

May 16, 2008

Mary A. Bomar
Director, National Park Service
1849 C Street, N.W.
Room 3113
Washington DC 20240

Dear Director Bomar:

Public Employees for Environmental Responsibility (PEER) has taken note of the growing controversy over the proposed expansion of the visitor center at the Little Bighorn Battlefield National Monument, Montana. The visitor center was built in 1952 and, like the large visitor center and cyclorama at Gettysburg, reflected the philosophy of then-Director Conrad Wirth that visitor centers should be placed as close to the resource as possible—in that instance the Bloody Angle where Pickett's charge climaxed. At Little Bighorn, the visitor center is at the very base of Last Stand Hill and in the heart of the battlefield.

Since enactment of the National Historic Preservation Act of 1966, the nation's philosophy of historic preservation has radically shifted. The National Park Service adapted to the new philosophy and moved away from the central concepts of the Wirth era. At Gettysburg the old visitor center and cyclorama have been demolished and a new visitor center placed out of sight but still not far from the Bloody Angle.

At Little Bighorn, the visitor center has for years been considered an unacceptable intrusion on the cultural landscape. This is reflected by the General Management Plan (GMP) of 1986, revised in 1995, calling for a new visitor center that does not visually intrude on the cultural landscape. Now, the National Park Service proposes to enlarge the old visitor center to accommodate immediate needs. This striking contrast in management decisions directly violates one of your underlying principles in the 2006 Management Policies—"one national park system."

The proposed development also violates the underlying principle of ensuring that conservation will be predominant when there is a conflict between the protection of resources and their use. The expanded visitor center would aggravate the intrusion on the historic resource recognized in the GMP in order to accommodate visitor use. Investment in such an undertaking is, of course, also likely to postpone the realization of the GMP for the indefinite future.

Yet, an “interim” FONSI (Finding of No Significant Impact)–interim to imply ultimate accomplishment of the GMP– was approved on April 21, 2008 by Intermountain Regional Director Michael Snyder, thus freeing construction to proceed.

PEER has conducted an analysis of this FONSI and finds it deeply flawed and entirely inadequate to support a determination of no significant impact. The instances in which it reflects a failure to apply fundamental policies of the NPS Management Policies, NPS-28, the Advisory Council on Historic Preservation’s procedural regulations and criteria of adverse effect, and even the 1916 Organic Act are too numerous to burden this letter.

Some of the most serious flaws appear obvious enough in themselves to invalidate the FONSI. For example, the proposed enlargement is described in only a few confused sentences that defy the understanding of even those familiar with the building, a flaw compounded by the absence of any drawings to illustrate the changes. Another flaw is the failure to follow procedures for public consultation and dispute resolution set forth in the regulations implementing section 106 of the National Historic Preservation Act. NPS appears never to have identified and initiated consultation with anyone but the State and later Tribal Historic Preservation Officer, although it surely was aware that there were and are many parties who would be concerned about such a major change in treatment of the Battlefield. The State and Tribal Historic Preservation Officers were simply presented the preferred alternative and asked for concurrence. Finally, the objective of the GMP to remove the visitor center altogether from the cultural landscape is obviated by the determination of no significant impact of the enlarged structure on the cultural landscape. More particulars of our analysis can be provided upon request.

We believe that proceeding with the project based on this FONSI would be vulnerable to legal challenge under the National Environmental Policy Act, the National Historic Preservation Act and other legal authorities. Equally important, the project is simply inconsistent with basic management principles of the National Park Service. We strongly urge you to suspend construction in order to consider the issues we raise, and to obtain an analysis of the FONSI by a cultural resource specialist on your own staff, who can provide you with an assessment of its adequacy to justify the project.

Please let us know by May 30, 2008 whether you agree to suspend further action on this project pending your further review. If the project is not suspended by that date, PEER will consider other options to achieve that end. We appreciate your attention to this matter.

Sincerely,

Paula Dinerstein
PEER Senior Counsel

Cc: John M. Fowler, Executive Director, Advisory Council on Historic Preservation