UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Shenandoah National Park
3655 U. S. Highway 211 East
Luray, Virginia 22835

IN REPLY REFER TO

A.1.A (4841)

July 29, 2013

Mr. Ernie Hock
County Administrator
Madison County Virginia
302 Thrift Road
P.O. Box 705
Madison, Virginia 22727

Dear Mr. Hoch and Members of the Madison County Board of Supervisors:

This letter is in response to your May 6, 2013, proposal regarding management of the Rapidan Road within Shenandoah National Park. In addition to careful review of your written proposal, I appreciate the face-to-face meetings we have had regarding this issue on March 26, April 8 and June 25 of this year.

As I mentioned in our June 25 meeting, your proposal is complex and raises a number of legal and policy issues. In responding to your proposal, I have carefully reviewed law, policy, past precedent, the Park's General Management Plan and comments we have received from other Park stakeholders regarding this issue. I apologize in advance for what will be a long response. However, given the complexity of your proposal and the widespread publicity associated with it, there are a number of issues which I believe are important to address.

As we discussed during our recent meeting, while inextricably linked, I view your proposal as involving three major components: 1) a call to upgrade the condition of the "Lower" Rapidan Road (the section which is already open to public motor vehicle use under multiple jurisdictions), 2) a proposal to establish a new Park entrance for motor vehicles by opening the "Upper" Rapidan Road (above the Park gate at the existing trailhead) to Skyline Drive and the Big Meadows area for limited public use and 3) a proposal to allow limited commercial use of the upper road for guided van tours. Although it involves the same section of road, I am responding to your proposal to allow guided tours as a separate component since commercial operations within units of the National Park System are guided by specific laws and policies.

The "Promise"

As you know, your proposal and the County's recent resolution and public campaign has been based in large part on a claim that President Herbert Hoover "promised" that this road would serve

as one of the "entrances" to Shenandoah National Park. This claim seems to be based in large part on a sentence in the August 2, 1929, letter from President Hoover to Mr. W.E. Carson. In that letter, President Hoover is thanking Mr. Carson and other officials for the many contributions made by Madison County in helping President Hoover locate the land for and construct the improvements for what became "Rapidan Camp". In that letter, he states, "The Shenandoah Park Association, together with the State of Virginia, and especially the Madison County supervisors, have advanced the improvement of the road which will form one of the fine openings to the new Park." While we have great respect for the special relationship between Madison County and former President Hoover and understand the County's pride in that relationship and history, we do not agree that this (or any other documents we have reviewed) constitutes a compelling or legal requirement that the National Park Service establish a new entrance and open the upper section of this road to public or commercial motor vehicle use. In fact, we would point out that this letter was written well before the Park was formally established and dedicated and that many other documents written by President Hoover clearly support his desire to see his property become part of and managed as a part of Shenandoah National Park, subject to all applicable laws and policies. In addition, I would point out that the lower section of this road already constitutes a "fine opening" to the Park (and the State Wildlife Management Area) and that the trailhead at the gate has for many years provided an appropriate entrance for pedestrians and equestrians. As we have mentioned, the lower section of the Rapidan Road is the only administrative road in all of Shenandoah National Park that is currently open to public motor vehicle use. In that respect, this road is already providing a somewhat unique experience to visitors to Madison County - the opportunity to access a substantial length of the Rapidan River (a nationally recognized trout stream), the State Wildlife Management Area and the trailhead just below Rapidan Camp. We regret that Mr. Hoover's expressing his opinion about a "fine opening" has been interpreted to suggest a legal or moral obligation for the National Park Service to establish a formal entrance for increased motor vehicle access at this specific location. As noted later in this letter, the idea of establishing a more formal motor vehicle entrance at this location has been considered and rejected on several previous occasions and is not called for or anticipated in the Park's approved General Management Plan.

Improvement of the "Lower" Rapidan Road

We are also concerned that in your May 6, 2013, letter you claim that upgrading the "lower" section of the road is simply a "State" issue and that you will work directly with the State to advance this element of your proposal. We respectfully, but strongly disagree with this conclusion. We believe the legal record is quite clear, that after the establishment of Shenandoah National Park nearly all of this road was abandoned by Madison County and consequently now belongs to the landowners whose land this road now crosses, including the United States, the Commonwealth of Virginia and Rapidan Camps, Inc. We agree with your assessment that certain points along this road are currently in rough condition and would be willing to discuss with the County and the other landowners a plan for modest improvements in the maintenance of this road. However, we would not support any actions that would result in a change to the essential character of this road, and believe that this road is currently providing its essential, appropriate purpose of providing a rugged backcountry experience to anglers and hunters within the Wildlife Management Area and access for hikers and equestrians at the existing trailhead. Further, we are only willing to participate in discussions regarding improved maintenance if all of the affected landowners and neighbors are included in those discussions. In those discussions we believe it is important to fully evaluate the initial and on-going costs of any improved maintenance, potential impacts to the Rapidan River,

visitor experience, and the concerns of the other landowners. In the meantime, no work may be performed on the section of the road owned by the National Park Service without our written concurrence, an NPS permit, and completion of necessary and appropriate environmental clearances.

Establishing a New Entrance and Opening the Upper Rapidan Road

Your proposal also calls for establishing a new entrance and opening the "upper" Rapidan Road to the Skyline Drive and the Big Meadows area on a seasonal, daylight hours only basis for up to 10 cars per hour and up to 6 vans per day (on guided commercial tours), between April and November. After careful review of applicable laws and policies, as well as the Park's General Management Plan, I cannot support this proposal. Please allow me to explain the process I utilized in arriving at this conclusion.

The National Park Service Organic Act (16 USC-1) and subsequent amendments (especially the Redwoods Amendment of 1978), make it clear that my highest responsibility as the Park superintendent is to protect the Park's natural and cultural resources "unimpaired" for the enjoyment of future generations. National Park Service Management Policies (2006) further reiterate my obligation to only allow appropriate visitor activities that involve acceptable impacts to Park resources. Management Policies further require that I manage the Park in full compliance with the Park's approved General Management Plan, developed with broad public participation and in full compliance with the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA) and other applicable laws. In fact, NPS Management Policies specifically prohibits me from allowing any activity within the Park that would have an unacceptable impact to Park resources or values, or adversely impact the ability of Park visitors to enjoy those resources or values, including opportunities to observe wildlife, experience natural quiet, and experience a place like Rapidan Camp. In evaluating new proposals, it is my responsibility to determine if the new idea is "necessary and appropriate" in light of the legal requirements of the Organic Act and the Park's purpose and significance.

While Madison County has portrayed this proposal as a simple act of "opening the gate," I respectfully disagree. Opening the upper Rapidan Road to public motor vehicle traffic would represent a major change in the way this portion of Shenandoah National Park is managed, with a potentially significant adverse impact on natural and cultural resources and on the visitor experience in that portion of the Park. In addition, it is important to point out that the idea of establishing a new entrance and opening the upper road to public motor vehicle use for up to nearly 30,000 vehicles per season is simply not practical without a major upgrade to the lower section of the road, as well as other improvements such as improved parking, restrooms etc. Consequently, the range of potential environmental concerns for these components, taken either individually or in conjunction, make it far more complex than simply opening the gate.

As we have mentioned, Shenandoah National Park has a large network of administrative roads used primarily for ranger patrols, maintenance work, and emergency response. With the exception of the lower section of the Rapidan Road (discussed earlier) none of these roads is open to any form of public motor vehicle use. We manage our own use of these roads very carefully, limiting travel to only that which is truly necessary. Many of these roads double as both hiking and equestrian trails, and every vehicle has an impact on the quality of the visitor experience. The Park's General

Management Plan does not call for, nor anticipates, opening any of these roads to public motor vehicle use, and I am committed to protecting the quality of the visitor experience and safety of hikers and horseback riders on these roads.

In addition, the "upper" Rapidan Road is not just another administrative road. The section of the road above the gate (up to the junction with the access road to Rapidan Camp) is part of the National Historic Landmark District which incorporates all of Rapidan Camp. The designation of Rapidan Camp and the access road as a National Historic Landmark imposes upon me an even higher level of responsibility to protect this area from harm. While I appreciate that under your proposal private vehicles would not be allowed to drive directly into Rapidan Camp, I think it is impossible to imagine how up to 28,530 cars, 1464 vans and 86,070 additional visitors passing by between April and November would not have an adverse impact on this remote portion of the Park, the areas within the National Historic Landmark District, and potentially on Rapidan Camp itself. As we have also mentioned, while I appreciate Madison County's special historical connection to this road and the Presidential retreat, opening any one of the Park's many administrative roads to public or commercial motor vehicle use is inconsistent with the Park's General Management Plan and would establish a precedent for other similar proposals in other areas of the Park that, in my opinion, are clearly not in the best interest of the Park.

In evaluating this proposal, I think it is also important to look at the history of decisions made by others in this regard. As you know, the idea of opening certain administrative roads within Shenandoah National Park to pubic motor vehicle use, including the Rapidan Road, is not a new issue.

In 1939, a Congressional Joint Resolution requesting that the Brown's Gap Road and the Gordonsville-New Market Turnpike within Shenandoah National Park be opened for public motor vehicle use was vetoed by President Franklin D. Roosevelt. His veto message read in part:

"The primary objection of this legislation is that it would subordinate national Parks to local considerations. National Parks are created for the benefit of the Nation as a whole, for the preservation of specific areas in their natural condition, with a minimum of development. Such developments as may be required in national Parks are undertaken for general public use, as distinguished from local use. The approval of Senate Joint Resolution 160 would encourage local communities to request opening of minor roads in national Parks solely for the benefit of conferring local benefits upon adjacent communities, and would establish a dangerous precedent."

On August 27, 1947, then Secretary of the Interior J.A. Krug wrote to U.S. Senator Willis Robertson regarding petitions from the State Conservation Commission and the Board of Supervisors of Madison and Culpeper Counties to open the "Hoover Road" within Shenandoah National Park, the same road you are now requesting be opened for public and commercial use. Citing legislative history, Park purpose, operational concerns and cost, among other things, the request to open this road was again denied.

In September of 1985, National Park Service Regional Director James W. Coleman wrote to Senator John Warner in response to a similar request. In that letter, Mr. Coleman pointed out that the Park had just completed a seven-year long General Management Plan process, "with many opportunities for public input and participation." He further stated, "Although several local

residents did suggest the reopening of some of the old roads that once led into the Park, a valid and compelling purpose or need for doing so could not be established." While it is a bit dated at this point, the Park is still operating under the 1983 General Management Plan, and we have no plans to formally study the possibility of opening the administrative roads to public motor vehicles use any time in the near future. In addition, I see no compelling reason to overturn the previous decisions made regarding these administrative roads by President Roosevelt, Secretary of the Interior Krug and Regional Director Coleman.

As a public agency, we are also concerned about the level of public controversy generated by Madison County's resolution and public campaign to advance this proposal. Even before the County had ever met with the Park to discuss this proposal, we had received letters and been approached by numerous individuals and organizations deeply concerned or strongly opposed to the County's proposal. These calls and letters have continued since our first meeting in March. We have received dozens of letters and e-mails in strong opposition to your proposal and only three letters of support. In addition, I have significant concerns about the cost of implementing your proposal including construction costs, costs of increased ranger patrols, visitor assists and emergency responses, and road maintenance/sanitation in this backcountry portion of the Park. In our meeting of June 25, you indicated you expected the National Park Service to bear the full cost associated with implementing these ideas. In these difficult fiscal times, we are simply not in a position to do so and do not believe that a new entrance would result in any significant new revenue for the Park to absorb these costs.

In our meetings, you have acknowledged that your proposal is designed to generate economic activity in Madison County and take advantage of the County's proximity to the national Park. I respect that interest, but hope that you can understand that my primary responsibility is to manage the Park on behalf of all the American people.

However, in talking to the Park staff, we would be very interested in continuing to discuss with the county ideas of mutual interest and benefit. For example, if approached by a reputable tour company, we would be willing to explore the idea of a Commercial Use Authorization for a walking tour to Rapidan Camp, beginning at the visitor trailhead at the current gate. (Commercial Use Authorizations are a form of Special Use Permit we use to allow for certain commercial services in the Park, such as guided tours). A final decision about these walking tours would be subject to the appropriate level of compliance and the company's ability to meet all other NPS requirements. Additionally, we would be interested in discussing ideas about how the Park can help reinvigorate Hoover Days, the special celebration of President Hoover's birthday in Madison. Finally, we believe there are existing but untapped business opportunities for service to the over 100,000 annual visitors who begin and end their hikes of Old Rag and White Oak Canyon at boundary trailheads within Madison County.

In summary:

1) We agree that portions of the lower section of the Rapidan Road are currently in rough condition and would be willing to discuss with all involved stakeholders some modest improvements in maintenance for this road, but cannot support a proposal to change the fundamental character or use of the road.

2) We cannot support opening the upper Rapidan Road to public motor vehicle use but support its current use as an entrance for hikers and horseback riders.

3) We cannot support opening the upper Rapidan Road to guided tours by motor vehicle but would be willing to discuss a Commercial Use Authorization for a reputable tour company to offer a guided walking tour from the current trailhead to Rapidan Camp.

4) We believe there are a number of other visitor service opportunities that would allow Madison County to take advantage of being adjacent to Shenandoah National Park and having the Park's two most active boundary trailheads within Madison County.

I appreciate that you will be disappointed in my response to your proposal. As I mentioned during our last meeting, if you wish, I would be happy to come to Madison County and explain the Park's position to the full Board, or at a regular public Board meeting.

Sincerely,

Jim Northup
Superintendent