



February 17, 2009

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ATTN: RIN 1024-AD72

COMMENTS – National Park Service PROPOSED BICYCLE RULE

U. S. Department of the Interior (DOI) and National Park Service Decision Makers:

The paragraphs that follow are the official comments of the Association of National Rangers (ANPR), a 1,200-member, nonprofit organization that advocates for National Park Service (NPS) employees and the National Park System. The majority of our members are current employees of the NPS with the remainder being former NPS employees or persons affiliated with the NPS in some manner. Our members have approximately 10,000 years of experience in operating National Park System sites, and we believe that experience gives us some credibility in understanding what works on the ground in parks and what does not. Our comments are our professional opinions on the proposed revision to Title 36 Code of Federal Regulations (36 CFR) § 4.30 found in the December 18, 2008 Federal Register.

ANPR is opposed to this proposed revision to 36 CFR 4.30 for the reasons articulated below.

The current regulation establishes a park-level process by which bicycle routes may be designated in developed or special use zones within NPS sites. Absent unusual circumstances this defined process normally remains at the park decision-maker level, the park superintendent, and we believe that is as it should be. However, the proposed regulation extends this park-level authority to land areas within NPS sites that are in the nondeveloped category, and we believe this a mistake. There are too many potential corrupting influences involved in these decisions to leave them up to just one person, and the unimpaired park resources and the enjoyment they provide to Americans are too valuable to allow anything less than a science-based, statutory law based, collaborative, and transparent decision-making process and outcome.

We believe this is where we are uniquely qualified to comment as current and former NPS employees. While we certainly acknowledge that there are a number of park superintendents that make park management decisions in line with law, policy, and the overall best interests of the park, there are also a number of park superintendents that use the discretion sometimes given

them in law and policy to make park management decisions that are not in the best overall interests of the park, but usually benefit themselves personally. Let us explain. Park superintendents frequently transfer to different NPS sites during their managerial careers for various reasons. Sometimes these transfers are a personal choice and sometimes they are at the direction of the agency. It is well established in NPS history that the local interests of communities immediately surrounding a park sometimes conflict with the national interest that the park was created for. In these instances pressure through administrative and political channels is brought to bear on the superintendent's decision making process including defining acceptable alternatives and the final decision. When superintendents have families invested in local communities and/or career credentials and reputations to protect, they are often reluctant to disappoint local community leaders, even when it is clear which alternative(s) would be in the best interest of the park. We've seen too many instances in which we perceive park management decisions were unduly influenced by personal preferences and needs of an individual park superintendent. We believe allowing park superintendents alone to designate bicycle trails in nondeveloped areas is another opportunity to allow such unsupportable management actions to occur and stand simply because the authority has been given to one individual. The current process requiring promulgation of special regulations is much more inclusive and transparent, and for those reasons alone it better serves the fundamental purpose that Congress established for the National Park System.

Further, there are park superintendents that want to leave "things" such as infrastructure behind as "their legacy." At times these include changing or upgrading facilities including trails. For all the same reasons described in the paragraph above allowing a single individual to make park management decisions when being influenced by such "legacy considerations" is a compromised process that doesn't first protect the best interest of the American taxpayer and their National Park System.

Our final concern is regarding wilderness within the National Park System. There are approximately 44 million acres of officially designated wilderness (under the Wilderness Act of 1964 and placed in the National Wilderness Preservation System) within the National Park System. This acreage is protected from bicycle use and would remain so under the proposed regulation. However, there is an additional large acreage (some estimates up to 20 million acres) that is at some point in the process of official wilderness designation. We'll call these additional acres "potential wilderness" for ease of communication, but they include acres that have already been recommended by the Secretary of the Interior to the President for Congress to establish as official wilderness, those acres that have been recommended by the NPS but remain at the Departmental level, and those acres that are still being studied by the NPS to determine their suitability. All these potential NPS wilderness acres are vulnerable under the proposed rule to have their character changed in such a way as might eliminate their consideration for inclusion into the National Wilderness Preservation System at some later date. Examples include the majority of acreage in some iconic national parks such as Yellowstone National Park and Great Smoky Mountains National Park.

Even though NPS managers are supposed to manage proposed or potential wilderness as if it were official wilderness as a requirement of NPS policy, we know that federal regulation outweighs NPS policy in the NPS decision-making hierarchy. Therefore, it is our belief that the

proposed regulation opens the door to park management decisions that could permanently impair or impact potential wilderness acreage to a single decision maker, and that is a framework that can allow for disaster. Surely, we can engineer a decision making process that gives maximum protection for the American people, present and future, to the resources of the National Park System, a system that they cherish and visit every year by the hundreds-of-millions. Official wilderness and potential wilderness comprises approximately 75% of the National Park System and it deserves protection as wilderness and all the values such lands hold.

To restate for clarity, ANPR opposes the proposed revision of 36 CFR § 4.30 found in the December 18, 2008 Federal Register. ANPR supports the current regulation found at 36 CFR § 4.30 that has been in effect since 1987. We recommend the NPS retain it and jettison the proposed revision of December 9, 2008.

Sincerely,



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Comment Submitted

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