



February 14, 2006

Mr. Bernard Fagan
National Park Service
Office of Policy
1849 C Street, NW
Washington, DC 20240

Dear Mr. Fagan,

Grand Canyon River Guides, Inc., (GCRG) founded in 1988, is unique in that it provides a unified voice for river guides and river runners in defense of the Colorado River corridor through Grand Canyon. Our non-profit educational and environmental 501(c)(3) organization is comprised of over 1,800 individuals who are passionately dedicated to the continuing preservation of this national icon. Consequently, Grand Canyon River Guides' goals are to protect the Grand Canyon, to set the highest standards for the river profession, to celebrate the unique spirit of the river community and to provide the best possible river experience.

Our members understand that a river expedition through Grand Canyon is a highly sought after and deeply treasured outdoor experience. Without proper protection, we could lose one of the most valued, irreplaceable areas, not only of the United States, but of the world. Taking a broader view, the National Park System is our national heritage, but it is also our profound responsibility to protect and preserve on behalf of all Americans, including future generations. It is with this sentiment in mind that Grand Canyon River Guides expresses our deep concern over the rewrite of the 2001 National Park Service Management Policies. **The Draft 2006 NPS Management Policies represent a fundamental philosophical shift from all previous drafts in their interpretation of the 1916 NPS Organic Act, its key language, and subsequent legislation. The NPS conservation mandate as set forth by Congress is clear to Grand Canyon River Guides. Therefore, we request that the 2001 NPS Management Policies be retained.**

Grand Canyon River Guides' specific observations concerning the Draft 2006 NPS Management Policies are as follows:

Introduction – Terms and Conditions (and Section 1.1)

This section indicates that the words “conserve”, “preserve” and “protect” have virtually the same meaning for the purposes of this document, yet throughout the 2006 Draft these words have been altered from the 2001 version. We fail to see why this is necessary at all if there is no

intended distinction. Examples of these word substitutions occur frequently throughout the Draft, including Sections 1.3.2, 1.3.3, 4.1.4, 9.2.3, and 9.2.3.5.

Introduction – Unacceptable Impacts (Section 1.4.3.2 and Section 8.1.2)

The 2006 NPS Management Policies add the following statement:

“... the Service has discretion in allowing activities that may cause impacts as long as the activities do not lead to impairment.”

Allowing impacts from public use up to the level of impairment is extremely problematic. The large size of some NPS units, the complexity of the ecosystems encompassed within the national park system, and the lack of sufficient funding for thorough resource monitoring, all serve to inhibit the ability to make accurate and timely assessments to forestall impairment. This is exacerbated by the fact that new and endemic species are being continually discovered.

GCRG also has grave concerns about adequate protection for the irreplaceable cultural resources that play such an important role in our national parks. As the Draft EIS for the Colorado River Management Plan so aptly stated, “Because most cultural resources are nonrenewable, even small incidents of visitation can diminish the resource.”

Although the explanatory comment in the *Annotated Comparison Between 2001 and Current Draft* indicates that “the NPS not only protects parks from activities that would cause impairment of resources and values, but also from activities that would cause lesser impacts that are still unacceptable,” the revised wording of this section effectively negates that intent.

We suggest the deletion of the aforementioned phrase and a general reworking of this section in order to more accurately portray the NPS conservation mission. GCRG also believes that any reference to a “balance” between resource conservation and visitor enjoyment must be removed.

Introduction – Compliance and Accountability

The strength of the original phrase, “Adherence to the policy is mandatory...” has been greatly weakened with its replacement, “NPS employees must follow these policies...” The goal of any revision should be to strengthen compliance and accountability. The original phrase from the 2001 policies should therefore be retained.

Section 1.4.3 The NPS Obligations to Conserve and Provide for Enjoyment of Park Resources and Values

NPS Director Fran Mainella testified before a Senate Subcommittee that,

“the policies clearly underscore that when there is a conflict between use and conservation, the protection of the resources will be predominant.”

Yet the 2006 Draft **deletes** this crucial phrase from Section 1.4.3 and very clearly shifts the focus throughout the document towards balancing conservation and public use as equally held management goals. By doing so, the framework for all future management actions would be radically changed with a stronger emphasis on public use while de-emphasizing conservation.

This profound alteration is contrary to both the legal foundation of the Organic Act and to the subsequent court decisions that have consistently upheld the conservation mandate. The 2001 policies provided clear language by including the following sentence which has been deleted in the 2006 draft,

This is how courts have consistently interpreted the Organic Act in decisions that variously describe it as making “resource protection the primary goal” or “resource protection the overarching concern,” or as establishing a “primary mission of resources conservation,” a “conservation mandate,” “an overriding preservation mandate,” “an overarching goal of resource protection,” or “but a single purpose, namely conservation.”

In place of the above reference to 2001 policy language that provided detail, direction and clarity, the 2006 Draft states,

“The NPS recognizes that activities in which park visitors engage can cause impacts to park resources and values, and the Service must balance the sometimes competing obligations of conservation and enjoyment in managing the parks. The courts have recognized that the Service has broad discretion in how best to fulfill the Organic Act’s mandate.”

We contend that the NPS should not have the authority to freely rewrite or reinterpret law, especially one that has been consistently reinforced and validated for almost a century.

Furthermore, the new emphasis on use coupled with the revised language in Section 8.2.2 , puts the burden of evaluating new forms of recreational activity on the professional judgment of the unit manager. Future management decisions may be skewed by perceived pressure to allow increased public use at the expense of impacting park resources.

For these reasons, Grand Canyon River Guides **strongly** recommends that the language of the 2001 NPS Management Policies for Section 1.4.3 be reinstated in their entirety.

Chapter 4 Natural Resources Management

Relegating clear skies and natural soundscapes to an “associated characteristic” category diminishes their importance. These resources are increasingly rare and critical to park visitors and must be protected and preserved both now and in the future. Furthermore, the revised definition of “natural condition” as presented in the 2006 Draft includes the qualifier “but not necessarily the absence of humans.” Under this new definition, pre-existing air pollution from human caused activities such as power generation could be allowed, thereby weakening the Clean Air Act. This change could also inhibit efforts to regulate the air tour industry in National Parks -- an exhaustive battle that has been raging in Grand Canyon National Park for over a decade.

Section 4.1.3 Evaluating Impacts on Natural Resources

The conservation mission of the NPS is diminished by the removal of the word “aggressive.” GCRG feels that an adjective is needed in order to strengthen the importance of the

...incorporation of mitigation measures, pollution prevention techniques and other principles of sustainable park management.

If the NPS is to uphold its legal responsibilities and maintain park integrity, the inclusion of the word “proactive” (in lieu of “aggressive”) would promote park management strategies that address issues before they become problems.

Section 4.1.5 Restoration of Natural Systems

The addition of the phrase “when practicable” weakens this section significantly. It is not always possible to know whether a human-disturbed area could be restored to its natural condition, but it is always important to try. The “when practicable” qualifier provides an incentive not to go the extra mile to protect the resource, which in turn reduces accountability.

Section 4.2.1 NPS Conducted or Sponsored Inventory, Monitoring and Research Studies

The same concern over the inclusion of the wording “when practicable” applies here as well.

Section 4.9 Soundscape Management

Grand Canyon River Guides suggests retaining the original wording from the 2001 NPS Management Policies which states,

The NPS will preserve to the greatest extent possible, the natural soundscapes of parks. Natural soundscapes exist in the absence of human caused sound.

In our view, the exclusion of the aforementioned language could substantially weaken protection of NPS soundscapes as a critical and endangered resource. One of the greatest joys of a wilderness experience and a critical component of wilderness character is the opportunity to experience something that is so rare in our hectic and technology driven lives – natural quiet. This deletion could also impair the proposed development of a new Environmental Impact Statement by the Federal Aviation Administration (FAA) and the National Park Service as they strive to achieve the statutory mandate of the National Parks Overflights Act. The goal of this endeavor is to provide for the “substantial restoration of natural quiet”, defined by the NPS to mean that fifty percent or more of the park will achieve “natural quiet” (i.e., no aircraft audible) for 75 to 100 percent of the day. The NPS Management Policies should therefore reflect a strong commitment to the preservation of the natural soundscapes of parks to the greatest extent possible.

Section 4.10 Lightscape Management

The American public is increasingly aware of the negative affects of light pollution and the importance of dark skies. Altering the definition of natural lightsapes to exclude the phrase “that exist in the absence of human caused light,” could weaken protections. Light pollution not only adversely affects the visitor experience, but can also elicit negative repercussions for plant and animal communities in our national parks.

Section 6.2.1 Assessment of Wilderness Eligibility

The 2001 NPS Management Policies included several critical directives and timelines for suitability assessments, such as:

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

And also,

For existing parks in which wilderness suitability determinations have never been undertaken, the superintendent must complete the suitability assessment within one year of the effective date of this edition of the NPS Management Policies.

The deletions of the first two paragraphs of Section 6.2.1 as written in the 2001 NPS Management Policies (and detailed in part above) essentially divests NPS units of compliance requirements, timely assessment, and accountability. Grand Canyon River Guides suggests reinstating these paragraphs to provide the necessary clarity and direction in keeping with the intent of the 1964 Wilderness Act.

Section 6.3.1 General Policy

The 2006 Draft Management Policies add the following statement,

Lands that were originally deemed wilderness eligible, but which were not included in the wilderness recommendation sent to Congress, will no longer be managed under the provisions of these chapter 6 policies.

Currently even lands that are designated as “potential” wilderness must be managed as wilderness. This affords them a greater degree of protection by supporting and requiring the application of wilderness management principles until such a time as they are either designated as wilderness or denied designation. The addition of this language weakens interim protection for lands that are deemed eligible for wilderness designation. GCRG therefore recommends removing the aforementioned language in order to maintain protection of these lands throughout the wilderness review period.

Section 6.3.4 Wilderness Related Planning and Environmental Compliance

By acknowledging “increasing population, accompanied by expanding settlement and growing mechanization”, the 1964 Wilderness Act’s primary purpose is to preserve and protect lands “in their natural condition.” Although the Wilderness Act in section 4(b) acknowledges that wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use, it does not require them to be “optimized” for such public uses. This section should make this distinction clear. Also, it should clarify that wilderness planning and compliance relates the subsequent sections (as indicated in the 2001 policies).

Section 6.3.6.2 Monitoring Wilderness Resources

Additions to this section indicate that one of the purposes of monitoring in wilderness areas is to ensure that “the public purposes of wilderness are being met.” This implies the encouragement

of more use and should therefore be deleted. The primary purpose of monitoring these areas must be to ensure that the qualities and values of wilderness character are being carefully preserved.

Section 6.3.10.1 Administrative Facilities

The 2006 Draft adds the following language:

Permanent storage caches are prohibited within wilderness unless necessary for health and safety purposes or when such caches are justified and documented through a minimum requirement analysis.

GCRG believes that physical structural modifications in wilderness or wilderness-managed areas to reduce risks to visitors, commercial operators or park personnel should not be allowed.

Section 6.4 Wilderness Use Management

The 2006 Draft adds the following as a final sentence for this section,

Superintendents should use the least restrictive management prescription available and practicable to meet the resource protection needs while accommodating public use.

This statement minimizes the paramount protection requirement of lands that have been wilderness designated (or are being reviewed for suitability). The qualifier “practicable” is also inappropriate and does not reflect the intent of the 1964 Wilderness Act. Consequently, Grand Canyon River Guides suggests deleting this phrase in its entirety.

Section 6.4.1 General Policy

The 2006 Draft adds the following directive:

Certain specific risks may be mitigated or managed if the mitigation or management of the risks does not degrade the wilderness character and resources.

This statement is antithetical to wilderness where risks and possible dangers are inherent and an integral part of the wilderness experience. Assuring visitor safety is not a central goal of wilderness management. GCRG therefore suggests striking this language.

Additionally, the deletion of the imperative that “Park visitors *need to* (emphasis ours) accept wilderness on its own terms” in the 2006 Draft becomes the weaker admonition that “Park visitors *should* accept wilderness on its own unique terms.” Coupled with the proposed inclusion of the word *all* in the sentence “The National Park Service will not modify the wilderness area to eliminate all risks normally associated with wilderness...,” we have the impression that the NPS will be eliminating risks associated with wilderness instead of striving “...to provide users with general information concerning possible risks, any recommended precautions, related user responsibilities, and applicable restrictions and regulations.”

Section 8.1 General (Use of the Parks)

This particular section of the original 2001 Policies discussed the 1916 Organic Act and the 1970 National Park System General Authorities Act, while concluding that,

Taken together, these two laws impose on NPS managers a strict mandate to protect park resources and values, and a responsibility to actively manage all park uses, and when necessary, to regulate their amount, kind, time and place.

The 2006 Draft deletes this crucial conservation mandate and replaces it with language that implies that public use is the sole purpose of both Acts. GCRG suggests that the original language as detailed above be retained in lieu of the language presented in the 2006 Draft.

Section 8.1.1 Appropriate Use

The 2006 Draft NPS Management Policies delete the following wording from the 2001 policies that provided both a clear direction for determining appropriate use and a strong emphasis on resource protection:

...negative or adverse environmental impacts are never welcome in national parks, even when they fall short of causing impairment. For this reason, the Service will not knowingly authorize a park use that would cause negative or adverse impacts unless it has been fully evaluated, appropriate public involvement has been obtained, and a compelling management need is present. In those situations, the Service will ensure that any negative or adverse impacts are the minimum necessary, unavoidable, cannot be further mitigated, and do not constitute impairment of park resources and values.

The emphasis of the 2006 Draft has now shifted significantly by directing park managers to seek means of making use less damaging so it can be allowed. We view this as part of the inappropriate and potentially damaging philosophical shift towards emphasizing public use at the expense of resource protection that was discussed at length in our Section 1.4.3 comments.

Section 8.1.2 Unacceptable Impacts

Please refer to our comments in the Introduction Section – Unacceptable Impacts.

Section 8.2 Visitor Use

The 2006 Draft has eliminated the statement,

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

Grand Canyon River Guides' views on the importance of preserving and protecting the natural soundscapes of national parks appear in our Chapter 4 comments. It is imperative that this management goal be retained in order for the public to enjoy that opportunity now and in the future.

Section 8.2.2 Recreational Activities

The original 2001 policy on recreational activities specified that,

A new form of recreational activity will not be allowed within a park until after an environmental analysis has determined that it will not result in unacceptable impacts on park resources.

This language has been altered in the 2006 Draft Policies to read,

A new form of recreational activity will not be allowed within a park if a park manager determines that it will result in unacceptable impacts on park resources.

Once a use is established, it can be difficult to ban. Requiring an environmental analysis prior to allowing a new recreational activity provides greater assurance that the decision (whether to allow or to disallow use) is the right one to make.

Section 8.2.3 Use of Motorized Equipment and Mechanized Modes of Travel

Here again, all references to the necessity of preserving natural soundscapes has been deleted. Furthermore, the following key directive has been removed,

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

We suggest this 2001 NPS Management Policies language be reinstated.

Section 8.2.3.1 Off-Road Vehicle Use

The explanatory note of the *Annotated Comparison between 2001 and Current Draft* indicates that there is “no substantive change to policy on ORV use, which is governed by executive order and regulations.” If this is the case, the 2001 NPS Management Policies language should be retained as the revised language only reduces clarity for park managers on this issue.

Section 8.2.3.3 Personal Watercraft

This section has been revised from stating that,

PWC use is prohibited unless it has been identified as appropriate for a specific park.

To the following Draft 2006 language,

PWC use may be permitted through special regulation and when this use has been identified as appropriate for a specific park.

This change seems unwise considering the demand from PWC enthusiasts to pursue greater access opportunities in national parks. GCRG suggests retaining the original 2001 language as a stronger directive for park managers.

Section 9.3 Visitor Facilities

The previous language from the 2001 NPS Management Policies was more succinct and clear, and should therefore be retained.

The purpose of any management policy revision should be to address new problems, strengthen language, and clarify management directions while remaining philosophically consistent with all relevant legislation. We believe that the Draft 2006 NPS Management Policies do not achieve these objectives and in fact, represent a radical departure from the highest priority of the National Park Service since its inception: a firm conservation mandate as the overarching concern in all park decisions. Grand Canyon River Guides' membership is highly diverse, including commercial river guides, private boaters, NPS personnel, commercial passengers and other passionate advocates for protecting Grand Canyon and the Colorado River experience. We are absolutely united in our belief that the resource is the bottom line, and we count on the National Park Service to carry on that proud tradition. Grand Canyon River Guides therefore reiterates our firm contention that the 2001 NPS Management Policies better serve this objective and should therefore be retained.

Sincerely,

The Officers and Board of Directors

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