

Q & A—Creating National Parks

(NAPSA)—From the creation of Yellowstone National Park in 1872 through the designation of the Flight 93 National Memorial more recently, Americans have to set aside historic structures and tracts of land that protect our landscape and tell our shared cultural and historical stories. *National Parks* magazine Senior Editor Scott Kirkwood recently spoke with former NPS Deputy Director and current NPCA Board Member Deny Galvin about how parks are created.

Q: What are the most common ways a national park is created?

A: There are essentially two ways to create a park: Either Congress passes a law or the president creates a national monument under the Antiquities Act. In the latter case, the land must already be federally owned—the president can't create a national monument on private land or state land, for instance. But the vast majority of parks have been created by Congress.

Q: And what steps does that entail?

A: When a park is first proposed, Congress can pass a law asking for a study to be done, and that's often included in an appropriations act to ensure there's enough funding to do so. But individual members can also simply ask the Secretary of the Interior or the Park Service to do a study—you don't actually need legislation to do so, but in recent years so many studies have been required by legislation that the Park Service doesn't have the funds to do additional studies, so the vast majority of studies are done because Congress passed legislation directing them.

Q: How do these studies determine whether or not a park can and should be created?

A: There are four very clear criteria for these studies: One, is the site nationally significant? Specifically, is it an outstanding example of a particular type of resource? Does it possess exceptional value



In 1872, Yellowstone was preserved as the first national park in America—and the world.

or quality in illustrating or interpreting the natural or cultural themes of our nation's heritage? Does it offer superlative opportunities for public enjoyment or scientific study? And does it retain a high degree of integrity as a true, accurate, and relatively unspoiled example of a resource? There's obviously a lot of judgment in applying those criteria, but when you conduct a study the area has to pass all four of those tests.

The second screen is called suitability: Let's say it's nationally significant, but is it already represented in the park system? If you're considering a park that portrays the nation's industrial history, you look at the other industrial history sites like Lowell National Historical Park and C & O Canal and say: Is this the same thing or is it different?

The third screen is feasibility: Is the area we're studying manageable? Can it be protected? Is it capable of efficient administration by the Park Service at a reasonable cost?

If the site passes those tests, the final question is: Is NPS an appropriate manager? There are areas that meet all of the other criteria, but that are being adequately managed and protected by

others, like Mount Vernon, George Washington's home in Virginia. Why would you want to manage it when someone else is doing a perfectly good job?

Q: How does the process work under the Antiquities Act?

A: That's strictly presidential. One recent example of the Antiquities Act is, of course, President Carter setting aside all those lands in Alaska that ultimately became parks and preserves. The Park Service and other federal agencies had already done a whole series of studies, so he wasn't flying blind—it was just a case of the executive branch disagreeing with Congress: The Alaska delegation was essentially blocking the creation of any park, so Carter trumped them by using the Antiquities Act. And ultimately, Congress did pass legislation to create the new Alaska parks—the Alaska National Interest Lands Conservation Act.

Q: If a park passes all the criteria and gets Congress' approval, getting the money is an entirely different process, isn't it?

A: Oh, yes, money is really the last step. The studies estimate how much it will cost to create and run the park, so in theory Congress and the Office of Management and Budget know the Park Service's estimate of the cost. Because of the dynamics of the budget cycle, that might mean a park is created, and it's two or three years before any money hits the ground—usually the Park Service sends a skeleton staff, appoints a superintendent and a couple of support staff while awaiting an appropriation.

There are some historic examples where Congress responded with hostility toward the president's use of the Antiquities Act: C & O Canal, Grand Teton, and Mojave Desert, for example, are cases where the Congress withheld money initially as a form of protest, but it's not common. Once people in Congress really "get" parks, the examples of them fighting the proposals are few and far between.