

# NATIONAL PARKS CONSERVATION ASSOCIATION

*Protecting Parks for Future Generations*

**Testimony of  
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Vice President for Governmental Affairs  
National Parks Conservation Association**

**Re: “National Park Service Involvement in Border Security: Is it their Responsibility?”**

**before the  
Subcommittee on National Parks  
of the House Committee on Resources  
U.S. House of Representatives**

**July 9, 2005**

Mr. Chairman, it is a pleasure to be back in New Mexico and testify before you today. Thank you for the opportunity to participate in this important hearing on the degree to which the National Park Service should be responsible for border and homeland security. I am Craig Obey, Vice President for Government Affairs with the National Parks Conservation Association. It is a privilege to be here today as the subcommittee delves into one of the significant challenges that impact the ability of the National Park Service to protect the parks and serve park visitors.

Since 1919, the nonpartisan National Parks Conservation Association has been the leading voice of the American people in protecting and enhancing our National Park System for present and future generations. Today we have 300,000 members nationwide who visit and care deeply about our national parks.

## **National Park Mission**

The national parks preserve the most superlative examples of America’s natural, cultural and historic resources. Each unit of the National Park System is designated for the common



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benefit of all the people of the United States—those of us here today and those who will come after us. This gives the National Park Service not only a stake, but also an affirmative obligation to protect the national parks in carrying out the mission entrusted to it by the American people.

The National Park Service Organic Act, which established the National Park Service, declares the fundamental purpose of the national parks to be *to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations*. The 1978 Redwoods Act built on the Organic Act by requiring that *the authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress*.

As the Park Service, itself, has testified on numerous occasions, it has the responsibility to enforce Federal laws within the borders of its parks. However, this is a somewhat separate question from the one being asked by the subcommittee. Regarding whether border security is or should be the responsibility of the National Park Service, I would not say that border security is the responsibility of the National Park Service. Rather, the National Park Service has the legal obligation to protect park resources from whatever threats arise to them, whether near the United States border or elsewhere. In parks on or near international borders, whether in the southwest, southeast, or on the northern border of the United States, national parks have no choice but to engage in park protection activities related to border issues that threaten park resources and damage the experience of visitors.

This does not mean that the National Park Service should have primary responsibility for border security, which the Park Service also acknowledges. The Department of Homeland Security's Bureau of Customs and Border Protection has primary responsibility for international border security, and the Drug Enforcement Administration and the Department of Homeland Security's Border and Transportation Security directorate are primarily responsible for drug interdiction. The impact illegal activity and associated law enforcement have on park resources, however, is significant and real. The manner in which these agencies and the National Park Service coordinate their efforts, and the relative financial resource mix they each receive, has in recent years simply compounded the fiscal woes affecting the national parks.

### **The Fiscal Challenge Facing America's Parks**

Over our 86-year history NPCA has found that the most pervasive challenge facing America's parks is the failure of successive congresses and presidential administrations to fund them adequately. The national parks face two deficits—an annual operating shortfall that exceeds \$600 million and a debilitating backlog of deferred maintenance projects estimated at between \$4.5 and \$9.7 billion. This is the context in which the challenges faced by homeland and border security demands are occurring.

To bring attention to the multiple funding-related challenges that face the national parks, NPCA recently released *Faded Glory: Top 10 Reasons to Reinvest in America's National Park Heritage*. *Faded Glory* examines the very real risks to the National Park System posed by chronic underfunding—poaching that could eliminate 19 species from the parks; crumbling historic buildings and structures, two-thirds of which are in need of repair; unsafe roads; the theft of precious artifacts of American history; loss of critical habitat to invasive species; and many

more challenges. The analysis also documents the significant law enforcement capacity the Park Service faces in the post-September 11 environment.

Managing the National Park System is an enormous undertaking. The 388 units that comprise the National Park System include more than 30,000 structures and 80 million artifacts. Last year the national parks welcomed about 277 million recreational visitors to the national parks, as well as an additional 151 million non-recreational visitors. The Park Service's portfolio includes 8,000 miles of roads, 1,500 bridges, 5,385 housing units, 1,500 water and wastewater systems, 200 radio systems, 400 dams and more than 200 solid waste operations. These are all integrated into a magnificent, awe-inspiring repository of our collective American heritage. As has been said, if the Smithsonian is our nation's attic, the national parks are the rest of the house. The policy and budget decisions made regarding border and homeland security all affect the resources available to serve park visitors, protect natural resources and cultural artifacts, and maintain park facilities.

### **The Causes of Underfunding**

Between fiscal years 2002 and 2004, the National Park Service had to absorb the expenditure of approximately \$200 million for which they received no new funding—unbudgeted cost of living adjustments for Park Service staff, across-the-board rescissions, retirement and health benefits, costs associated with Code Orange alerts under homeland security, storm damage repairs, and various other mandatory and uncontrollable costs.

These absorptions narrow what some refer to as the “toilet paper gap”—the difference between a park's total annual operating budget and its required annual salary costs. This “gap” is what parks rely on to cover necessary non-salary and benefit expenses—purchasing toilet

paper for park restrooms, printing brochures for park visitors, hiring seasonal rangers to protect and educate visitors in the peak season, and buying tar to repair cracks in roads and shingles to patch leaky roofs on park buildings. When salary and other costs climb at a higher rate than a park's operations budget, a park manager loses his or her ability to support necessary expenses and visitor services and resource protection.

This issue has made it extremely difficult for individual parks to plan and budget, and gradually erodes their ability to function at the level the American public expects and resource protection demands. The insufficiency of resources devoted to our national parks requires that every dollar be expended wisely, which is why NPCA helped the National Park Service develop its business plan initiative several years ago. Two national park units in New Mexico that have produced such plans are White Sands and Bandelier.

The extent to which the Department does not budget for uncontrollable costs or the Park Service is not reimbursed by Homeland Security make long-term planning difficult and, as GAO points out, make leveraging limited resources an ongoing challenge. The administration did a better job of budgeting for uncontrollable costs in its proposed budget for fiscal year 2006 than in prior years, but still fell short with regard to cost of living adjustments. The House of Representatives recently passed, as it does every year, legislation providing pay parity between civilian and military employees. That means each national park will have to find the funds for its mandatory 3.1 percent cost of living adjustments for employees, since the administration budgeted only for 2.3 percent, unless congressional appropriators make up the difference as they did last year.

When one considers the enormity of the homeland and border security issue—in importance, scope and resource intensity—the potential resource draw it imposes on the national

parks adds a significant burden on an already strained Park Service budget. For example, when parks hire law enforcement rangers, they take on salary obligations as well as the costly match requirement for the Federal Employee Retirement System, which leaves the parks little room to fund other needs when they receive insufficient funding for cost-of-living adjustments and retirement obligations. Other examples of costs include the protection of key assets and operational security at icon and border parks, radio communication upgrades, and the temporary relocation of staff on detail to protect parks during elevated threat levels. Between September 11, 2001, and this year, the Park Service has spent \$26 million from its operating budget for security needs, primarily in border and icon parks. The National Park Police have spent an additional \$14 million, for a total expenditure of \$40 million. The Park Service now estimates it must pay \$40 million in new, recurring security costs annually.

According to the new June 2005 report by the General Accounting Office entitled, *Homeland Security: Actions Needed to Better Protect National Icons and Federal Office Buildings from Terrorism*, the Interior Department continues to face significant challenges in protecting national icons and monuments from terrorism. GAO cites the concern of Interior officials responsible for security at significant sites about “whether the department will have a sustained level of staff and funding resources for security initiatives.” The report also indicates that the law enforcement capacity of the Park Service and the rest of Interior is “already spread thin, averaging one law enforcement officer for about every 110,000 visitors and 118,000 acres of land.” According to *Faded Glory*, the Park Service in Alaska, for example, has half the law enforcement rangers it needs to conduct search and rescue and provide emergency medical services for visitors, as well as patrol the immense national parks in that state.

The National Park Service protects some of our most significant national treasures, and many units of the National Park System are thought to be potential terrorist targets—places like the Statue of Liberty, Mount Rushmore, the Washington Monument and Independence Hall, the destruction of which, according to GAO, “would likely have a profound effect on the nation’s morale.”

Since September 11, security improvements and upgrades at Statue of Liberty National Monument, which received roughly 3 million visitors each year, have cost nearly \$30 million. Before September 11, Independence National Historical Park spent \$2.4 million per year on law enforcement and security. According to GAO, such expenditures have more than tripled to \$8 million and now account for more than one-third of the park’s annual operating budget. Homeland security demands also affect the Park Service budget in other ways. For example, construction costs associated with increased security needs at five locations—Lincoln Memorial, Washington Monument, and Jefferson Memorial in Washington, DC, Jefferson National Expansion Memorial in St Louis, and Organ Pipe Cactus National Monument in Arizona—have totaled \$48 million since September 11, 2001. Had these expenditures not been required, those funds might otherwise have helped pay down a portion of the maintenance backlog.

Unfortunately, the Park Service does not receive any compensation from the Department of Homeland Security for the costs it incurs and is forced to pay the bills by cutting funds devoted to core operational needs like resource protection and visitor services. When parks add rangers whose responsibility is to protect our national monuments from terrorists or to secure our borders, particularly without reimbursement from the Department of Homeland Security, it means diverting interpretive rangers, resource protection rangers, funds that would go for scientific experiment, and funds needed to maintain the parks.

### **Operational Demands and Border Security**

Multiple federal, state, tribal and local law enforcement agencies are in contact with each other every day in carrying out border-related law enforcement responsibilities, including the National Park Service. What is different about the Park Service, however, is its overriding mission—one that is unfamiliar to many law enforcement agencies.

At places like Organ Pipe Cactus National Monument, which NPCA included last year on our list of America's 10 most endangered national parks, the Park Service and the Border Patrol have been working extremely hard to learn how each other do business. The two agencies appear to be making progress in understanding each other's constraints and missions, but there is a very long way to go. It is unfortunate that, despite the \$18 million expenditure of funds to build a vehicle barrier to protect Organ Pipe from vehicles illegally crossing the border, the park continues to be damaged by the manner in which law enforcement activity is occurring. Consequently, rather than engage in the types of resource management projects they handled in the past or interacting with visitors, Organ Pipe's resources staff spend virtually all their time monitoring law enforcement impacts on the park, itself—mapping incursions, evaluating impacts to soils and cacti, researching changes to the area's hydrology, and other associated projects. The park has 3-4 maintenance staff who spend virtually every working hour of every day maintaining certain roads in the park to facilitate movement of the Border Patrol, so those roads do not become impassable due to desert conditions and thereby encourage the creation of new roads in the wilderness. The park is being forced to devote its scarce resources to border-related law enforcement activities rather than to serving visitors. That is not to say the park should not



have a law enforcement role or that the Border Patrol does not have a job to do. It is merely stating the facts.

The situation at Organ Pipe is so dire that the very existence of the park is being threatened. A review board convened after the tragic killing of park ranger Kris Eggle at Organ Pipe in 2002 concluded that "Illegal smuggling activities . . . are threatening the existence of the park and the fundamental agency mission to protect its employees, visitors and resources." It is also extremely dangerous. Since that time, the Park Service has more than doubled the number of law enforcement rangers at the park, which now has 18. Yet, the park now finds itself attempting to handle resource impacts from both illegal activity and law enforcement activity.

At Big Bend National Park in Texas, which has been referred to as the second most dangerous national park behind Organ Pipe, the Park Service indicated at an April 2003 hearing that it had 11 law enforcement rangers for all of the 800,000 acre Big Bend National Park in Texas, which when one adds the Rio Grande Wild and Scenic River, has 245 miles of border. At that time, two border patrol agents were living in the park. Since that time, the park has received one additional law enforcement ranger, and the park has actually lost one of its two resident Border Patrol agents. So far this year 9,500 pounds of marijuana have been seized in or immediately outside the park. Unfortunately, the park has previously indicated that because of a lack of funding, the park did not have sufficient resource inventories to provide a baseline that would enable them to determine whether illegal activity was creating resource damage.

Worse yet, agents report that border violence is escalating-affecting park rangers as well as other agencies. At Coronado National Monument in June, park rangers had to open fire on a pickup truck that tried to run them down when they pulled it over. The vehicle sped back across the border before they could apprehend the perpetrators.

Other national parks along the southwest border have also seen significant illegal activity in recent years, and have received additional law enforcement resources to confront the problem. At Amistad National Recreation Area, 1,300 pounds of marijuana were seized in 2000. By 2002, more than 10,000 pounds were seized, and since January of this year, more than 2,000 pounds have been seized. Today they have 13 law enforcement rangers, compared to three in 2002. Padre Island National Seashore now has 11 law enforcement rangers, which is more than double the amount they had a couple years ago, primarily to enhance the safety of the existing law enforcement staff. We understand from Park Service sources that the amount of illegal activity and the number of crossing attempts at Padre Island appear to be unchanged.

The southwest border is not the only place where the Park Service has park protection responsibilities driven by international borders. The waters off South Florida long have been known as entry points, and include national parks like Biscayne, Everglades and Dry Tortugas. National parks that border Canada include North Cascades in the State of Washington and Waterton-Glacier International Peace Park, which straddles Montana and Alberta, Canada. Several Park Service units are also located in the Great Lakes. Border activity has the potential to impact park resources at each of these places, and the Park Service needs the funds sufficient to protect them.

According to GAO, "evidence suggests federal lands on the Canadian border have not been affected by the Border Patrol's strategy to the extent they have been in Arizona, where the Border Patrol has deployed much higher concentrations of resources." Nonetheless, there appears to be a rise in incidents in the forested areas around Glacier, for example, because of the difficulty of detecting such activity from the air. In one instance, a stolen vehicle was recovered and ultimately determined to have been used to deliver methamphetamine. Customs personnel in

Washington State have been attempting to enforce against large drug smuggling operations that attempt to enter the United States from Canada through such places as North Cascades National Park. And at Voyageurs National Park in Minnesota, which borders Canada for 55 miles, concerns that terrorists or others may attempt to cross the ice of the park's many lakes in winter means that law enforcement resources are diverted there.

Fortunately, the locations of New Mexico's national parks have meant they have been much less impacted by direct border-related activity. For example, the proximity of White Sands National Monument to the Border Patrol station on highway 70, which is located 200 yards from the park entrance, appears to help control illegal activity. Nonetheless, decisions made by the Department of the Interior and the Park Service to prioritize homeland and border security spending have had impacts on those parks as well.

Clearly, a national park need not be situated exactly on an international border to feel the impact of U.S. border policies. A classic example is Sequoia National Park in California. Illegal marijuana cultivation in Sequoia National Park has increased dramatically since 2001, when some Mexican drug cartels moved their operations across the border in response to the tightening of the southwest border. Last year, rangers found over 44,000 marijuana plants with a street value of \$176 million. Sequoia had to spend \$500,000 out of its budget to clear out garbage pits, miles of irrigation hose and other debris left behind when the marijuana gardens were eradicated, causing cuts to public education programs. Given the high stakes, those working the marijuana operations are heavily armed, posing significant dangers for Park Service personnel and park visitors, in addition to the enormous resource damage they create through their cultivation methods.

Not unlike the heavy burden on the Park Service at Organ Pipe in fulfilling its responsibilities, marijuana management in Sequoia imposes a heavy impact on all other park operations, drawing off needed funds and staff energy. Significant ranger time is diverted to marijuana abatement from much needed road, trail and campground patrols and medical and fire preparedness. Time is also diverted from the natural resources staff whose main focus is usually invasive plant suppression, fish and wildlife management and habitat restoration and the monitoring of natural resource conditions, not marijuana control. Considerable managerial time also is lost in an effort to eradicate marijuana from the park. Maintaining a high quality experience for park visitors and monitoring park trends have suffered over the past few years due to a lack of funding and scarce staff time.

### **Visitor Safety Concerns in Parks**

The budgetary impact of homeland security and border-related expenditures does not simply affect budgets, staff and visitors within border or icon parks, themselves, but also means fewer resources available to meet the needs of many other national park units. At Carlsbad Caverns National Park, for example, staffing shortages affect important park services related to law enforcement and visitor safety services. Carlsbad has 76 full time filled positions—down from a high of 105 FTE several years ago. Carlsbad has 5 park rangers—1 chief ranger and 4 commissioned rangers—to protect and serve visitors throughout the 46,000 acre park. This makes it difficult for the park to engage in even limited backcountry patrols, and can be extremely frustrating for those unfortunate park visitors who experience problems like traffic accidents or thefts.

The resource, itself, also suffers as a consequence. The lack of patrols leaves the park's snakes and cacti vulnerable to poaching. And if the park loses one of its rangers due to Code Orange, for example, as likely will be the case at some point unless the Department of Homeland Security changes its alert system, its law enforcement and visitor service capacity will be stretched even thinner for the duration. Bandelier has also had to detail rangers to other areas when a Code Orange situation occurred, as have Rocky Mountain National Park and many others.

Reductions in ranger patrols leave the resources visitors hope to experience in many national parks vulnerable to destruction and theft. For example, in Shenandoah National Park, poachers kill black bears so they can sell their gall bladders on the black market for \$3000 each. Brown bears are being poached from Katmai National Preserve in Alaska. In its fiscal year 2005 budget, the administration raised concerns that the illegal removal of wildlife from parks could cause the extirpation of 19 species from the parks. Without better staffing, the wildlife and other resources that people visit parks to see will continue to be at risk.

### **Diminished Visitor Experience**

Border and homeland security protection measures can have a significant impact on park visitors, because of the direct impact of security and the diversion of resources from visitor services. According to GAO, "Implementing appropriate physical protection measures can be a challenge because such measures often run counter to societal values that associate access to icons and monuments with living in a free society. And, the core missions of some of the Interior's agencies—including the Park Service—reflect a high level of public accessibility and interaction."

Guards carrying high-powered weapons patrol the Gateway Arch and metal detectors screen visitors at the Jefferson National Expansion Memorial in St. Louis. When I recently visited the Statue of Liberty, I stood in a 2-hour-long line to get through high-tech security screenings. Summer lines are worse, and access to the crown is now curtailed. Early in 2003 during Code Orange, park rangers with M-16 rifles increased their foot patrols around the visitor areas at Mount Rushmore. Regardless of whether these measures are necessary, they certainly impact the experience of visitors to these parks.

At Organ Pipe, the Park Service had to close the third most popular trail in Arizona because the area is so unsafe for visitors or for park rangers. Law enforcement activity, itself, continues to do significant damage to that park, and ultimately to the resources the Park Service is charged with protecting for present and future generations. Other parks have also had to close trails or roads to visitors for similar safety reasons. The parking lot next to the Jefferson Memorial in Washington, DC, has been closed to visitors, impeding access and complicating visits for older and less mobile individuals. Concrete barriers now surround most monuments in our nation's capital. And the Park Service runs costly around-the-clock patrols of the main streets around Independence Hall in Philadelphia.

In addition, the experience of visitors to national parks often is diminished by what they do not see—park rangers who have been detailed elsewhere for homeland security reasons; outdated or nonexistent interpretive materials because resources have been diverted to other park needs, including homeland and border security; historic structures that continue to crumble or must be closed because the parks have had to spend scarce funds on security or other needs; a lack of ranger-led educational programs. At Sequoia and Kings Canyon, the Park Service had to refuse about half of the school groups requesting ranger-led education programs in 2002 while

the park was forced to devote significant resources to eradicating marijuana growing operations.

Seventy-two percent of those who visit national parks say it is very important to them to have park rangers available to answer their questions, lead walks and talks, and lead campfire programs. So, when those rangers are not available because they are diverted to other duties, many visitors risk being disappointed.

### **The Burgeoning Park Maintenance Backlog**

The much discussed maintenance backlog continues to be an intractable problem that, according to the National Park Service, “has had a profound effect on the visitor experience and the public’s ability to appreciate and enjoy our national parks’ natural, historic, and cultural wonders.” The backlog is analogous to maintaining your car: If you do not pay for regular oil changes and maintenance, you pay much more to replace the engine or the car, itself. Many parks lack the staff and budget to provide regular, routine care for historic buildings, road repair, and other vital infrastructure needs. As a consequence, the backlog continues to worsen, historic structures continue to decay, and many park roads deteriorate to the point where they are unsafe.

The most recent estimates of the size of the backlog range between \$4.5 billion and \$9.7 billion. Yet, the Park Service must devote millions of dollars from its limited budget to security items without a penny of reimbursement from the Department of Homeland Security. It cost \$15 million for the recent security upgrades at the Washington Monument--\$15 million that could not be spent to address the backlogged needs of our national treasures.

### **Conclusion and Recommendations**

In 11 years, America will celebrate the 100<sup>th</sup> birthday of the creation of the National Park System and the Park Service. The creation of the first parks and the Park System required bold

vision on the part of leaders who had the foresight to realize the necessity for protecting and preserving many poignant examples of our nation's heritage. Their gift to us can only be fully realized if we confront the parks' fiscal challenges every year for the next eleven years.

One of the many challenges facing the National Park System is the burden posed by border and homeland security demands, for which the work the Park Service must do has been woefully underfunded. To the extent this situation does not change, funds for these activities will continue to drain needed resources from vital park management and protection functions and erode the experience that visitors can expect in many of our national parks. Since the Park Service administers 365 linear miles, or 19 percent, of the Canadian and Mexican border as well as many of the nations coastal areas and most treasured icons, the National Park Service should be receiving funds from the Department of Homeland Security to help cover the homeland and border security needs of the national parks. In addition, the National Park Service should also accurately and fully account for and document the true cost of its homeland and border security and related responsibilities and activities. Only then will Congress and the American people have a complete understanding of the impact these activities are having on national park budgets.

Mr. Chairman, the national parks are at the core of our national identity, and they are one of America's truly unique gifts to the world. NPCA looks forward to working with you in your new role as Chairman of the Subcommittee on National Parks on the many issues that confront our national parks, including border and homeland security. Thank you for the opportunity to testify. I am happy to answer any questions.