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# NLC Journal

*At its essence, leadership concerns the capacity of the human community to shape its future, and in particular to bring forth new realities in line with people's deepest aspirations.*

Dr. Peter Senge, Massachusetts Institute of Technology, Discovery 2000 Keynote Speaker  
[www.nps.gov/discovery2000/leader/leader.htm](http://www.nps.gov/discovery2000/leader/leader.htm)

## A Call for Organizational Learning

A major outcome of Discovery 2000, the NPS General Conference held in St. Louis last September, was an emerging vision of the National Park Service in the 21st century (see *NLC Journals*, December 22 and February 22, [www.nps.gov/refdesk/policies.html](http://www.nps.gov/refdesk/policies.html)). It is a vision of the Park Service playing a broader role in American life—a vision of national leadership in the areas of resource protection, the environment and education—a vision arising from a growing belief in organizational potential.

The National Leadership Council continued to build on the inspiration of Discovery 2000 at its meeting in Denver, Colorado, March 19–21. Sessions focused on the role of the NLC in shaping the new century National Park Service, and the function of regional general conferences (formerly superintendents' conferences) in advancing Servicewide dialogue. To realize our aspirations for the future, we know it is essential that we encourage learning throughout our organization. We must create an environment—a culture—that generates knowledge and encourages innovation. We must also recognize that leadership is the foundation on which this future will be built. Leaders are not just top managers, but all of us who have ideas to offer. Leadership is about tapping the energy to create—especially to create something that matters deeply.

The centerpiece of the meeting was a day-long symposium on the National Park Service's core purpose as mandated in the 1916 Organic Act—to conserve park resources and values “unimpaired” for the future. The issue has come to center stage as a result of recent court decisions and the 2001 edition of *Management Policies*. It is an issue that, in the coming months and years, will showcase our commitment to learning, and our commitment to encourage and exhibit leadership. The learning aspect will be demonstrated in our efforts to enhance, collectively, our understanding of the Service's core mission, and what is required for us to be true to that mission. We will be fostering a Servicewide discussion of the meaning of the Organic Act—the foundation on which our decisions affecting the parks should be

based. Our leadership—including the leadership of everyone who reads this message—will be challenged to make decisions consistently that honor our core mission, and to demonstrate that the Service can bring about change when change is needed. The change that we will be making is a change that will more effectively ensure the protection of park resources and values for future generations.

## The Impairment Issue: Our Core Purpose

The 1916 Organic Act tells us that the fundamental purpose in managing the parks is to conserve the scenery and the natural and historic objects and the wild life 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. But we have not all had the same understanding of what is meant by leave them unimpaired. Does it mean we are forbidden to build roads, trails, visitor centers or other facilities in the parks? If so, then how do we reconcile it with the other mandate of providing for public enjoyment?

Acting Director Deny Galvin explained how the issue has come into focus as a result of section 1.4, Park Management, of the 2001 edition of *Management Policies*. Section 1.4 was developed in response to a lawsuit at Canyonlands National Park, which precipitated a renewed examination of how the Service interprets the non-impairment clause. Section 1.4 presents the Service's official interpretation of what the non-impairment clause means, and what we must do to comply with the spirit and letter of the law. The seminar was intended to give the NLC a thorough briefing on how section 1.4 evolved, why it reads as it does, and how we can implement it.

Dr. Robin Winks, Randolph W. Townsend Professor of History at Yale University and a renowned expert on the national park system, was the featured speaker. He presented the findings of his extensive research into the history of the Organic Act. His research explores the sociological backdrop of the times, and the mindsets of luminaries—Frederick Law Olmsted, Jr, Stephen T. Mather and others—who profoundly influenced the legislative process. His research on this

National Leadership Council

Denis (Deny) Galvin  
Deputy Director

Sue Masica  
Associate Director  
Administration

Katherine (Kate) Stevenson  
Associate Director  
Cultural Resource Stewardship  
and Partnerships

Michael (Mike) Soukup  
Associate Director  
Natural Resource Stewardship  
and Science

Richard (Dick) Ring  
Associate Director  
Park Operations and Education

Terrel (Terry) Emmons  
Associate Director  
Professional Services

Robert L. (Rob) Arnberger  
Regional Director  
Alaska

Karen P. Wade  
Regional Director  
Intermountain

William (Bill) Schenk  
Regional Director  
Midwest

Terry R. Carlstrom  
Regional Director  
National Capital

Marie Rust  
Regional Director  
Northeast

John J. Reynolds  
Regional Director  
Pacific West

Jerry Belson  
Regional Director  
Southeast

topic is presented in his treatise: *The National Park Service Act of 1916: "A Contradictory Mandate"*, published in the *Denver University Law Review* (Vol. 74, No.3, 1997—www.nature.nps.gov/Winks).

Professor Winks concludes that there is no contradictory mandate in the Organic Act. The primary intent of Congress was to protect park resources. While parks certainly were to be accessible to the public, public enjoyment was not to be had at the expense of the resources for which the parks were established. This congressional intent was bolstered when Congress passed the 1978 Redwood amendment, which prohibits activities that would cause derogation of the values or purposes for which the parks were established.

Molly Ross, the Department's Assistant Solicitor, Division of Parks and Wildlife, Branch of National Parks, augmented the discussion with her perspective on the Organic Act, and the development of the non-impairment policy interpretation. She offered additional insights based on legal challenges the Service has faced, and stressed that we can allow impairments only when directly and specifically provided by Congress. She stressed the importance of knowing what the law requires, adhering to established policies and procedures, and maintaining an administrative record showing careful consideration of all the pertinent facts before making a decision. There is no bright line rule as to what constitutes impairment; there will always be a need for managers to apply their own good judgment.

Jake Hoogland, Chief of the Park Service's Division of Environmental Quality, explained that Director's Order #12 and its accompanying handbook offer substantial guidance in how to evaluate the impacts of our actions. We have incorporated the impairment test into the long-standing NEPA analysis process, which should be viewed as a decision-making tool that helps us make well-reasoned decisions. While managers may make decisions that result in impacts, the law prohibits impacts that would constitute impairment. NPS decision-makers must state in writing that their decisions will not result in impairment of park resources or values. If there is disagreement as to whether there is an impairment or sufficient information to make a decision, peer review and alternative dispute resolution methods should be used. The NPS may often decide not to take an action that has impacts, even if the impacts do not reach the level of impairment.

Associate Director Kate Stevenson, Cultural Resource Stewardship and Partnerships, presented the perspective of the cultural resource disciplines, and offered that the newly-defined impairment consideration should fit in quite comfortably with the procedures developed under section 106 of the National Historic Preservation Act. Cultural resource staff will be further refining the mechanism for integrating the non-impairment standard into the section 106 process (which, in turn, is integrated into the NEPA process).

*"This is the Information Age. More information is available today, and understood to be necessary to gain understanding. It is an age of greater professionalism. National parks are created to a higher standard; the National Park Service should be held to a higher standard. The Park Service must take whatever steps are required to secure the information needed to make sound management decisions."*

—Dr. Robin Winks

Associate Director Mike Soukup, Natural Resource Stewardship and Science, and Dave Graber, Senior Science Advisor, Sequoia and Kings Canyon National Parks, presented the perspective of the natural resource disciplines. The importance of research becomes very obvious as we try to determine whether we will cause impairments. Everglades National Park is a good example. We invested in learning how the natural system works, and it has greatly enhanced our ability to make rational decisions. However, in the short term, our incomplete understanding of how natural systems and processes function will necessarily limit our ability to predict with precision the consequences of our actions. As we invest Natural Resource Challenge funding in inventory and monitoring and provide greater support for science in the parks, these uncertainties will be reduced. Parks that develop a fundamental understanding of their natural resources will enhance their credibility in analyses of impacts and in their role of protector and educator.

At the conclusion of the symposium, the National Leadership Council resolved that:

- We are committed to meeting our statutory responsibility to avoid impairments;
- We are committed to a long-term effort to obtain the resource information necessary to make well-informed decisions;
- Adverse impacts to park resources should be avoided whenever possible, even when they fall short of impairment;
- Subject matter experts play a vital role in helping superintendents make well-informed decisions, and superintendents will ultimately have to exercise their best professional judgement, taking all factors in the administrative record into account;
- We will begin immediately to provide superintendents and others with training supplemented by distance learning materials (including an "impairment" website), to understand the non-impairment policy;
- We will develop additional materials to help all employees better understand how to distinguish an adverse impact that may be acceptable from an impact that is an impairment;
- The complexity of this issue is such that there is no instant "fix"; the wisdom and judgment necessary to make consistently good decisions may be acquired over time and through experience; and
- Employees at all levels are encouraged to engage in formal and informal discourse on the subject.

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## Regional General Conferences—

### Key Communications Opportunities

The National Leadership Council considers the regional general conferences as key communications opportunities to convey Servicewide themes and to engage regional managers and NPS partners in the continuing dialogue about organizational directions. Discussion of the impairment issue will be featured prominently in this year's general conferences. Beginning with some pilot offerings in calendar year 2001, and fully in 2002, the NLC expects the general conferences will share common program components, region to region. Modeled after Discovery 2000, they will employ dialogue and scenario-planning techniques and involve partner organizations broadly. The NLC is examining prospects for a conference website to share information about these meetings, allowing employees Servicewide to participate and learn from the deliberations occurring at each conference.

### The Role of the National Leadership Council

The National Leadership Council continues to explore its role as a leadership body. Framing this inquiry is agreement that a principal purpose is to stimulate learning and collaboration. NLC members are consulting with Discovery 2000 keynote speaker Dr. Peter Senge about organizational dynamics and attending executive training programs that concentrate on fostering organizational change. The NLC is designing its meetings to focus exclusively on long-term strategic issues and organizational development. Alternative means will be developed to address the type of operational issues that have been the hallmark of past meetings. Leaders, scholars and experts in relevant disciplines will be invited to participate in every meeting. Management and organizational change expertise will be engaged to support specific work.

If the past is a guide to the future, the National Leadership Council believes the Park Service can anticipate—and must plan for—the following: the national park system will continue to expand at a steady pace; newly-established parks will be different in kind and purpose; visitation to parks will increase; pressures on park resources will grow; and Park Service program responsibilities will be extended. To meet these challenges and play the broader role in American life we envision, the National Park Service must build a capacity—the skill—to continually adapt and reinvent itself.

We are a community of people connected by a common purpose. We must act as a collaborative body. *We* are the National Park Service.

## Other Meeting Items

**Concessions contracting.** Some 296 out of a total 630 concessions contracts (i.e., 40%) have expired. Of those, 258 will be the subject of one prospectus. Much thought is being given to delegating contracts valued at \$1.5 million or less—some 90% of all concessions contracts—to the regions; no final decision will be made, however, until senior management has thoroughly reviewed PricewaterhouseCoopers's study of the concessions program. The workload associated with updating contracts and maintenance of the program in general is expected to be enormous in the next few years. Moreover, the costs of such work will exceed franchise fee revenues. Organizational capacity is an additional source of concern. Not only is the program understaffed both in terms of numbers and skills at all operational levels, but 85 of its 125 FTEs will be eligible for retirement in 5 years. This is also true at the regional level.

**Fee program study.** The National Park Foundation has retained McKinsey and Company, Incorporated to conduct a thorough review of all NPS non-appropriated fee revenue, which is expected to be completed within the next 4–6 months.

**Law enforcement workgroup.** The Law Enforcement Workgroup has completed a first draft of a review and implementation strategy based on the recommendations of the Thomas Report and the Report of the International Association of Chiefs of Police.

**Women in law enforcement.** The Women in Law Enforcement Report will be the subject of a workshop led by Associate Directors Ring and Masica and Office of Equal Opportunity Chief, Diane Spriggs. The report and field comments thereon will be reviewed and an implementation strategy recommended.

### Upcoming Meetings

At its January meeting, the NLC agreed to meet bi-monthly, rather than quarterly. The dates and locales for the next three meetings are:

- May 30–June 1, in Washington, DC;
- July 31–August 2, in Washington, DC; and
- October 10–12, in Seattle, WA

The strategic issue to be discussed at the May meeting is the report of the National Park System Advisory Board, which will be released during the summer.

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