

# United States Senate

WASHINGTON, DC 20510

February 2, 2006

The Honorable Fran Mainella  
National Park Service Director  
U.S. Department of the Interior  
1849 C Street NW  
Washington, D.C. 20240-0001

Dear Director Mainella:

I am writing to express my continuing concerns with the effort by the National Park Service and the Department of the Interior to amend the Park Service's Management Policies. As you know, I had significant concerns with the draft that initiated this process and still have significant concerns with the draft published by the Park Service in October. Most importantly, I am not convinced that the rewrite process is even necessary at this time.

I wish to raise three core issues for inclusion in the comment process. These issues are: (1) the predominant role of conservation, (2) the Park Service's role in protecting park air quality, and (3) the importance of preserving peace, quiet, and tranquility – natural sounds – as part of the park mission.

## **1. Predominance of Conservation**

Congress has not amended the National Park Service Organic Act, nor has it enacted any other legislation requiring the Park Service to redefine its core mission. Yet the Park Service proposes to modify significantly Chapter 1 ("The Foundation") of its management policies, which interprets the intent of the Organic Act. For example, the proposed draft deletes from Section 1.4.3 of the current management policies language that unambiguously defines conservation and resource protection as the primary purpose of the Park Service. In its place, the proposed draft disperses ambiguous language throughout the document that de-emphasizes the importance of resource protection by allowing impacts so long as they can be mitigated or otherwise managed. This conflicts with the paramount mandate of the Organic Act, which is to conserve park resources and leave them unimpaired for the enjoyment of future generations, even if that requires the Park Service to reduce or eliminate a particular form of use.

The national parks and the public would be better served if the Park Service were to reverse the changes made to Chapter 1 and reinstate the language from the current version of the management policies. The existing language unambiguously refers to the

Organic Act as beginning "with a mandate to conserve park resources and values" and states that this mandate "is independent of the separate prohibition on impairment, and so applies all the time, with respect to all park resources and values." Such clear language about the Park Service's core mission should not be deleted nor replaced with language emphasizing the use of a balancing test.

As I know you agree, the national parks are gifts from prior generations that Americans cherish. They are treasures to be treated with the utmost care so that future generations, as well as our own, may experience them as our forebears did. There is no substitute for the unequivocal statement in the existing management policies that "when there is a conflict between conserving resources and values and providing for enjoyment of them, conservation is to be predominant."

## 2. Park Air Quality

The proposed revision makes three changes that, taken together, fundamentally weaken the standards that parks must apply when managing park air resources. I recommend that these changes be eliminated and that the language in the current version of the management policies be retained.

First, the proposal deletes language from Chapter 1 that states, "Natural resources, processes, systems, and values found in the parks include . . . physical resources such as . . . clear skies." Under existing management policies, pollution-free air is an essential attribute of the parks, equal to soil, water, and other physical resources. The rewrite demotes clear skies to an "associated characteristic," strongly implying that clean air does not qualify for the same degree of protection as other physical resources of the parks.

Second, the proposal redefines the term "natural condition" in Chapter 1 in a way that can be read to include impacts to the environment caused by human activities. This change would open the door to some level of existing air pollution being included in the definition of "natural." Absent smog and other pollution generated by human activities, visitors to the Great Smoky Mountains National Park would enjoy views of more than 100 miles. If "natural" conditions are redefined to include man-made impacts like coal-fired power plants, it is difficult to see how we will ever achieve clean air in our parks.

Third, changes proposed to Section 4.7.1 could degrade park air quality by weakening the Park Service's oversight of state-issued permits for major air pollution sources. The Clean Air Act gives the Park Service an "affirmative responsibility" to protect air quality values in the parks, and explicitly directs the Park Service to object in writing when a proposed facility would cause or contribute to an adverse impact on park air quality. The redraft would prevent the Park Service's from seeking permit modifications or denials until after attempting to identify "technological solutions" that prevent harmful impacts to park air quality. This creates a complicated, costly, and unworkable new obligation for national parks.

### 3. Natural Soundscapes

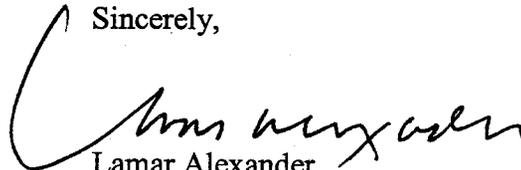
The proposed draft deletes the following line from Section 4.9: "The National Park Service will preserve, to the greatest extent possible, the natural soundscapes of parks." The deletion of this sentence together with the substitution of "wherever practicable" for "wherever possible" weakens the Park Service's commitment to protection of natural sounds. Additional modifications in Section 8 will increase the number of noisy off-road vehicles, personal watercraft, and overflights.

Whether one visits spectacular natural parks like the Great Smoky Mountains, Yosemite, or the Grand Canyon, or the hallowed ground of Gettysburg or Shiloh, the ability of human beings to reflect in the natural quiet of those places is fundamental to the experience. It would be most unfortunate if the Park Service were to reduce its commitment to protecting these attributes of the national park experience that Americans hold so dear. I encourage you to reinstate this language.

I look forward to working with you as you consider whether the public would be best served by retaining the management policies in their current form or what changes to the management policies are appropriate.

Finally, I recommend that any subsequent document that you put together as a consequence of this public comment period be published for comment for 90 days.

Sincerely,

A handwritten signature in black ink, appearing to read "Lamar Alexander", written in a cursive style.

Lamar Alexander  
United States Senator