



Statement of Philip A. Francis, Jr.
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The Power of the Purse: A Review of Agency Spending Restrictions During a
Shutdown
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
House of Representatives
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Rep. McCollum, Rep. Joyce, and members of the subcommittee, thank you for the opportunity to appear before you today on behalf of the Coalition to Protect America's National Parks (Coalition) to share our views on the National Park Service's use of fee money during the recent federal government shutdown.

I am a long-time member of the Coalition, including having served as the chair of the Executive Council for the past year. I retired from the National Park Service in 2013 after eight years as superintendent of Blue Ridge Parkway, and a total of 41 years of government service with the NPS. My work with the Park Service included service as administrative officer at Chickamauga and Chattanooga National Military Park, Shenandoah National Park, and Yosemite National Park. I also served as associate regional director, administration, for the Southwest region, and as deputy superintendent of Great Smoky Mountains, including three years as acting superintendent. Both Shenandoah and Yosemite National Parks charged entrance fees while all parks where I worked either collected campground fees or special use fees.

The Coalition is comprised of more than 1,600 members who collectively have more than 35,000 years of experience managing and protecting national parks. We believe that our parks and public lands represent the very best of America, and advocate for their protection.

The National Park Service and a number of other federal agencies have just experienced the longest shutdown in our country's history. This shutdown had a number of consequences for the employees of the National Park Service who went without pay for 35 days, as well as impacts to the resources of the national parks, several of which suffered damage that has been documented widely in the national media.

Because of the visibility of our national parks, the administration took steps to mitigate any resulting bad publicity as shown in previous shutdowns and ordered parks to remain open and accessible – particularly with the high-visibility parks. This action led to stories of the destruction of iconic resources, widespread accumulation of trash and related habituation of wildlife, human waste on trails due to closed restrooms, vandalism of property, and destruction of habitat from off-road vehicle use.

Understanding the full extent of these impacts was obstructed by direction from the National Park Service that superintendents were not to talk to the press and to refer inquiries to the Washington office, where requests for interviews were refused. Further, under the condition that parks were being kept open, visitors were subjected to a degraded experience while often exposing themselves to health and safety risks.

These consequences were confirmed in a survey that coalition members undertook at 15 national park sites and at parks in the Washington, D.C. area in the last two weeks. The sites ranged from large national parks including Redwood and Great Smoky Mountains National Parks to smaller sites such as Fort Frederica National Monument and DeSoto National Memorial.

Our survey confirmed the consequences of keeping parks open during the shutdown that will continue to reverberate in the coming months. Regular park maintenance was not completed, which was particularly problematic and dangerous in several parks that experienced weather events. At the Blue Ridge Parkway and Shenandoah National Park, roadways were closed due to snow and ice, and downed trees. At Point Reyes National Seashore, downed tree limbs on roads and trails were not cleared. Big Bend National Park lost a significant amount of ongoing volunteer support in maintaining recently planted native vegetation, and the removal of graffiti as well as fallen trees blocking trails.

In one of the most egregious acts of damage documented widely, a Joshua tree was struck and killed at the Ryan Campground at Joshua Tree National Park by an out-of-bounds vehicle. Our survey documented similar damage at Big Bend National Park, where there was serious damage to fragile desert vegetation and soils from illegal off-road activities. There also was damage to vegetation and water resources from illegal camping and trash accumulated at backcountry sites. Camping occurred in closed areas, despite signage and road closures.

At Point Reyes National Seashore, trash was spread out over parking areas and beaches. And at Yosemite National Park, trash, food scraps, and broken bottles were found in numerous locations, along with increased evidence of bear activity in picnic areas. A leaking diesel tank was documented at the park with no remedial planning available. Portable toilets had been vandalized and there was human waste visible. The Merced River dumping station was overflowing with frozen human waste on the ground.

At all parks surveyed, visitor services were severely reduced or unavailable. In addition, there were not enough NPS employees staffing the parks to ensure the safety of the resources or the visitors. At Point Reyes National Seashore, there should have been 70 volunteer wildlife docents in park areas with large concentrations of elephant seals, which can reach 16 feet in length and weigh over 6,000 lbs., to keep the public safe from these huge and aggressive animals. The park was forced to close the entire Drakes Beach area where the male elephant seals had come into the parking lot and threatened visitors. At Cape Cod National Seashore, the park's only visitor center was closed, keeping out the usual steady stream of local residents, school children, and off-season visitors. This lack of access led to the heavily used public restrooms being closed, and as a result, public urination was observed as the coalition's park survey was being conducted.

The coalition's survey also documented the tremendous impact the shutdown had on NPS employees. Employees were fearful for visitor and resource safety during the shutdown. They were concerned about downstream implications for their park and visitors due to delayed seasonal hiring, and incomplete contracts. Further, several employees were forced to seek additional employment outside the NPS to pay bills, and some employees said they were forced to sell belongings or to turn off their hot water to save money. One national park reported that three young NPS employees were facing homelessness as they could not pay their rent.

Overall, employees lost respect and trust in the value of a career in public service, creating long-term implications for the NPS's access to highly skilled and dedicated employees. Younger employees in particular are becoming disillusioned. A summary of our survey results is attached for your information.

As the damage to our parks became more visible, the Acting Secretary of the Interior, David Bernhardt, issued a memorandum on January 5, 2019 ordering the parks to reopen using fees collected under the Federal Lands Recreation Enhancement Act (FLREA). This memorandum, which lacked any discussion of the legal basis for taking the action, deviated from National Park Service Management Policies, as well as the practice used during previous shutdowns. The coalition believes the memorandum completely misstates the mission of the Park Service as found in its Organic Act "...is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." While there are two purposes mentioned, the first - to conserve and protect the parks - is unqualified, while the second - to provide for their enjoyment - has a significant qualification, i.e. to leave the parks unimpaired. Mr. Bernhardt's memo overlooks this critical statutory distinction entirely. And as each day of the shutdown proved, while people were enjoying these resources, the resources were not left unimpaired for future generations.

Not only did the Bernhardt memo contradict the Park Service's Contingency Plan that had been approved at the time of the shutdown, it also contradicted NPS management policies that make it clear how fees are to be used. In Management Policy 8.2.6, it states "...Although these fees may provide for the support of the overall management and operation of parks, as set forth in the Federal Lands Recreation Enhancement Act and other relevant statutes, they are not intended to offset the operational costs associated with a park." Additionally, Director's Order 22 provides in Section 3j that "The expenditure of revenue collected under this program will provide high

quality enhancements that directly impact the visiting public.” We do not believe that trash collection or restroom and road maintenance meet the intent of the law or NPS Management Policies and related directives.

Because the Bernhardt memorandum called for parks to use their fees “until such funds have reached a zero balance”, the impact on the parks of the loss of this revenue will be felt for months and years to come. Parks have used these fee balances to support critical visitor service projects that sometimes require them to save the fees for a couple of years before they have sufficient funds to begin work. Any projects that were in the pipeline through the use of these funds could now be delayed or even cancelled due to a lack of sufficient funding.

When I was superintendent of Blue Ridge Parkway, after paying first for the cost of fee collection, we were able to fund a variety of smaller campground improvement projects, such as camp site restoration, to ensure that visitors had a better experience. Nearly all of the available campground fees were plowed back into campground operations. The parkway also collected fees for special events along the parkway that required significant planning and oversight. Over 450 special events occurred along the 469 miles of the parkway. All of the fees collected were spent managing the special events programs, allowing for protection of visitors and parkway resources and preventing conflicts with traditional visitor uses, while at the same time providing an economic boost to local gateway communities.

From the time of the enactment of the Federal Lands Recreation Enhancement Act in 2004, Congress and the National Park Service have always intended park fees to be a supplement to appropriated funds, not to be a replacement for them. It appears this recent decision to use fee money to keep certain parks open was a public relations action intended to minimize the adverse publicity the administration was receiving as reports of park resource damage and increased threats to visitor health and safety continued to grow.

In all of the collective years and experiences managing and protecting parks by members of our Coalition, we have never witnessed such an assault on the integrity of park values and the safety of visitors to the parks throughout the country. We all remember past shutdowns; however, during every previous shutdown, parks were closed, and were much less vulnerable to damage to resources or harm to visitors. This past shutdown was the perfect storm of bad decision-making for political purposes, as well as the waste of valuable funds collected and targeted for other uses.

It is critical for you to assure that such an assault on our national parks never happens again. We are facing the very real possibility of another shutdown at the end of next week, and your leadership is needed to inform the administration that further damage to the parks and further harm to their dedicated federal employees will not be tolerated.

Further, we urge the committee to ask the National Park Service to account for the fee money expended by all parks to support basic operations, maintenance, and other activities during the shutdown in order to understand the scope of those lost funds. Further, we recommend that the committee request a list of park projects that will be delayed and or cancelled because of the expenditure of fee revenues.

We also ask Congress to reimburse the fee accounts that were required to expend their funds during the shutdown so that the list of deferred maintenance and other projects can still be achieved as originally intended under FLREA. This action is critical at a time when the National Park Service has been working hard to reduce that backlog through the use of FLREA funds, through the National Park Service Centennial Challenge Fund, and through annual appropriations provided by this subcommittee.

That concludes my statement. I would be glad to respond to any questions you might have.



Park Impact Survey Summary of Results

The Coalition to Protect America's National Parks (Coalition) represents over 1,600 current, former, and retired employees and volunteers of the National Park Service. The Coalition counts among its members former National Park Service directors, deputy directors, regional directors, superintendents, park rangers (law enforcement and interpretive), maintenance professionals, administrative professionals, and an array of other career professionals who devoted an average of 30 years each to protecting, interpreting, and maintaining America's national parks on behalf of the public. With over 35,000 collective years of stewardship of America's most precious natural and cultural resources, Coalition members reflect the broad spectrum of skills and expertise that distinguished their National Park Service careers.

Relying on their expertise as stewards of our national parks, Coalition members recently conducted surveys of national parks across the country during the partial government shutdown. They observed and recorded specific impacts to these national parks that can be attributed to the shutdown, using guidance provided by the Coalition to Protect America's National Parks and the Institute for Parks, People and Biodiversity at the University of California, Berkeley. The information provided in this summary is a synopsis of the data the Coalition received.

Coalition members observed impacts at the following national parks: Apostle Islands National Lakeshore, Big Bend National Park, Blue Ridge Parkway, Cape Cod National Seashore, De Soto National Memorial, Fort Frederica National Monument, Great Smoky Mountains National Park, Harpers Ferry National Historical Park, Hawai'i Volcanoes National Park, Keweenaw National Historical Park, Point Reyes National Seashore, Redwood National Park, Shenandoah National Park, Yosemite National Park, Zion National Park, and national parks in the Washington, D.C. area.



Work Not Getting Done

Operations at surveyed national parks were negatively impacted in many ways. During the shutdown, there were no visitor service programs, no entrance fee collections, no removal of invasive species, and no routine and/or preventative maintenance of museum collections, historic structures, roads, trails, etc. by NPS staff. Most regularly operating facilities, including restrooms, were closed.

Regular park maintenance was not completed, which was particularly harmful and dangerous in several parks that experienced weather events. At the Blue Ridge Parkway and Shenandoah National Park, roadways were closed due to snow and ice, and downed trees. At Point Reyes National Seashore, downed tree limbs on roads and trails were not cleared. Big Bend National Park lost a significant amount of ongoing volunteer support in maintaining recently planted native vegetation, and the removal of graffiti as well as fallen trees blocking trails.

In addition to these immediate, real-time impacts to visitors and parks during the shutdown, the loss of planning and preparation time during the shutdown will impact operations at national parks for the foreseeable future.

Delays in seasonal hiring are likely to cause serious staffing shortages, particularly in those parks with busy summer seasons. This concern was mentioned specifically to surveyors at such parks as varied as Redwood National Park, Cape Cod National Seashore, Harpers Ferry National Historical Park and Yosemite National Park, highlighting its likely ubiquity.

At national parks that used fee money to fund shutdown operations, long-term projects that are dependent on that fee money may be at risk. At Shenandoah National Park, for example, the park used fee money to bring in maintenance employees to catch up on trash removal and restroom cleanup and rehabilitation.

Ongoing research has been eliminated or compromised. At Redwood National Park, the ongoing research and monitoring of river and stream data is now at risk. At Yosemite National Park, a winter project to study rare foxes was canceled and several wildlife monitoring programs did not happen. Grant writing, conference participation, and publishing of data were all delayed or canceled.



Contract work was delayed in many parks, which will postpone regular park operations and negatively impact the park and local communities during their busy season. At Cape Cod National Seashore, major contract work to restore access to two heavily used beach areas damaged by coastal erosion was halted. Any delay in opening those beach areas in the spring will inflict serious hardship on visitors and local businesses.

In the Intermountain Region, and likely in other NPS regions, there has been a delay in court-ordered planning/NEPA actions. Power companies need NPS and Federal Energy Regulatory Commission compliance work, and that work was not being completed. Planning, Environment, and Public Comment, a system that allows parks to record projects and track their progress through compliance, in addition to creating an administrative record, was also shut down.

In all parks, Project Management Information System (PMIS) submissions were due in January to queue up for the FY 2021 NPS budget funding cycle. These submissions address funding needs in parks and Park Service programs. Many of these requests will have to be reshuffled and reprioritized, creating a large inefficiency in a system involving hundreds of millions of dollars. In addition, catching up on thousands of entries in the PMIS system will be a difficult, if not impossible, task as there is a March 1, 2019, contracting deadline to obligate FY 2019 funds.

Impacts to Park Natural and Cultural Resources

As media outlets covered throughout the shutdown, national parks across the country suffered from resource damage. In one of the most egregious acts of damage documented widely, a Joshua tree was struck and killed at the Ryan Campground at Joshua Tree National Park by an out-of-bounds vehicle. A full assessment of this harm will require considerable time and effort. A complete understanding of the damage may never be fully understood. However, our park surveyors did note negative impacts to resources at several parks.

At Big Bend National Park, there was damage to vegetation and water resources from illegal camping and trash accumulated at backcountry sites. Camping occurred in closed areas, despite signage and road closures, and one observer interviewed by a park surveyor described it as a “free-for-all.” There were dogs in sensitive habitats, which results in a variety of harmful impacts to wildlife. And there was serious damage to fragile desert vegetation and soils from illegal off-road travel.



At Point Reyes National Seashore, trash was spread out over parking areas and beaches. And at Yosemite National Park, trash, food scraps, and broken bottles were found in numerous locations, along with increased evidence of bear activity in picnic areas. This presents a risk to visitor safety and a risk of habituation to the bears. The surveyor at Yosemite National Park also documented a diesel tank leaking with no remedial planning available. Portable toilets had been vandalized and there was human waste visible. The Merced River dumping station was overflowing with frozen human waste on the ground.

Visitor Service Issues and Safety Concerns

Visitor services were severely reduced or unavailable at parks across the country. In addition, there were not enough NPS employees staffing the parks to ensure the safety of the resources or the visitors. At Yosemite National Park, for example, there were not enough park staff to ensure that visitors were not at risk due to intermittent rockfalls and snow-covered roads.

Redwood National Park remained open, but no visitor safety or orientation information was available at NPS facilities. There were high wind events that typically would have resulted in decisions to close impacted trails to ensure visitor safety; but without staff available, these trails were left open. Hazardous beach access points were unpatrolled either by NPS employees or members of the United States Coast Guard (who were furloughed also). International volunteers arrived as planned, but the limited park staffing situation meant they were unable to engage in the volunteer work they were meant to do.

At Cape Cod National Seashore, the park's only visitor center was closed. The usually steady stream of local residents, school children, and off-season visitors who normally gather there had no option to visit. The heavily used public restrooms were closed and, as a result, public urination was observed as the park survey was being conducted.

At Point Reyes National Seashore, there should have been 70 volunteer wildlife docents in park areas with large concentrations of elephant seals. Without docents to keep the public separated from these huge and aggressive animals, which can reach 16 feet in length and weigh over 6,000 lbs., the park was forced to close the entire Drakes Beach area where the male elephant seals had come into the parking lot and threatened visitors.

Along the Blue Ridge Parkway, road closure warning signs were non-functional in at least one location where the Parkway was closed with physical barricades. The park's website, out of date due to the shutdown, indicated that the road was open, creating a risk of collision with the barricades by unsuspecting motorists.



Employee Morale and Work and Family Conditions

National park staff who were surveyed by Coalition members indicated that they were fearful for visitor and resource safety during the shutdown. They were also concerned about downstream implications for their park and visitors due to delayed seasonal hiring, incomplete contracts, and other issues addressed in the first section of this summary.

Numerous park employees were deeply concerned about missing pay, despite the promise of backpay in the future. Human Resource staff were unable to complete pending employment actions, leaving some potential employees in limbo. Several employees interviewed were forced to seek additional employment outside the NPS to pay bills. Some employees mentioned that they were forced to sell belongings or turn off their hot water to save money. One national park reported that three young NPS employees were facing homelessness as they could not pay their rent.

Overall, employees felt disrespected and lost respect and trust in the value of a career in public service. There are long-term implications for the NPS regarding access to highly skilled and dedicated employees when the employer/employee relationship is damaged like this. Younger employees, in particular, are becoming disillusioned.

At one of the most iconic national parks, the surveyor noted that many of the employees interviewed reported depression, anxiety, disorientation, loss of a feeling of well-being, financial stress, worry over the impending workload, feelings of disrespect and unappreciation, and a loss of their sense of stability and pride regarding their federal employment. These employees were trying to make the best of a bad situation by catching up on projects and spending time with loved ones. All employees interviewed simply wanted to return to work as soon as possible.



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The Coalition to Protect America's National Parks is a reliable, respected, and effective advocate for achievement of the mission and goals of the National Park Service. Recognized as the Voices of Experience, CPANP studies, educates, speaks, and acts for the preservation and protection of the National Park System, and mission-related programs of the National Park Service. CPANP represents over 1,600 current, former, and retired employees and volunteers of the National Park Service, with over 35,000 collective years of stewardship of America's most precious natural and cultural resources. More information can be found at <https://protectnps.org>.

The Institute for Parks, People and Biodiversity at the University of California, Berkeley, bridges between the academic community and people working in parks and public lands to offer real-world solutions to biodiversity conservation, environmental justice and equitable access to the outdoors. For more information: <https://parks.berkeley.edu>