

National Park System Areas Crowded Year-Round

Chickamauga & Chattanooga NMP Hawaii Volcanoes NP
Natchez Trace Parkway

National Park System Areas that did not Respond to Survey

Boston NHP	Home of FDR NHS
Castle Clinton NM	Hovenweep NM
Chaco Culture NHP	James A. Garfield NHS
C & O Canal NHP	Missouri Nat'l Recreational Riv.
Devils Postpile NM	Pinelands National Reserve
Federal Hall National Memorial	Rainbow Bridge NM
Ford's Theater NHS	Sewall-Belmont House NHS
Fort Matanzas NM	Thomas Stone NHS
Gloria Dei Church NHS	Tupelo NB
Hohokam Pima NM	War in the Pacific NHP
	White House

New Options for Park Protection

Robert H. Gartner and Theodore W. Sudia

*.....it would be useful if each of the federal land-management agencies had authority, staff, and funding to provide technical assistance.....to local, regional, and state governments to strengthen land-use and resource management planning for areas near and affecting the federal units. **

After 50 years of effectively being hidden, it is time to bring P.L. 770½ out of mothballs and examine how this 1936 piece of legislation can be employed effectively to help protect the national parks.

P.L. 770½, passed on June 23, 1936 authorizes a study of the park, parkways, and recreational area programs in the United States. It grants the National Park Service authority to aid States and local government agencies in planning public park areas.

The original bill (H.R. 10104) easily passed the House in January 1936, supported by the Secretaries of Interior and Agriculture, but was essentially gutted in the Senate. Among the provisions deleted were: 1) the acceptance by the Secretary (Interior and Agriculture) of

* An issue report, *Federal Resource Lands and Their Neighbors*. Conservation Foundation, 1979, by William E. Shands, describing Federal lands being adversely affected by activities taking place around them.

unconditional donations and gifts (of land) from private agencies or individuals; 2) the transfer of Federal lands to a State or local government for park, parkway, or recreational use; 3) financial aid to States and local governments in planning, establishing, improving and maintaining recreational area facilities. From the well-intentioned efforts of H.R. 10104, the National Park Service is left with only one substantial provision, the legal authority to provide planning aid as stipulated in P.L. 770½.

Protection of the natural and cultural resources within an NPS unit is an ongoing process for which the superintendents are responsible. However, the superintendents are increasingly beset by activities taking place **outside** their parks.

A traditional Federal response to the adjacent land problem has been to expand the park boundary by establishing new legislation and adding the problem site to the NPS unit in question. This solution (usually very costly) was used in 1976 at Cuyahoga Valley National Recreation Area in Ohio and in 1978 at Redwood National Park in California. Fee simple land acquisition is the preferred method because less-than-fee easement rights often run up to 95% of the fee simple costs. However, NPS has only limited authority to acquire interests in land beyond a unit's designated boundaries. An alternative method—land exchange—often is lengthy, cumbersome, and expensive.

Another alternative is to coordinate NPS and State/local planning efforts. Both the U. S. Forest Service and the U. S. Bureau of Land Management have Congressional mandates to coordinate their land-use plans with the plans of State and local governments. In some cases, the Federal agencies have found that State/local planning capabilities and land-use regulation techniques were nonexistent. Therefore, the agencies had nothing with which to coordinate.

P.L. 770½ provides an opportunity to protect park boundaries by giving NPS the ability to aid the State/local governments via land use and recreational planning. The key to proper use of this law is a park superintendent who understands the act and is willing to work with the State or local jurisdiction. For practical and political considerations, a good working relationship with the local jurisdictions should be a top priority with all superintendents. A former NPS Director once observed, that 'No park is physically, economically, or socially a self-sustaining enclave, but rather an integral part of the fabric of the surrounding community.'

Every unit of the National Park System has national significance. An NPS unit attracts visitors for a variety of reasons and these visitors make a significant monetary contribution to the local economy. A case in point is the Grand Teton National Park, where the adjoining community of Jackson Hole, Wyoming, is totally dependent on tourism. Most communities realize the economic significance of an adjacent location to a Federal tourist attraction but they also are wary of Federal plans and actions that could affect the well-being of individuals and the community. To attain local cooperation, it is imperative that the Service be perceived locally as willing to work in

conjunction with local needs rather than intent on imposing some Federal design upon them. Emphasis on a symbiotic relationship will go a long way towards inclining local jurisdictions to work with the National Park Service.

Misunderstandings on the part of local citizens about the purposes of a National Park Service unit or misreadings of Federal policy can be avoided by timely communications with relevant local interests. Local jurisdictions and business communities that work cooperatively with a superintendent can help ensure that park boundaries remain protected and the experience of visiting the park remain distinctive and of high quality. Such an outcome is obviously in the best interests of both the local communities and the National Park System.

Let us now assume that the superintendent maintains good relations with the local jurisdiction and that the locals welcome NPS planning assistance. Who, then, will pay for the planning studies and who will do the actual work?

A drawback to P.L. 770½ is that while it authorizes assistance for planning activities, it does not authorize funding. Should the local jurisdiction offer reimbursement, the joint work can proceed immediately. In some cases, local jurisdictions receive planning aid from NPS when the aid and funding are specifically authorized in legislation. At Sleeping Bear Dunes National Lakeshore in Michigan, for instance, the enabling legislation allocated \$30,000 to assist Leland County in developing land planning and regulation programs for lands adjacent to the park.

Funds also can be appropriated through legislation for each planning study. In this case, the NPS would prepare budget estimates and submit them along with the regular budget. In lieu of appropriated funds, we now assume that local jurisdictions are strapped for money and that NPS would have to pay for the study. Who then would conduct the study? Six options immediately evident are:

1. Donated private consulting/planning firms.
2. NPS planning team from the Denver Service Center.
3. Planning team from the Region.
4. Park Staff.
5. Volunteers In the Parks (VIP).
6. Staff and graduate students from local universities as Schedule "A"s.

Private consulting/planning firms generally are expensive because of their high overhead costs. Their expertise is usually in the area of urban planning rather than natural resource planning and

If in-house planners were used, NPS would pay the tab from ONPS (Operations National Park Service) funds. Since the salaries of the regional NPS planners are base funded, an average planning study would cost between \$15,000-\$20,000 (the salaries of Denver Service Center planners are project funded). The cost would increase if large amounts of data were needed and if the environmental compliance requirements were substantial. The final decision to assign the planning team rests with the superintendent and the regional director.

Volunteers in the Parks is the least expensive way to aid the local jurisdictions with their planning and, at the same time, protect NPS interests by combining the 'aid' authority of P.L. 770½ with aspects of P.L. 91-357, the Volunteers in the Parks Act (VIP). The Volunteers in the Parks Act was passed in 1970 to provide a vehicle through which the NPS can accept and use voluntary help and services from the public. The major objective of the program is to utilize this help in such a way that it is mutually beneficial to the NPS and the volunteer.

Volunteers are selected to participate in the program because they can fill an identified need. Usually they are individuals or members of groups with specific skills and/or interests who will perform a specific function or type of work. Almost anyone can be a volunteer in the VIP program. A VIP is anyone who performs work for the NPS for which he or she receives **no pay from the Service**, except for reimbursement for out-of-pocket expenses (local transportation, meals, uniforms, lodging, supplies, materials, etc.). Volunteers receive the same benefits and protection as NPS employees and they can be lodged in government quarters (if available) and will not be charged rent or utility costs. Long distance travel reimbursement is not allowed but exemptions to this stipulation are possible. Each volunteer is supervised by a paid staff member of the park who is directly responsible for the volunteer's work. The persons may receive pay, work credit, academic credit, or other types of compensation from sources outside of NPS; if the Service is not paying these persons for the work they are doing, they qualify as VIPs.

P.L. 770½ and the VIP program could be implemented through the use of college students (preferably graduate students) to do the planning study. In many cases, a graduate planning course could undertake this project as a class assignment with supervision from the class professor. Small, rural counties and towns with limited funds have received planning help as a college class project. Usually this assistance comes from university departments such as Park and Recreation, or Urban Planning.

The NPS could engage students to perform the planning work under the VIP program, which would provide out-of-pocket expenses and lodging. In theory, this scenario is possible. The park would need to have VIP funds available, but the cost would be negligible compared to the benefit. Even though the work were being done for the local jurisdiction, VIP funds would be used because the park would benefit from the final product; the NPS mission of park protection would be served. The key here is a superintendent who has established a rapport with area colleges in addition to the local jurisdictions and can bring

the two together. It is in a superintendent's career interest to establish working relationships with the area universities regarding research that could benefit the park.

The use of NPS planning teams and the use of student VIPs can be effective for the protection of national park boundaries at a relatively low cost. Although professional NPS planners are preferred, the use of NPS planning teams would be the more costly of the two, but still far less expensive than land acquisition strategies. Use of the VIP program can return a quality product at a minimal cost. In either case, the success of park protection will depend on the ability of park management to establish and maintain a good rapport and working relationship with the local governments and universities.

The last option, a variation on the VIP approach, would have NPS engage the planning staff faculty and students from a university as Schedule A appointments. As long as the planning effort was contributing to the students' education, it would meet regulations.

Different parks have different problems. A variety of options is necessary to attack the incompatible uses surrounding the parks. P.L. 770½ provides six possible options. P.L. 770½ and a little ingenuity would go a long way towards solving some of the threats to park resources.

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