



Public Employees for Environmental Responsibility

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September 4, 2018

U.S. Sen. Lisa Murkowski, Chair
Energy and Natural Resources Committee
304 Dirksen Senate Building
Washington, DC 20510

Sen. Maria Cantwell, Ranking Member
Energy and Natural Resources Committee
511 Hart Senate Office Building
Washington DC 20510

Dear Senators Murkowski and Cantwell:

I am writing on behalf of Public Employees for Environmental Responsibility (PEER) to express our concerns about the nomination of David Vela to serve as the Director of the National Park Service (NPS).

By way of overview, PEER is aware of the long vacancy of this position. But we are also acutely aware that this agency has long been rudderless and in need of effective leadership for an extended period.

Since Mr. Vela is presumably nominated due to his 28 years of experience within NPS, we would urge the Senate Energy and Natural Resources Committee to critically examine that record. In our organization's dealings with Mr. Vela, we have found little in that record to indicate that he has the capacity to lead an institution tasked with stewarding our nation's most iconic natural treasures, and several of his actions suggest just the opposite. Consider the following:

1) Mr. Vela Was Responsible for the Largest Rollback of Wilderness Eligibility in NPS History.

Contrary to NPS rules and policies, as Southeast Regional Director Mr. Vela opened much of the 147,000-acre Big Cypress National Preserve "Addition lands" to off-road vehicle (ORV) traffic.

In May 2009, the NPS put a Draft General Management Plan for the Addition out for public comment with the announcement that over 111,000 acres of lands added to the Preserve in 1988 were "eligible" as wilderness. Less than a year later, NPS officials led by Mr. Vela decided that

40,000 of those wilderness acres should instead be open to motorized recreation, which is prohibited by law in designated wilderness.

To accomplish this, Mr. Vela first asked then-Director Jon Jarvis to waive national Management Policies requiring that wilderness eligible lands be managed so as not to forfeit future designation as wilderness, according to documents PEER obtained through a Freedom of Information Act (FOIA) lawsuit. When Mr. Jarvis refused to grant the waiver, Mr. Vela ordered a very quick reassessment of the wilderness character of the target lands which –

- Was done without public notice or participation. Mr. Vela later claimed the quickie 2010 reassessment was just a continuation of the previous 2006 assessment which found the lands to have wilderness character;
- Expanded 25-fold the non-wilderness corridors surrounding every trail, canal or road. Increasing the buffer from .01 miles to .25 miles on both sides of every trail accommodates large vehicles going off-trail and gouging large ruts through the swampy Big Cypress Preserve; and
- Applied a never-before-used criterion in violation of Wilderness Act precepts and agency policy. The new 13-page reassessment supposedly was done not from the vantage of a “common visitor” but from the eyes of a “manager;” previous assessments were conducted by NPS managers but from the vantage of a common visitor, according to Wilderness Act standards.

In short, Mr. Vela crudely gamed the process through an under the table maneuver to reach a pre-determined result. These events raise serious concerns about the integrity of Park Service decision-making under the tenure of a Director Vela.

Mr. Vela’s record also bodes ill for the protection of wilderness and backcountry in the national park system. While the NPS administers more wilderness than any other agency--more than 40% of all federal wilderness lands--long-stalled wilderness recommendations should have increased park wilderness by more than half. There are some 26 million acres – an area the size of Tennessee – which should also be under wilderness protection but are stalled in a clogged NPS pipeline.

Aggravating this situation, NPS has a growing backlog of unfulfilled wilderness duties from not assessing all roadless lands for wilderness eligibility, not converting potential wilderness into full wilderness and even not preparing legal descriptions and boundary maps for several areas designated by Congress. Consequently, several “flagship” parks such as Yellowstone, Glacier, Big Bend and the Grand Canyon do not have any designated wilderness and are “protected” only by NPS policies that can be waived or changed.

Grand Teton is also a park with ample, magnificent backcountry but not one of its 310,000 acres is designated wilderness. The last recommendation sent by the President to Congress for Grand Teton wilderness was for 122,604 acres of wilderness and 20,850 acres of potential wilderness. The President sent this recommendation to Congress on May 11, 1978. The NPS later developed

a modification of 135,680 acres of wilderness and 20,320 acres of potential wilderness in January 1985. The modified proposal was never transmitted to Congress.

During Mr. Vela's last four years at Grand Teton there was not a single sign of progress on addressing its immense but orphaned wilderness. These events raise concerns about Mr. Vela's disregard for the mandate of the Wilderness Act and for the protection of backcountry. PEER urges the Committee to press Mr. Vela to fully implement NPS' abandoned duties under the Wilderness Act. In addition, Mr. Vela should be urged to promise to safeguard our national parks' vast backcountry from further intrusion should he be confirmed.

2) Mr. Vela Appears Allergic to Legally Required and Transparent Planning.

During Superintendent Vela's tenure, Grand Teton National Park has pursued the biggest expansion of commercial wireless infrastructure in any park in the country while keeping the public in the dark and ignoring both federal laws and agency rules.

In June 2017, Grand Teton published a four-page "scoping" newsletter on a "Telecommunications Infrastructure Plan" for "installation of a fiber optic cable network and wireless telecommunications facilities at strategic developed locations within the park and potentially connecting to Yellowstone National Park's south entrance." This scoping newsletter refers to "right-of-way permit applications" it has been receiving since 2013, none of which has been disclosed to the public.

Ironically, this short publication asked for public comment but gave no detail as to how many cell towers and other facilities would be built and where, or the extent of proposed coverage.

That same month, PEER sent the Park a letter of protest pointing out its approach violated the National Historic Preservation Act and blatantly flouted NPS rules requiring public notice and comment. The letter called on the Park to post online all the required documentation, a request the Park has ignored. The Park has also failed to respond to a parallel PEER FOIA request nearly eight months beyond the statutory deadline, after which we filed suit to finally secure production.

By happenstance, buried in documents that PEER obtained in a recent FOIA request to Yellowstone National Park was a proposal from a real estate firm called the Heath Group touting the appraisal contract it had signed with Grand Teton this past December. That contract called for appraisal of "11 wireless telecommunications facilities and 55 miles of linear right-of-way for a fiber-optic cable conduit" at locations including Flagg Ranch, Colter Bay, Jackson Lake Lodge, Moose, North and South Jenny Lake.

Some of the locations Grand Teton is considering for towers, such as historic Jackson Lake Lodge and Jenny Lake Ranger Station Historic District, trigger additional requirements for public notice and comment as well as consultation with the Wyoming State Historic Preservation Office that Superintendent Vela appears to have also brushed aside.

Under Superintendent Vela, Grand Teton is developing the largest wireless network in any national park all behind closed doors. Besides the utter lack of transparency, the secrecy

precludes examination of important management concerns. One concern, for example, is that all of Grand Teton's planned facilities would provide coverage along its roads, leading to greater public safety risks from distracted drivers and wildlife carnage from roadkill. One important reason for public involvement at the earliest stages is so that these issues can be fully examined and assessed, and alternatives carefully weighed.

Mr. Vela's track record, however, suggests that he does not trust the public to be involved in national park planning. Moreover, it is another example of Mr. Vela using his position to cram through another pre-cooked scheme as a done deal before the public can learn what he has done.

Finally, the Committee should be aware that Interior's Office of the Inspector General is in the middle of a park system-wide performance evaluation and financial audit of national park commercial wireless facilities in response to a PEER complaint in October 2017. Grand Teton is one of the parks the IG is studying. The Committee may benefit from an IG briefing on this topic.

3) Mr. Vela Has No Plan to Prevent National Parks from Being Loved to Death.

The multi-billion-dollar NPS maintenance backlog is not just a fiscal shortfall; it is also a planning deficit. For example, many parks facing large maintenance backlogs have nonetheless invested in new or expanded visitor centers and other facilities with funds that could have been used to reduce their maintenance backlogs but instead only add to them.

In the National Parks and Recreation Act of 1978, Congress requires every national park to have a current general management plan; each plan has a lifespan of up to 20 years. Those plans are supposed to spell out "measures for the preservation of the area's resources," steps for addressing challenges posed by transportation and infrastructure needs, as well as means for maximizing visitor enjoyment.

One effect of parks going for decades without developing a general management plan (GMP) is that public involvement with park planning is precluded. For example, GMPs are subject to public review and comment, as well as formal consideration of alternatives, under provisions of the National Environmental Policy Act (NEPA). Parks lacking GMPs often have program-specific (such as traffic control) plans which do not undergo NEPA or other public review.

You may not be surprised to learn that Grand Teton lacks a General Management Plan, nor is there any indication that under Superintendent Vela any steps toward developing this required plan were taken.

Unfortunately, in this regard Grand Teton is not an outlier. In the summer of 2016, PEER examined all 59 National Parks, 19 National Preserves, two National Reserves, 18 National Recreation Areas, and 10 National Seashores in the 411-unit system. Of these 108 major units, only 51 had current general management plans. Several prominent parks, such as Grand Canyon, Yellowstone and Yosemite, either had no plans or plans that were more than two decades old.

The National Park System cannot merely spend its way out of its problems. It needs planning –

careful, inclusive planning that Mr. Vela's record suggests he is not inclined to provide.

This planning dearth also magnifies the prospects that our national parks will be "loved to death" by swelling visitation. To prevent this, Congress also mandated in the National Parks and Recreation Act of 1978 that parks adopt "visitor carrying capacities for all areas" of each park unit.

In some instances, carrying capacity may be a hard limit on the number of visitors. NPS policy, however, encourages parks to take a more nuanced approach of adopting formal standards for unacceptable overcrowding, such as caps on waiting times to see a park feature, maximum number of encounters on trails or the ability to camp out of sight or sound range of neighbors, and determining indicators for excess usage such as soil compaction, exposed tree roots or vegetation loss.

This past June, for example, Grand Teton National Park amassed 627,000 visitors in June, the second-highest mark for the month in history. April and May were both record breakers in the Tetons for visitation. Each of the past four years, more people ventured into Grand Teton National Park than the year before.

Perhaps not surprisingly, Grand Teton has no carrying capacity for any unit or any apparent plans to develop them.

By contrast, other parks, such as Zion and Acadia are working to develop overcrowding prevention plans. Yosemite, for example, has carrying capacities for its wilderness zones. In 2014, Golden Gate National Recreation Area, the second most visited place in the park system, promulgated a set of concrete user limits for identified "management zones" as does the management plan adopted that same year by Gulf Islands National Seashore.

The Committee should press this nominee on his plans for preventing record-breaking visitation from damaging natural resources or the quality of visitor experience in the most popular parks – and why he developed no such plans at Grand Teton.

As it stumbles into its second century, the National Park System is facing deep and mounting challenges. It needs a real leader with vision, not a pliant placeholder. PEER urges the Committee to critically examine Mr. Vela's record. The challenge for the Committee is the making the important decision of whether confirming this particular nominee will fill, or merely add to, this leadership void.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Ruch", with a stylized, cursive script.

Jeff Ruch
Executive Director