

Editor's Note: The following paper was given on Dec. 3, 1981, at the Mather Training Center by Rick Smith, now the Asst. Supt. of Everglades National Park, as part of a Ranger training course on Natural Resource Management: Policies and Politics. Smith called his presentation "Some Non-Ecological Principles." On Oct. 10, 1983, at the Ranger Rendezvous in Las Vegas, Smith submitted his paper to Park Science for consideration as "some thoughts from the superintendents' corner."

By Rick Smith, Asst. Supt., Everglades NP

It is odd, considering what the National Park Service is supposed to stand for, that the position of advocacy for resources is many times a lonely stance. During my tenure as an instructor at Albright and my subsequent assignments in Washington and the Everglades with brief stops in Alaska and Fredericksburg, I have come in contact with numerous Park Service employees who seem to have made a decision that separates them from this position. These employees have pledged their loyalty to the National Park Service, not to the National Park System. For many of them, their careers come before the parks. They feel most comfortable, for example, when their performance is measured against standards which deal with personnel management, equal opportunity, or budget management. Conversely, they feel least comfortable when they have to stand up for the parks of the System — when they have to speak on behalf of the values for which the parks were established.

If there is one philosophy that I hope we all share here today, it is that our ultimate allegiance must lie with the resources we were sworn to preserve and protect. I can think of no more awesome responsibility and, although it may sound a bit corny, no more sacred trust. These resources represent the natural and cultural heritage of our country.

To have a corps of people inside the Service who share this philosophy is particularly important now for a couple of reasons. The first is that urban America is rapidly closing in on the remaining natural areas of this nation, many of which are within the National Park System. These threats do not respect artificially established legislative boundaries. Increasingly, these activities pose threats to the natural resources of our parks. Not only are there more people all the time with the corresponding needs for residential development, energy, transportation, recreation and the like, but these services produce by-products and spin-offs which are not yet perfectly understood. What we *do* know is not very reassuring for those of us dedicated to the preservation of our park resources.

Moreover, the change of Administrations, has brought to pass a new way of perceiving the resources of our nation. While not wishing to argue the merits of this change, I would argue that those who share the philosophy we have been discussing must carefully monitor how the changes may affect the natural values of our parks. The principles that guide park management are the product of over a century of experience. During the evolution of these principles, many concepts, ideas, programs, and activities have been tested and either discarded or accepted, based upon their impacts on the parks.

We must guard against abrupt changes that have not stood the tests of investigation and trial. This is not to say, certainly, that new approaches are not worth trying. It is only to say that we know that many of the natural resources of our parks are extremely fragile. There appears to be an exceedingly small margin of error in their management. We must be vigilant that we do not exceed this margin while adapting to a new Administration.

Frederick Law Olmstead, whose idea was restated in Joseph Sax's provocative book *Mountains Without Handrails*, claimed that the value of national parks is that they exist outside of time and space. While in these sanctuaries, the visitor becomes aware of his or her relationship to the environment and, in our historical parks, to the past. It is not that our civilization is moving too fast, they argue; it's just that if there were no places such as national parks, we would have nothing against which to measure the change.

I suspect that if we queried natural resource managers across the System, the vast majority would agree that Olmstead and Sax's argument is an excellent base upon which to build a philosophy of natural resource management. To preserve and protect natural processes within parks has been the general policy of the Service since at least the publication of the Leopold Report.

Why, then, if we agree that this policy has merit, do we need a class such as the one we are sharing at this moment? I believe it is because our ability to preserve and protect natural processes within our parks is compromised at every level, both within and without the Service, by a series of political considerations. It is these considerations that I would like to explore with you today.

You have all had exposure to biological principles around which a park staff can build programs. I suggest a similar set of principles to guide us in our approach to the non-ecological factors that influence our resource management decisions. I have chosen to use the commercial fishing issue in Everglades as my example.

First, some background. Authorized in 1934 and established in 1947, Everglades NP was set aside to preserve the wilderness character of the Everglades. In one of the most directly worded pieces of legislation having to do with parks, the enabling act directs the NPS to permit no activities or developments which would detract from this character. The Committee Reports stress the importance of the Everglades for scientific research. Subsequent designations have reiterated this 1934 Act. In 1975, Everglades was named a Biosphere Reserve; in 1977 Class I airshed status was conferred on the park; in 1978 1.3 million of the park's 1.4 million acres were added to the National Wilderness Preservation System; and in 1979, the park was designated as a World Heritage site.

The seeds were sown, however, for one of the park's thorniest resource management issues long before this impressive array of protective legislation and designations was in place. A letter from Director Arno Cammerer to Chester Thompson, secretary of the Monroe County Fishermen's Assn., dated April 28, 1937, reads: "With this as a background, commercial fishermen using the waters around the Everglades may expect equally fair treatment. The National Park Service has no intention of imposing regulations relating to commercial and sport fishing other than those contained in Florida State laws or county laws in the event that the latter exist." A telegram from Director Newton Drury to Florida Rep. Bernie Papy, dated April 12, 1947, reads: "You are advised that the longtime NPS policy which contemplates that fishing in National Parks and Monuments shall be done in conformity with State laws and regulations subject to reasonable regulations necessary to protect and perpetuate fish resources will apply to Everglades NP in keeping with the commitment of former Director Caruthers to Chester Thompson. Commercial fishing will not be prohibited in the proposed Park."

One final quote will suffice, from a letter dated May 11, 1951, from Director Demaray to Florida's Senator Holland: "You may be assured that we have no intention of deviating from the understanding had between the Department and the State of Florida regarding the continuance of commercial fishing in Park waters. Actually, the commercial fishing regulations recently issued by the Secretary are designed to implement that understanding through regulating these activities so that the marine resources will be preserved and harvested on a sustained yield basis."

Three Directors then, assured Floridians that commercial fishing would not only be allowed in Everglades; one Director went on to promise that the resource would be managed on a sustained yield basis. All of which brings us to the *first of the non-ecological principles* which affect our resource management decisions: The establishment of almost all our Parks was based not only on the significance of the resources but also on a series of implicit and explicit promises made to garner support for the project.

The corollary to this Principle is that the more recently the Park was established, the more promises, agreements, and deals will exist. These arrangements should not be thought of as evil. They are, in fact, a part of the way things get done in the political arena. What is important for our purposes is to (1) recognize that such promises probably exist in our parks and (2) to examine what problems or opportunities they present in relation to our resource management programs.

Ignoring these agreements or wishing they would go away will usually be fatal. As the 1951 letter from Director Demaray stated, the NPS did in fact regulate commercial fishing in several important ways. The inland lakes, bays, canals and rivers were closed to net fishing in 1951 and the remainder of them were closed in 1965, when more area was added to the park. Their closure was to protect coastal and riverine areas and to preserve natural resources. The then superintendent stated that "the entire fisheries resource of Florida Bay has been definitely saved because of these regulations."

established in 1965, limits crab traps to certain waters of the park and distances from any key or marked waterway. These rules were adopted without much protest from commercial fishing interests, probably because there was general agreement among all parties that the fishery resources of Florida Bay were in a state of decline and that the regulations were an attempt to do something about the decline. All of which brings us to our *second non-ecological principle* of resource management: Parties to any agreements will assent to modifications in the agreements *only* when they are convinced that their own interests are thus being served. Arguments as to what will benefit the resources of the park will usually prove futile.

The fact is that most of the pre-establishment agreements represent compromises in the way the NPS manages resources. The consumptive use of Everglades NP resources for commercial purpose is, both by tradition and policy, contrary to park purposes. Any attempt to make these agreements more consistent with established resource management principles is very difficult.

In the meantime, in the late 60s and early 70s, the staff at Everglades NP began to hear increasing complaints from long term fishermen that the fishing in Florida Bay just wasn't what is used to be. Between 1972 and 1978, commercial fishing increased an average of 12 percent a year. As the anecdotal reports of the decline in fishery resources in Florida Bay continued to grow, the NPS became convinced that something must be done. Unfortunately, the NPS had no data, except for some creel censuses, to suggest that commercial fishing was the cause of, or the most significant factor in, the decline.

Nevertheless, in January 1979, the Park Service prepared an *Assessment of Fishery Management Options in Everglades National Park, Florida*, widely distributed to commercial and recreational fishing interests. In February, four public workshops were held to solicit public advice and comment and the data gathered were added to the written comments received and analyzed.

In September 1979, proposed regulations were published in the *Federal Register*. Four public hearings were held in October 1979. The proposed regulations were designed to reduce pressures on the fishery resources and reallocate these resources among park wildlife, recreational fishermen, and commercial fishermen. By March 1980, all the regulations were in place. They contain four major provisions:

- (1) Commercial fishing will be eliminated by Dec. 31, 1985;
- (2) Bag limits are established for all species of fish except mullet and pompano;
- (3) Recreational lobster harvest is eliminated;
- (4) An 18,000 acre sanctuary is established in NE Florida Bay for protection of crocodiles, which inhabit the area.

All of this brings us to *non-ecological principle No. 3*, which has several corollaries. The principle: Even in this day and age with the attendant emphasis on science, it is possible to make decisions based on philosophical considerations.

Corollary #1: Be sure to say that this is what you are doing. Do not try to hokey up your decision with a lot of non-relevant data. You'll get caught.

Corollary #2: Although Principle No. 3 is possible, you won't get away with it very often. There is no sub-

stitute for a well-planned, adequately supported research program in your park, whether it is done by your own people or contracted out.

Corollary #3: Be prepared to be challenged.

The challenge in our "case in point" came shortly after the regulations were published. The Organized Fishermen of Florida, an umbrella group representing the interests of commercial fishermen, filed an emergency motion for a temporary injunction to prohibit the enforcement of the regulations. This motion was denied, based on the Court's observation that (1) there was no likelihood of success on the merits of the case, (2) the NPS had adequately conducted itself as determining "nonsignificance" in not publishing an EIS, and (3) the regulations are a service to the public and the plaintiffs had not demonstrated immediate and irreparable harm.

From April 1980 until November 1980, attorneys for the plaintiffs busied themselves taking depositions from government witnesses. The U.S. Attorney, while monitoring these depositions, continued to be optimistic about the case.

In November 1980, the American people decided that a change was needed in how the country was governed. Which brings us to *non-ecological principle No. 4*: Issues which appear to be settled, based on environmental considerations, can quickly become highly charged political issues. There is only one corollary to this principle: The political friends of the park should be prepared to play a role in the ensuing process.

The Organized Fishermen of Florida, among the first to recognize that the new Administration might wish to review at least some of the decisions of its predecessors, went to Washington, D.C. on April 1, 1981 to meet with Department and Service personnel. At this meeting, the Department agreed that if the Organized Fishermen of Florida would drop the law suit, the NPS would postpone the phaseout of commercial fishing until scientific research could definitely link such fishing with any decline in the fishery resources.

Since the Dec. 31, 1985 date was a Federal regulation, the Department and the Service needed to find a way to announce that a change in the regulation was contemplated. The vehicle chosen was a rule-making petition accepted by the Department from the Organized Fishermen of Florida. The rule-making process is open to interest groups with two provisos:

- (1) The petition must seek something that is not statutorily prohibited, and
- (2) The action sought must be administratively doable.

In this instance, the *Federal Register* notice was that a 10-day comment period and two public hearings were to be held in the South Florida area.

The public hearings were important. We knew that the friends of the Park would turn out in sufficient numbers to balance the record. Since we believed the existing regulations were important in at least two or three ways (the regs imposed bag limits on recreational fishermen, they eliminated as of Dec. 31, 1985 a use which appeared incompatible with park purposes, and both the above eased pressure on resources so that the park could institute studies to pinpoint the decline in fishery resources), it was incumbent upon us to alert the park supporters to the importance of the public comment period.

The public response was overwhelming:

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7,531 petition signatures against changing the regulations, 1,675 in favor; 1,269 letters against changing the regs, 225 for; 554 substantive letters against the reg change, eight substantive letters for; 10 agencies and organizations against the change, one in favor; one elected public official against the changes, two in favor; and 9,365 public expressions against, 1,911 for.

On July 26, 1981, the analysis of the public record from the hearings and the comments from the comment period were forwarded to the Regional Director. Shortly after August 1, the analysis was forwarded to the Director. The recommendation from the park, ratified by the Region, was that based on the analysis and our perception of the health of the resources, the regulations should remain in effect.

In late August, that recommendation was for-

warded to the Department. After more than an year of "no decision," the Department finally instructed Justice to defend the regulations.

Which brings us to *non-ecological principle No. 5*: No politician is immune to overwhelming expression of public opinion, even if that expression is contrary to what the politician's instincts tell him/her. The one important corollary for our purposes is that the opinion should be based on resource considerations — not an attempt to grind any partisan political axe.

Where does all this take us?

Earlier I referred to Sax and Olmstead and their argument that it is in the National Parks (which Olmstead called "sanctuaries") that visitors become aware of their relationship to our Nation's natural and cultural heritage. I would like to add that in these sanctuaries, the Ranger is the minister, not merely the usher.