What DO21 Changes

While several proposed revisions were dropped from the final Director's Order, other major private fundraising revisions have been adopted. Thus, the new DO:

1. Diverts Tax Dollars to Donor Databases, Vetting, and Other Fundraising Overhead
The final DO designates two-high level Washington Office officials whose full-time job would be to direct donor solicitation and cultivation operations: an Assistant Director for Partnerships and Civic Engagement (§3.1.6) and a Division Chief to run a re-named Office of Partnerships and Philanthropy (§3.1.7). These officials would serve as tax-paid fundraisers.

Among the duties that these positions would perform at taxpayer expense are to –

- "Maintain a database" on potential and actual donors (§3.1.7);
- Conduct background checks on potential and current donors (§5.3); and
- Conduct "feasibility studies…to assess the likelihood that a fundraising effort or campaign will be successful" (§6.4.3).

How much these donor research and cultivation will cost is unclear but they can be quite expensive. For example, a PEER analysis of personal contributions to the National Park Foundation indicates these gifts are far more likely to be absorbed by overhead, fundraising expenses, or the care and feeding of corporate donors. In Fiscal Year 2011, less than one-third of National Park Foundation expenditures were grants to parks ($4.5 million). A greater amount ($4.7 million) went for fundraising and administrative expenses. Another $.5 million was spent on "program support" – a nebulous category that ranges from promotional materials for corporate donors to the hotel bar bill following the National Christmas Tree Lighting.

These expenses would be expected to diminish the ultimate philanthropic benefit to national parks from outside gifts.

2. Donor Recognition Becomes Mandatory
The new DO is quite explicit that superintendents are required to offer "donor recognition" in park facilities, materials and programs:

> "All parks and programs that receive, or expect to receive, donations must have a donor recognition plan." (§8.2)

3. Expands Corporate Branding of Park Fixtures
The new DO takes what was previously a deliberately understated fundraising tactic and greatly amplifies its scope and limits in order to attract more corporate donors. It lifts several restrictions in the prior DO which limited donor displays (see §§10.2, 10.2.1 and 10.2.6). The prior DO also stressed that such donor recognition should be "short, discrete, [and] unobtrusive." (§10.2)

In contrast, the new DO contains no such stipulations. Instead, the new DO repeals several restrictions and allows donor and corporate recognition to be displayed on –

- Park furnishings;
- Benches;
- Theater seats;
- Rooms and other "interior spaces";
- Landscaped areas;
- Food lockers;
- Paving stones; and
- Vehicles. (§8.5.2)

In addition, "temporary signage" featuring donor recognition would be allowed for periods up to five years. It is not clearly stated what, if any, limits apply to temporary signage.

The net result is that in developed areas of parks, wherever a visitor looks – benches, equipment, free-standing displays, paving stones, and park vehicles – he or she will see corporate branding.

Further, the new DO makes no provision allowing managers to selectively refuse recognition to one corporation that is offered to others, suggesting that what is allowed at one park will be presumptively be allowed at all parks. As a result, there may be no means to consider the cumulative effect of donor recognition that becomes so increasingly pervasive that it negatively affects the visitor experience.

4. Substantially Hikes Donation Dollar Limits

Previously, park superintendents were authorized to receive gifts of under $100,000. The new DO increases that delegated level to as much as $5 million and authorizes them to execute "philanthropic agreements" of the same dollar value.

As this new $5 million "cap" is a per-transaction limit without any time frame, park superintendents would be able to accept multiple multi-million dollar gifts per year, per month, or even per week. Thus, the revised DO would vest park superintendents, almost all of whom are federal civil servants, with virtually unlimited fundraising authority, so long as gifts are in increments of up to $5 million.

5. Greenlights Alcohol Tie-Ins

The new DO drops long-standing NPS policy forbidding association of national parks with alcoholic beverages. The only categorical prohibition the new DO retains is campaigns involving "tobacco or any type of illegal products." (§5.1.1)

In 2015, NPS Director Jarvis waived this policy in order to authorize a co-branding campaign with Anheuser-Busch brewery. Three months after inking this agreement, Anheuser-Busch unveiled its two-year "Up for Whatever" campaign featuring the slogan "The perfect beer for removing 'no' from your vocabulary for the night" on Bud Light bottles. The company has since

apologized for this slogan while pushing 139 other "light hearted" labels. It also plugs a promotion of "all things beer" called "Let's Grab a Beer" to hike suds sales.

Despite embracing alcohol tie-ins, NPS has not issued any analysis of how well this partnership with this brewery has worked out or how the NPS mission was furthered beyond the $2.5 million payment from the company.

The rationale for accepting co-branding with and promoting consumption of alcohol – a product with huge social and public health costs – is not explained. Nor is there any apparent attempt to reconcile this policy shift with its Centennial "Call to Action" goal to "Encourage park visitors to make healthy lifestyle choices…"

By its wording, the new DO makes clear that tie-ins with every other legal product or service would be potentially acceptable. Thus, national parks could co-brand with casino gaming, contraceptive devices, religious organizations, pesticides, X-rated movies, spray paints, exotic dance clubs, dating websites, and an array of other products and services for whom tie-ins with national parks raises a number of knotty questions which NPS may be ill-equipped to address.

6. Entangles NPS in Corporate Marketing Schemes

The new DO significantly expands the ability of the NPS to participate in "monetary, non-monetary, marketing and other forms of [corporate] support for NPS activities." (§4.3.1) The policy also authorizes NPS itself to directly engage (presumably at taxpayer expense) in corporate co-branding campaigns. (§4.3.1.1)

The only stated restriction is a prohibition on any promotion that uses "the NPS arrowhead symbol, an NPS employee, any part of the NPS uniform, or other elements of intellectual property." (§4.3.1.1) However, even this limitation is only limited to cause-marketing campaigns and does not apply to co-branding or licensing arrangements (see below).

7. Virtually Limitless Corporate Co-Branding

The new DO would authorize NPS to license national park and landmark names, as well as primary and secondary logos for corporate use. In addition, NPS dropped its only proposed limit from its draft revision: "The NPS arrowhead mark will <u>not</u> be licensed for use." (§6.4, Emphasis in original) The final policy allows even the agency's official logo to be licensed. (§6.5)

The only limits on these co-branding campaigns is the discretion of the NPS Director after a somewhat vague vetting process which has no firm standards and instead relies upon bullet points of considerations such as "Protect brand integrity." (§5)

These proposed co-branding arrangements will be the brainchildren of corporate advertising firms – not known as paragons of good taste. As a result it is not hard to imagine co-branding efforts linking –

- Old Faithful and erectile dysfunction products such as Viagra;
- The Statue of Liberty and lingerie lines such as Victoria's Secret; and

- The Lincoln Memorial and hemorrhoid creams.

8. Courts Corporate Scandal Damage Control
There is no shortage of recent situations where seemingly upstanding corporations are suddenly found to have engaged in questionable and often outright illegal behavior. Consequently, NPS "partnering" and "co-branding" with corporations is fraught with peril for the NPS brand when these corporate partners become scandal plagued.

Consider the type of partnerships NPS could have consummated had this new DO been in place during recent years –

- BP co-branding with national seashores on the eve of its massive Gulf spill;

- Volkswagen diesels becoming official national park vehicles before emissions cheating was discovered; and

- Partnering with Lehman Brothers to focus on neglected park infrastructure in the months before this financial giant itself imploded.

Moreover, corporations flirting with potential scandal may, in fact, have more interest in co-branding with a so-called white hat entity such as natural parks. Nor does NPS have the acumen or the research capacity to sniff out potential disgrace brewing behind boardroom doors.

In this regard, the new policy explicitly sanctions corporate sponsorship campaigns designed to boost the "halo effect" for corporations though tie-ins to national parks. (§4.3.1.3) Yet, NPS co-branding agreements with corporations that are then tarred with scandal risk damaging the NPS brand and the public's regard for the agency's integrity.

9. Privatizes Park Interpretive Programs
The new DO recognizes Cooperating Associations as "Philanthropic Partners." (§3.2) (§6.1)

Under another Director's Order (DO 32: Cooperating Associations), these cooperative associations have access to park facilities, may charge visitors for lodging, and provide interpretative services for park assets. These cooperative associations can operate, essentially, as a private park service inside a national park. Through this new DO, NPS could go even further and assist the cooperative association in fundraising without any defined limits.

There is nothing barring a national park from entering into a strategic partnership with a cooperating association which would enable the latter to take over all or nearly all interpretive functions, displacing civil servants with private non-profit employees not on the government payroll or eligible for government benefits.

Thus, through these incremental internal orders, NPS may be able to transform itself into a non-profit allied organization which provides the bulk of visitor services. Such changes have received scant outside scrutiny or public involvement.

10. Authorizes Pleas of Poverty
The prior DO provided that:

> "Employees are not to portray Congress, the Department [of Interior], or NPS as having failed to meet their respective responsibilities." (§2.3)

However, the new DO limits this prohibition only to "communications with donors or prospective donors" (§3.1.1). Thus except when soliciting donors, NPS employees would be free to state for public consumption that Congress underfunds national parks and that private donations are necessary for their daily operation.

This provision appears to authorize official pleas of poverty and accusations of Congressional fiscal irresponsibility as an indirect or background fundraising tactic – to create a general public impression that parks cannot operate properly without robust outside financial assistance.

To our knowledge, no other federal land management agency explicitly encourages its employees to claim their operations are chronically underfinanced. Yet ironically, on an acre-for-acre basis national parks are far better funded than national forests or national wildlife refuges. Moreover, while the national park system has substantially higher visitation, visitation on national forests and wildlife refuges tends to be more intensive with hunting and fishing activities (outlawed in most national parks) that require substantially more ranger supervision and enforcement to protect resources.

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