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Authors

Conard, Rebecca

Reynolds, John

Diamant, Rolf

et al.

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REFOUNDATION: DOES PLACE-BASED CONSERVATION IN AMERICA NEED TO START OVER?
REBECCA CONARD, ROLF DIAMANT, DAVID HARMON & JOHN REYNOLDS, THEME EDITORS



Refoundation: What It Means, Why It Is Needed, Where It Is Going

REBECCA CONARD, JOHN REYNOLDS, ROLF DIAMANT, AND DAVID HARMON

WHAT DOES “REFOUNDATION” MEAN?

We have used the word “Refoundation” to describe our collective efforts to identify and fix systemic vulnerabilities that have been relentlessly exploited to undermine conservation in the United States. (For more on the origins and development of Refoundation, see “Refoundation Resolve,” Rolf Diamant’s Letter from Woodstock column in this issue of Parks Stewardship Forum.) We are convinced that trying to go back to the previous status quo is no longer enough. We also believe in exploring new ideas and approaches that can significantly improve how place-based conservation work is carried out in the 21st century. Therefore, while we remain hopeful that whatever administration comes next can rebuild battered federal resource-management agencies, we also hope that Refoundation will also serve as an opening to renew and expand multi-sector collaboration that will significantly strengthen place-based conservation as a whole. One question frequently asked is: How far do we need to go with Refoundation? All the way down to the foundations? And if so, what does that mean? This is the basic question we posed to our contributing authors.

The focus of many of our invited essayists is the future of place-based conservation in the US. However, there is certainly a global dimension to Refoundation because the actions of the current administration are reverberating around the world. The word “Refoundation,” in fact, first appeared in *Parks Stewardship Forum* in the context of revitalizing Italy’s troubled system of national parks and protected areas. The decline of nation-state support for conservation is a growing threat internationally. As one of our authors presciently points out, “We have been forced to learn in public what happens when place-based conservation loses its most powerful institutional patron. That is not a comfortable lesson, but it’s one every country will eventually need, given how fragile national commitment to conservation can be even in what would have been considered to be one of the most stable of all democracies.”

WHAT IS THE FOUNDATION OF AMERICAN PLACE-BASED CONSERVATION?

Our nation’s commitment to protecting what we value of our environment and culture and history to benefit the common good for future generations has a long and inspiring history. Early preservation influences often reflected Romantic ideals of nature and the built environment. Writers like Ralph Waldo Emerson and Henry David Thoreau emphasized the moral and spiritual value of nature. Landscape artists such as Thomas Cole and Asher B. Durand promoted the beauty of the American landscape.

Early efforts that birthed the movement to protect historic places began to take shape in the first half of the 19th century. Ann Pamela Cunningham, the founder of the Mount Vernon Ladies’ Association (1853), is often called the “Mother of American historic preservation,”

even though Independence Hall was protected earlier, in 1816. Other leaders founded a variety of organizations that set the stage for the modern movement, blending activism, philanthropy, and cultural ideals.

Preserving both natural and historic sites linked to the founding era reflected civic pride and launched a movement to create a protected national identity and heritage.

As the ideal of preservation and conservation and action to reflect these drives continued to mature, federal actions began to set precedents.

The tenets and principles related to federal conservation activities evolved from the work and advocacy regarding the environment of George Perkins Marsh, John Muir, Frederick Law Olmsted, Gifford Pinchot, Congressman John F. Lacey, Robert “Bob” Marshall, and many other politicians and citizen activists.

The period between 1864 and 1916 saw the foundations of the nation’s conservation and historic preservation aspirations begin to be established in law and presidential action. It began with the Yosemite Land Grant in 1864, and includes the establishment of Yellowstone National Park, the Lacey Act protecting wildlife and plants, the first bird refuge at Pelican Island, Florida, the Antiquities Act and its use to create Devils Tower National Monument, the forerunner agencies that would become the US Fish and Wildlife Service, and both the US Forest Service and the National Park Service. The nation was learning what it cared about in its environment and history, and taking action to show it.

More progress was made in the decades following, and another seminal moment came in 1962 when Rachel Carson published *Silent Spring*. People were instinctually and instantly distraught and angry.

And they acted, resulting in, between 1962 and 1976, a tidal wave of environmental, historic preservation, and public participation laws that established, in less than a decade and a half, a set of aspirational and specific foundations addressing our future environment. It was another period of the nation learning what it cared about, and acting on that. These laws, combined with the conservation and environmental actions taken earlier, became the basis for what seemed to be, until less than two years ago, an enlightened and largely solid and seemingly impregnable foundation for federal conservation and historic preservation in the United States.

WHY HAS THE FOUNDATION FAILED?

It is important to be clear about what we mean by “failed.” The governance systems and underlying laws to protect and manage the federal public lands and waters nominally remain in place with physical boundaries largely intact (except for Trump’s evisceration of Bears Ears and Grand Staircase–Escalante National Monuments, now being litigated). But the basic functioning of these systems is in tatters. Direct, honest communication with the public: muzzled. Requirements for consultation: jettisoned. Climate science: denigrated and defunded. History: whitewashed and bowdlerized. Staff morale and professional integrity: decimated. Already-scarce funding: funneled to vanity projects. The list goes on and on—and the next two years could see a concerted effort to get rid of large swathes of the federal estate and many small historic sites.

The foundation we thought was solid, the assumptions we thought were unbreachable, have instead been proven astonishingly fragile, for several interlocking reasons.

The administration has taken full advantage of the slow accretion, over several decades, of legislation and loop-

holes that give the president broad powers in very specific circumstances — but which, crucially, rely on an understanding that the incumbent will exercise self-restraint in the interest of the national good. No one anticipated the degree to which this assumption now doesn’t apply. So it is that Trump has been able to assert the right to disregard a broad range of laws under the guise of open-ended phony “emergencies” or for vague and questionable “national security” reasons—two tactics straight out of an autocrat’s playbook. And he also has exercised legitimate broad powers Congress handed to the Executive branch that allow the Department of Homeland Security to waive environmental laws in the name of border security. All this has been abetted by conservatives pushing a highly dubious “Unitary Executive” theory of presidential power.

That the administration has been able to pursue these actions almost unchecked is because the Republican-controlled Congress has abdicated its responsibility to provide any meaningful oversight. With that off the table, all kinds of previously unthinkable stratagems became possible. (In fairness to Congress, it has stepped up, in bipartisan fashion, to oppose Trump’s draconian budget cuts to federal resource management agencies and to stop a Republican senator’s proposal to sell off large segments of public land.)

The other branch of the federal government, the Judiciary, has also proven to be flat-footed in responding to a “move fast and break things” strategy that “floods the zone” with legally questionable actions being launched in short order. By the time plaintiffs can prove standing to sue (if they can at all) and get cases in front of a judge, the damage is irreversible. And the conservative majority on the Supreme Court has proven highly receptive to arguments from the administration. Most recently, the Supreme Court has moved to severely limit the definition of who holds “standing” to sue—a serious reduction in the power of citizens.



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Behind all this are deeper systemic problems with American democracy and its electorate, which are explored in several of the essays that follow. Our conservation community bears a measure of responsibility, too. Too many of us were too complacent, thinking that the legal system would protect against the worst excesses. And many of us also never imagined that an administration would dare mount an across-the-board assault on all aspects of public lands and waters given their bipartisan popularity.

WHAT ARE OUR AUTHORS SAYING?

The essays that follow reference these failings, but that is not their primary aim. We sought a wide range of perspectives from people with collectively broad experience in stewarding protected lands and waters. The goal was to summon many and varied ideas for further discussion, not choreograph a suite of essays examining a particular proposal or plan. We did not give authors much time to ruminate, nor did we allow time for sharing ideas either in a virtual forum or by circulating drafts. Accordingly, the essays, as a group, present an array of penetrating ideas about how we can get to a better place. Some authors focus their thoughts on the agency or organization they know best; others cast their gaze across the expanse of place-based conservation. Some offer a historical perspective; others point to emerging trends.

Regardless of approach or perspective, the essays gathered here represent thoughtful consideration of the challenges to and opportunities inherent in rebuilding after catastrophic loss. Amid the abundance of ideas, some commonalities of thought also emerge. Several people comment on the leadership role the United States has played in place-based conservation worldwide and the need to re-establish these credentials. For

some, Refoundation begins with rationalizing and strengthening the legal and legislative apparatus undergirding place-based conservation. For others, the central task of Refoundation is expanding the institutional structure, or ecosystem, which funds and manages conservation areas—in a sense, democratizing place-based conservation in ways that invest more citizens in stewarding America’s heritage. Among those who argue for expanding or decentralizing management, a few point to the recent emergence of co-stewardship arrangements with Indigenous Peoples and see co-stewardship as a general guiding principle for the future. Recalling blows that have fallen particularly hard on the sciences and the humanities, others point to the need and opportunity to create a truly interdisciplinary approach to managing natural and cultural resources. One author imagines an integrated approach that establishes permanent links between agency professionals and outside scholars. Finally, as one author asserts, “the idea of setting aside land ... for the permanent benefit of all people was, when it was first proposed, genuinely radical.” In this vein, one group of authors sees conserved, preserved, or protected areas as both a concept and a reality central to American identity and, as such, places of opportunity for civic engagement, civics education, and public service.

WHAT’S NEXT FOR THE REFOUNDATION CONVERSATION?

This is the beginning of what we hope will be an expanding dialogue on Refoundation in the pages of *Parks Stewardship Forum*. Going forward, we anticipate one, if not two more features, dedicated to bringing additional voices to this urgent conversation. We wish to thank our invited essayists for their excellent contributions to laying the groundwork in the pages that follow.