pay the property owner an arbitrary amount at some point in the future! That's right - Steal Now, Pay Later!

The law was intended to restart idle businesses in the depths of the Great Depression, and to retool factories to produce armaments during the Second World War. The NPS has taken this law, used to fight the Nazis and the Japanese Imperial Empire, and has turned it against innocent citizens!

The Park Service Appalachian Trail Project was heavily criticized recently for threatening condemnation proceedings against a monastery in New York and the Saddleback Ski Area in Rangeley, Maine.

These condemnations are funded by the Land and Water Conservation Fund now under review by Congress as the Conservation and Reinvestment Act (CARA) AKA the Condemnation and Relocation Act. CARA will vastly increase the funds available to the Park Service for land acquisition and remove the land acquisition process from Congressional oversight. It is a blank check for government abuse.

Why are there so many condemnations by the Appalachian Trail? Because they have an out-of-control project manager-superintendent that is backed by the huge Appalachian Trail Conference hiking corporation and their assortment of hiking subsidiary clubs who gladly throw their weight around crushing landowners in the process.

Pam Underhill is the Project Manager and she is completely out of control. She doesn't care about who she hurts. She's been at the Appalachian Trail for over 20 years when most park managers are supposed to rotate every five years. Why is she still there? Sheer political power. CARA will only add to that kind of political power and enable people like Underhill to build more fiefdoms in the parks.

Why did we have the Boston Tea Party? To throw off the yolk of taxes and power by unelected bureaucrats who controlled the colonies. But over 200 years we've created a whole new generation of colonies (national parks, forests and refuges) run by unelected bureaucrats who feel they are responsible to no one. CARA will give them the money to thumb their noses at Congress and you. It must be stopped.

Parks, forests and refuges can be good. It's bad people that can make them bad. Do you know an example of where giving a Federal land agency more money made them better neighbors?

Anyone living near any other proposed or designated hiking trail must look at the abuse of power on the Appalachian Trail as an example of what they will face in the future. We support trails. But trails must be good neighbors. They must not evolve into massive land grabbing machines like the Appalachian Trail that has crushing thousands of landowners and communities over its 2,000 miles. Just look at the [landrights.org](http://landrights.org) website for plenty of documentation.

**Yosemite National Park – Wawona – The Redwoods**– The Redwoods are made up over 100 private homes that are rented to the public all year. The owners use them a few weeks each year with the rest of the time they are rented for public use. In the 70's the Park Service secretly purchased the main building from the owners, the jeopardizing the rental business that exists in the small 300 home community. For 25 years the agency has leased the main building back to the homeowner owned company that now runs the Redwoods. Gradually, the NPS was ratcheting down the controls and shortened the lease.

Finally in 2003 the Park Service cancelled the lease. The agency appeared willing to drive the business that rents a bed count of over 800 potential nightly visitors out of business. A political war erupted which caused a good deal of controversy. Finally a solution involving a land trade was worked out. It is just another example of the constant battle between use and preservation. The irony here is that the agency will now get to prevent development on a virgin parcel by trading their Redwoods office to the Redwoods.

## **National Natural Landmarks - The Secret Park Service Land Grab Preventing Recreation and Use**

In the early 60's Interior Secretary Stuart Udall initiated a program whereby the National Park Service would reward landowners for being good stewards. If they met certain criteria, their

land would be nominated as a National Natural Landmark. They would receive recognition and awards as good stewards. Interior Department and Park Service policy said the government had to ask permission of the landowner before moving forward so things seemed reasonable.

But Congress has never authorized the program and the National Park Service operates it by its own internal set of rules. Somewhere in the late 60's or 70's the Park Service got impatient. They stopped telling the landowners they were nominating their land and began quietly reconnoissancing and designating their land as "nationally significant" National Natural Landmarks without telling them. Hundreds were designated and several thousand are in various stages of "evaluation". Landowners only began to find out they had a problem when they went to do something with their property and were told by local or state authorities that they couldn't because their land was of "national significance." The Park Service itself has been systematically using the program evaluations as a "feeder" for acquisition while misleading the public with claims that the program is "voluntary" with no adverse consequences for the property owner.

When the program began to unravel after public exposure, no one was prepared for the scope. One landmark nomination was for 10,000,000 acres. Huge amounts of private and public land were included. The National Parks and Conservation Association in their massive 1988 plan for park expansion, produced in collaboration with the National Park Service, called these areas "ladies in waiting."

In the early 90's the story broke due to the efforts of American Land Rights and a network of other private property protection groups. Various newspaper organizations and the Interior Department Inspector General investigated the Park Service. The agency was found to have violated the rights of thousands of landowners, taking control of private land or putting a legal or

Political cloud on the private land for future takeover without even telling the landowners. After the Park Service refused to reform its own regulations the National Natural Landmarks program was put in limbo. It just sat there for a number of years.

During the late Clinton Administration, the National Natural Landmarks program was quietly restarted with no reform. They have a cute way of saying they are never going to let go of those properties. Most of their announcement said they were backing off but if you read between the lines, the landowners are going to have one heck of a time getting released. So much for stewardship and a partnership with the Park Service. So much for being in partnership with local communities. So much for encouraging people to use the parks. The landowners continue to have a cloud on their title and fear in their hearts. The Park Service knows it stole something and will likely get away with it.

To this day, the landowners have not been notified that their land has a cloud on it, placed in secret by the Park Service using outside preservationists to prioritize, "evaluate" and nominate other people's property in order to rationalize officially designating it as "nationally significant". All of this takes political control of land and makes it harder to use or to recreate on it. Landowners cannot make plans. They have a harder time borrowing money. States impose additional land use controls thinking that the Park Service lawfully designated these lands. Preservationist activists use the designations and "studies" to tie up permits required for ordinary use of private property that they want.

Private landowners' lands are effectively locked up from possible use as private recreation sites, access points and development sites that can take pressure off the parks. And Congress had done nothing in the way of oversight.

## **What Did the Environmental Groups Have to Say?**

**The Conservation Foundation**— The national environmental groups and land trusts have long been pushing to limit use and impose more preservation. Here is a quote from the The Conservation Foundation's *National Parks for the Future*, 1972. This group was appointed by



NPS Director Hartzog to politically control the National Park Centennial Commission (in commemoration of Yellowstone) and its publicity.

‘We recommend that the National Park System reassert its traditional role as conservator of the timeless natural assets of the United States.

‘Park designations which de-emphasize preservation (e.g., National Recreation Areas) should be dropped;

‘recreational use in all parks should be based on natural assets, not constructed facilities, such as golf courses, and ecological carrying capacities should be controlling; lands, facilities and/or programs clearly inconsistent with the preservation function should be divested or transferred;

‘all areas primarily needed as scientific study sites should be protected from incompatible public use; maximum pressure should be exerted to include as much land as possible under the 1964 Wilderness Act;

‘such concepts as "wilderness enclaves," buffer areas for wilderness roads, motor nature trails, and the like should be rejected out of hand;

‘certain damaged landscapes should be acquired and managed as ‘restoration reserves’;

‘park facilities now operated by private concessionaires should be phased into management by non-profit, quasi-public corporations; new hotels and similar elaborate visitor facilities should be located outside park boundaries, and present facilities and developments inappropriate to the natural setting should be relocated outside park boundaries as well;

‘the National Park Service should be authorized to implement protective land-use controls for inholdings and adjacent private lands that clearly affect the natural values of park lands, failing adequate state or local constraints; in-park automobile use should be phased out;

‘off-road use of vehicles in the national parks should be prohibited; hunting should be generally prohibited; the stocking of exotic species should stop, and fresh-water fishing activities should be managed to maintain native fish populations at optimum levels;

‘a well-funded program of ecological research should be undertaken for each park unit in order to establish its carrying capacity and to provide an early warning system to identify potential adverse environmental impacts;

‘and these studies should serve as the basis for an annual, system-wide environmental report to the nation.”

**National Parks And Conservation Association** in its 1988 *National Park System Plan*, called ‘*National Parks For The Future*’ produced in collaboration with the National Park Service. This multi-volume report laid out huge goals for expansion of the National Park System. It largely urged more preservation and less use and recreation nationwide, while taking over tens of millions more acres of private property now used for private homes, recreation and industry.

From NPCA, *Investing in Park Futures -The National Park System Plan: A Blueprint for Tomorrow, Executive Summary*, 1988:

*Volume 1 To Preserve Unimpaired: The Challenge of Protecting Park Resources*

“The much-debated 'preservation versus use' controversy must be constantly weighted toward preservation; only the highest level of resource protection will ensure the opportunity to enjoy the parks in the condition - and for the purposes - for which they were set aside.”

and

“Protecting parks 'unimpaired for future generations,' as the Organic Act mandates, requires attention to - and often intervention in - a bewildering array of forces and factors. These include biological, cultural, geophysical, and aesthetic conditions, with a host of regulatory issues accompanying them.”

From *Volume 3 Parks and People*, p. 33:

“APPROPRIATE USE: STRUGGLE FOR A DEFINITION”- *Parks For The Future*

“The question of what activities are appropriate in parks is closely tied to the determination of a general philosophy on use of the parks. Just as it is not possible to define the average visitor, it is improper to dictate what a particular visitor's experience of a national park should be.

“However, using the guideline of preservation with compatible use, it is relatively easy for the Service to justify limiting certain activities, where these activities are consuming or impairing park resources. The task is complicated by activities that have little or no effect on physical park resources. For example, sometimes the key NPS concern is not resource damage, but the disturbance of opportunities for more contemplative uses, such as solitude and silence.

“To a great degree, determination of appropriate use in these instances is a matter of personal taste. However, within this largely subjective domain, the National Park Service must make important policy decisions that have critical social consequences.”

Pages 115-117 go on:

1. characterizes allowing the “use” side of parks as “mollifying powerful constituencies” in contrast to “protecting resources”;
2. says the “primary purpose of parks” is “their mission for preservation” which is their “ultimate goal of resource preservation”;
3. says concessions should only be allowed when it is “advantageous to the U.S. Government” and otherwise calls for acquisition of the concessions;
4. calls for prohibition of the “sale of all merchandise, clothing, and souvenirs that do not relate to the visitors' experience in the parks”; and
5. characterizes visitors as “both a blessing and a curse” because they provide “an opportunity to broaden the constituency for the national parks” but “pose a tremendous potential threat to park values” – i.e., they want to exploit visitors for political support but don't want them to use the parks.

The NPCA report is a bottomless well of bias for preservation and against use and recreation and private property rights. The report was written in collaboration with then current and former Park Service employees. It was intended to lobby Congress for expansion of the powers and scope of the Park Service to impose preservationism, but is no longer available to the public.

**Ronald Foresta's book, *America's National Parks and Their Keepers*, 1984 promotes and reports the preservationist, wilderness agenda for National Parks (and elsewhere). He wrote a whole chapter called "Nature Policy" just on the use vs. preservation issue, where he says that the pressure groups in the environmentalist movement are responsible for the shift towards preservation in the National Parks. Here is one direct quote from pp 104-5:**

"The attitudes of Park Service personnel towards the natural areas of the System seem, by and large, confluent with the views of the environmentalists. A sampling of agency personnel showed that 84 percent of those polled agreed that 'preservation is the major purpose of the National Park Service.' [reported to Foresta in a 1980 interview with Robert Utley.] Sixty-eight percent felt that visitor quotas were a good thing and 76 percent felt that even increased numbers of park visitors would not justify the expansion of visitor facilities within the parks. On the reverse of this coin, only 9 percent of the surveyed sample felt that the Service's main responsibility was the provision of recreation opportunities.

"Not only have agency personnel accepted environmental principles, but they also seem to have accepted as legitimate the criticisms that the environmental groups have leveled at the Service and even the right of these groups to guide agency policy."

He cited the Sierra Club, the Wilderness Society and the National Wildlife Association as examples.

## **Late Morris Udall's Forward to**

### ***Wake Up America! The Environmentalists are Stealing the National Parks: The Destruction of Concessions and Public Access***

"America's system of national parks is one of this nation's greatest contributions to the world's cultural and natural resource heritage. From the huge, 12 million-acre Wrangell- St. Elias National Park in Alaska, to small but significant historic landmarks, battlefields, seashores or monuments in every state of the union, the park system protects our national treasures and allows people to experience and learn from them.

"But as our nation grows, the National Park Service's dual mission-to both protect these resources and to let people have access to them-has led to increasing friction and conflict. The parks are not, unless they are otherwise so designated, wilderness areas. They are meant to be seen, enjoyed and experienced by people. To do that, we have to provide them with certain services-places to stay, places to eat, tours, interpretive facilities and the like. But who should provide services? Should government do it or private enterprise? Under what terms and conditions? At what point does the people's right to experience the parks begin to harm the parks?

"These questions have been debated for many decades. In 1965, the Congress formalized the role private enterprise has to play in accommodating the visitors to the parks. It established standards for the legal and economic rights of these concessioners. Unfortunately, the debate was not abated.

"In this volume Don Hummel describes what he sees as the systematic erosion of park concessioners' rights and with it, the erosion of services to visitors in the parks. He argues that conservationists have allied with the Park Service to destroy the economic security necessary to private concessioners in an effort to remove all such operations from the parks. Such an effort would have major impact on how the public relates to park lands. Already, he argues, their activities have harmed the public's ability to fully experience their parks.

“I have known Don Hummel for many, many years. There are few people in America who know as much about park concession operations as he does. He is a tough and out-spoken man and I know of no one better able to tell the park concessioners' side of the story than Don Hummel. I do not agree with everything he says, but he raises interesting and difficult questions that should concern everyone who cares about our parks.” MORRIS K. UDALL , *Member of Congress*.

## **Preface to**

### ***Wake Up America! The Environmentalists are Stealing the National Parks: The Destruction of Concessions and Public Access***

**by Don Hummel,  
a former concessioner in at least four national parks**

**Mr. Udall thought this book was so important that  
he had it delivered to every member of Congress.**

I have long been concerned over National Park Service efforts to remove visitor facilities from our national parks. This book is my protest against elitist environmental organizations that have pressured the Park Service into its present anti-people posture. It is a documentation of National Park Service policy, past and present. It is an explanation of the historic system that provided for private enterprise in the parks. It is a shocking tale of how the American people are losing their right to fully enjoy their parks.

“This book is also the story of national park concessions and concessioners. I believe the reading public will find in these pages a new and refreshing viewpoint on the national parks. It is long overdue. It is of vital importance to the survival of our national park system as Congress originally intended it to be.

“The reader will find this book filled with personal anecdotes from my many years in national park concessioning. My fellow concessioners will probably feel that there's too much Don Hummel in these pages, and I can only beg their forbearance. I have stressed my personal experience not because I think it's the best experience, but rather because, like a nature interpreter, I wanted to accompany the reader into an area I have worked hard to understand myself and hope to make understandable to others.

“Any national park concessioner could have written this book, and probably better. I am certain that every concessioner will think of many important points I have left out. This book is the best I could do. I have tried to say the things here that all concessioners want the public to know. So take this as the voice of one among many.

“This book could not have been written without the able assistance of many people. I first want to thank the crew at the Free Enterprise Press who helped with their time, knowledge and research assistance. Managing editor John Versnel kept the book on schedule and aided with many research tasks. Press editor-in-chief Ron Arnold-although a stern taskmaster of rewrites-generously offered many valuable suggestions and performed extensive fact-checking duties. Research editor Janet Arnold spent many thankless hours digging out endless details at university and federal libraries. My thanks to Alan M. Gottlieb, president of the Center for the Defense of Free Enterprise for accepting this project for publication.

“My greatest debt of gratitude is to legendary former National Park Service Director Horace M. Albright. Along with first Director Stephen T. Mather, Mr. Albright shaped the great concessioning ideas that are today known simply as the Mather-Albright principles. Mr. Albright's records, both in university archives and his own personal collection, proved invaluable in every phase of writing this book. Mr. Albright's daughter Marian Schenck provided assistance

in her own right and as a relay point for messages to her father while he recuperated from his 1986 heart attack.

"Harold K. Steen, Ph.D., executive director of the Forest History Society at Durham, North Carolina, kindly gave permission to use extensive materials from the Society's *Journal of Forest History*. Charles S. Cushman of the National Inholders Association offered insights into possible political solutions to the theft of our national parks for chapter nineteen.

"The U. S. Department of the Interior and the National Park Service provided access to many documents otherwise unavailable. To Chief Historian Ed Bearss and historian Barry Mackintosh, my thanks for providing the "Chapman memo" and "Drury Memo" and Solicitors Opinion of 1946 among other key documents.

## **"Thieves"**

### **From Chapter One**

## ***Wake Up America! The Environmentalists are Stealing the National Parks: The Destruction of Concessions and Public Access***

**by Don Hummel**

*"A powerful political lobby is stealing America's national parks. This powerful lobby is methodically taking over our natural heritage, cheating us out of the nation's "crown jewels" one by one—Lassen, Yosemite, McKinley (Denali), Yellowstone, Mammoth Cave, and on and on. Despite voluminous laws and regulations that forbid such an outrage, this deliberate plunder of America's wonderlands has been going on for more than a decade and continues unabated this very minute. What's worse, some bureaucrats in the National Park Service itself and a few key Congressmen have allied themselves with the thieves and work in collusion with them, all under the banner of preserving our natural resources.*

"After that inflammatory introduction, the average reader might expect a tirade against "profit-mad developers encroaching on the national parks," or "corporate capitalists wrecking precious wilderness." Naturally, the guilty bureaucrats and politicians would be "on the take from big-spending industrial interests." We're accustomed to that sort of rhetoric.

"But my message is different, almost diametrically different. My introductory paragraph refers to a special interest that we seldom think of as a special interest: it is not some private-sector corporate lobby that is stealing the national parks, but the environmental lobby. Yes, the environmental lobby. You may wonder how I can make such harsh accusations against a popular movement the public has embraced so whole-heartedly. The answer is complex; it will take us nineteen chapters to unfold. I assure you that I am utterly sincere and that my charges are well documented.

"The Environmentalists The basic problem is this: The nation's environmental groups seem devoted to what you could call the "lock-it-up- and-keep-'em-out" philosophy. As we shall see, leading environmentalists use the catchword of "ecological sensitivity" to "protect" America's scenic treasures from the people who own them. Environmentalists contend that a massive crush of national park visitors is destroying the very wonders the parks were meant to preserve. It makes no difference that the facts show quite another story. The contention is a matter of dogma, a feature of environmental ideology. A certain breed of environmentalist wants the great outdoors returned to a state of "pristine nature" and "ecological integrity." In practical application, those glowing terms mean

*limiting people access-and* that means denying the American public its rightful use of our national parks.

‘Listen to their own voices. Martin Litton, long-time board member of the Sierra Club, told *Time-Life Books* writer Robert Wallace in 1971, "The only way we can save any wilderness in this country is to make it harder to get into, and harder to stay in once you get there.”

‘Connie Parrish, California representative of Friends of the Earth, told a KABC-TV (Los Angeles) reporter on June 14, 1975, "What Friends of the Earth, the Sierra Club and other conservation groups have proposed is to phase out national park visitor accommodations.”

‘The Wilderness Society, also in 1975, recommended in its *Wilderness Report* ‘that the National Park Service adopt and implement a firm policy of phasing out unnecessary concession facilities in the parks.”

## **Suggestions to Improve Recreation and Use in the Parks**

1. The Congress should hold hearings once a year picking parks at random to see if the Park Service his following the law and the intent of Congress. Oversight hearings should be held on site to allow local communities to express how they feel, good and bad.

2. The Parks Subcommittee should hold hearings once a year on use and recreation in the parks. There needs to be some kind of measuring system that will hold the Park Service accountable.

3. The Park Service should have to file a report with Congress about each park each year showing the previous 10 years of access possibilities. The number of campgrounds, parking places, overnight facilities with a light footprint type like tent cabins, and then other more developed accommodations. It should also note facilities being developed close to the park and in adjacent National Forests so there is a recreation overview available. This report should go to the Parks Subcommittee of the Resources Committee each year and be made available for public review. That way Congress could watch trends and see whether the agency is actually trying to effectively balance the twin needs of recreation and preservation.

When Congress gets that report, it will need to spot check at least five areas each year to see if what the Park Service is saying, is actually what is happening on the ground.

4. Random unannounced inspections of a certain number of Park Service areas should take place each year. That is likely to make sure the agency is making more of an effort to stay within the law and intent of Congress. The agency usually gets plenty of warning when inspections are about to occur and goes on the public relations offensive to wine and dine any inspectors often resulting in the inspectors being captured.

Frankly, the current Director of the National Park System falls in that category. She is completely captured and has no idea what is really happening in her parks on the ground. She never visits with critics. She is living in a bureaucracy-laden cocoon. Her staff insulates her and allows the crown princes of the Park Service bureaucracy to run the agency without interference from the Administration. I personally was promised a meeting with her five years ago. It never happened. I was physically prevented by agency officials from even meeting her when she visited Yosemite in 1993.

5. Investigators who are not captured by the Park Service should go unannounced into Park Service areas to see what is going on.

6. Congress must send a message to the Park Service that use and recreation have an equal standing with preservation of our national parks. If people are locked out of their parks, they

will be less inclined to support them financially. Ultimately, that leads to less money for maintenance and degradation of our parks. As we said before, future generations of potential supporters are being locked out. In the long term that will hurt preservation of our parks.

7. The Parks Subcommittee should examine carefully any plan by any Park Service area that includes reductions for access, campgrounds and parking. Any time there is a plan for less campgrounds, less parking and similar movements, the Congress should take a very close look at what is going on. Inversely, every plan submitted by the Park Service for almost any purpose should have to match a use and recreation screen. Agency personnel must answer key questions about what the new plan will do to use, recreation, campgrounds, parking and more.

8. The Parks Subcommittee should set up systems to monitor both use and recreation as well as preservation. A year to year comparison should be made.

9. Congress should set goals for use and recreation as well as preservation. Like land acquisition does for the preservation minded, some analysis should be applied to population growth in the region vs. use and recreation opportunities in the parks. The parks must be protected, but does that mean you cannot build ANY facilities for the visitor. Yosemite has not had a new road since 1962. What has the California population increase been since that time? Perhaps a new road is not needed, but certainly new campgrounds are. There is plenty of room for them in the Tuolumne Meadows and Wawona areas but new ones are not available or planned. It is always reduce, reduce, reduce camping and parking.

10. Special training should be instituted whereby Superintendents and their staff must be made aware of the differences between National Parks and all the other categories of management. Each Superintendent must be required to have a complete copy of the legislative history for his area of management. Congress must instruct the Park Service that people are welcome to the parks. Camping and parking must be encouraged, even in National Parks as well as other areas.

## **Assorted Reading and Viewing Opportunities**

### **Reports**

(Available on the ALRA web site at [www.landrights.org](http://www.landrights.org))

- A SOCIO-CULTURAL ASSESSMENT OF INHOLDERS ALONG THE APPALACHIAN TRAIL IN THE STATE OF NEW HAMPSHIRE by Kent Anderson. A report funded by the American Land Alliance located in Mountain View, California in 1983. Copies may be obtained through the American Land Rights Association, P. O. Box 400, Battle Ground, WA 98604. (360) 687-3087. FAX: (360) 687-2973.
- PEOPLE OF THE BLUE RIDGE: A SOCIO-CULTURAL ASSESSMENT OF INHOLDERS ALONG THE BLUE RIDGE PARKWAY by Kent Anderson. A report funded by the Institute
- For Human Rights Research located in San Antonio, Texas in 1980. Copies may be obtained from the American Land Rights Association.
- THE PEOPLE OF THE BUFFALO: A SOCIO-CULTURAL ASSESSMENT OF INHOLDERS ALONG THE BUFFALO NATIONAL RIVER by Kent Anderson. A report funded by the Institute for Human Rights Research in 1981.
- A SOCIO-CULTUREAL ASSESSMENT OF INHOLDERS IN THE MOUNT ROGERS NATIONAL RECREATION AREA (US Forest Service) by Kent Anderson. A report funded by the Institute for Human Rights Research in 1980.

- AN ASSESSMENT OF THE ADMINISTRATION AND DEVELOPMENT OF VOYAGEURS NATIONAL PARK by Donald D. Parmeter. Mr. Parmeter was Executive Director of the Citizens Committee on Voyageurs National Park under the State of Minnesota. Copies may be obtained from the Committee in International Falls, Minnesota.
- NATIONAL PARK SERVICE LAND ACQUISITION HEARINGS, SUMMER 1978 These were the only real hearings ever held on land acquisition by the Park Service. Former Congressman Sidney Yates Appropriations Interior Subcommittee took away the authority of the Park Service to use condemnation until they held hearings. The agency expected just a few people to show up but hundreds attended nationwide.
- The hearings were held in Fresno, California; Seattle, Washington; Denver, Colorado; Atlanta, Georgia; and Washington, DC. Verbatim transcripts are available from the Park Service.
- BIG PARK: THE PRESERVATION MOVEMENT'S NEW PARK AND PARK-EXPANSION PRIORITIES FOR THE 1990S AND BEYOND by Joe Wrabek, 1990 American Land Rights Association. A summary of the expansion plans in the National Parks and Conservation Association's 1988 *Blueprint* (see below in Books and Publications).

## Books

- ***Wake Up America! The Environmentalists are Stealing the National Parks: The Destruction of Concessions and Public Access*** by Don Hummel. 1987 Free Enterprise Press, Bellevue, Washington. Mr. Hummel was the former mayor of Tucson, Arizona, an Assistant Secretary in the Kennedy Administration and former concessionaire in Glacier National Park, Lassen National Park and Grand Canyon National Park. He documents the elimination of use and recreation in the National Parks. The forward to this book written by the Late Rep. Morris Udall and the preface by Mr. Hummel are included in this testimony.
- ***A Rage for Justice, The Passion and Politics of Phillip Burton***. By John Jacobs. 1995, University of California Press, Berkeley and Los Angeles, California.
- ***Wilderness Next Door*** by John Hart. Foreword by Cecil Andrus. 1979 Presido Press, San Rafael, California.
- ***At The Eye Of The Storm, James Watt and the Environmentalists*** by Ron Arnold, 1982 Regnery Gateway, Chicago, Illinois.
- ***Playing God In Yellowstone*** by Alston Chase, 1986 Harcourt Brace Javanovich, Orlando, Florida.
- ***In A Dark Wood*** by Alston Chase, 1995 Houghton-Mifflin.
- ***Cades Cove, The Life and Death Of a Southern Appalachian Community*** by Durwood Dunn, 1988 University of Tennessee Press. This took place in the Great Smokey Mountains National Park.
- ***Trashing the Economy – How Runaway Environmentalism Is Wrecking America*** by Ron Arnold and Alan Gottlieb. 1994 by Free Enterprise Press, Bellevue, Washington. See especially the chapter on the National Parks and Conservation Association beginning on p.362.
- ***America's National Parks and Their Keepers*** by Ronald Foresta, 1984 Resources for the Future.



- *National Parks for the Future*, 1972 The Conservation Foundation.
- *Investing in Park Futures: A Blueprint for Tomorrow* 9 volumes and Executive Summary, generally known as “The Plan”, 1988 National Parks and Conservation Association (in collaboration with the National Park Service), not available to the public.
- *Guardians of the Parks: A History of the National Parks and Conservation Association* by John Miles, 1995 Taylor and Francis.

## General Accounting Office (GAO) Reports

These reports came about in large measure because of a constant stream of land acquisition abuses by the Park Service. But a big part of that problem was the agency’s willingness to ignore the intent of Congress when creating local areas. As a consequence, National Recreation Areas and all other areas were managed just like National Parks resulting in many more land acquisitions than Congress intended. The result a far greater cost for acquisition and a huge loss of use, plus the completely unnecessary condemnation of private homes and businesses.

- ‘The Federal Drive To Acquire Private Lands Should Be Reassessed’ (CED-80-14) (December 14, 1979).
- ‘Federal Land Acquisition and Management Practice’ (CED-81-135) (Sep. 11, 1981).
- ‘Lands In The Lake Chelan National Recreation Area Should Be Returned To Private Ownership’ (CED-81-10) (Jan. 22, 1981).
- ‘The National Park Service Should Improve Its Land Acquisition and Management At Fire Island’ (CED-81-78) (May 8, 1981).
- ‘Federal Protection of Wild and Scenic Rivers Has Been Slow and Costly’ (CED-78-96) (May 22, 1978).
- ‘Federal Land Acquisitions By Condemnation—Opportunities To Reduce Delays and Costs’ (CED-80-54) (May 14-, 1980).
- ‘Limited Progress Made In Documenting and Mitigating Threats To Parks’ (RCED-87-36) (February 1987).
- ‘New Rules for Protecting Land In The National Park System—Consistent Compliance Needed’ (RCED-86-16) (October 16, 1985).

## Films

- **“For The Good Of All”**, an episode of the Public Television ‘Frontline’ series first aired on June 6, 1983. Copies are available from American Land Rights. Film is about the Cuyahoga National Recreation Area changed in the 90’s to a National Park (it completely fails to meet the park criteria.)
- **“For All People, For All Time”**, a film by Mark and Dan Jury that documented land acquisition in the Cuyahoga Valley National Recreation Area in Ohio. Portions of this film were used by Public Television when they produced the ‘Frontline’ episode above. Copies are available.
- **“Big Park”** a part of the Outdoor Magazine Television Series. Produced by Grant Gerber and the Wilderness Impact Research Foundation, Elko, Nevada. Copies are available.

Much of the material described in this testimony is documented on the American Land Rights Website. Go to <http://www.landrights.org>