



Written by [Warren Mass](#) on October 11, 2013

Utah Will Reopen Five National Parks Tomorrow

Under an agreement reached with the Department of the Interior, the state of Utah will reopen five of its national parks on Saturday morning.

“Come on down to southern Utah. The parks are open,” Governor Gary Herbert said after signing the agreement.

Among the parks and monuments to reopen, reported the [Deseret News](#), are Arches, Bryce Canyon, Canyonlands, Capitol Reef, and Zion National Parks, Cedar Breaks and Natural Bridges National Monuments, and the Glen Canyon National Recreation Area. The latter area includes Lake Powell.



Herbert’s office released a statement on October 10 advising that a deal had been reached with the U.S. Department of the Interior Secretary Sally Jewell, [reported CNN](#).

“Utah agrees to pay the National Park Service (NPS) up to \$1.67 million — \$166,572 per day — to reopen eight national sites in Utah for up to 10 days. If the federal government shutdown ends before then, the State will receive a refund of unused monies,” an official press statement explained.

The announcement did not explain why the state of Utah should pay the federal government to perform the Interior Department’s responsibilities, instead of vice versa.

Fair arrangement or not, reopening the parks will undoubtedly have a beneficial effect on Utah’s economy. “Utah’s national parks are the backbone of many rural economies, and hardworking Utahns are paying a heavy price for this shutdown,” Herbert said. “I commend Secretary Jewell for being open to Utah’s solution, and the world should know Utah is open for business and visitors are welcome.”

CNN notes that October is a more profitable than normal month for Utah’s national parks, since the good weather attracts a high volume of tourists. Officials estimate that a \$100-million yield for the month is typical, so the parks’ closures would have had a strongly negative impact on the state’s economy.

A report from [NBC News](#) stated that the announcement of the deal came after the Obama administration said on October 10 that states would be given the option to spend their own money to reopen some of the parks shuttered during the partial government shutdown.

NBC News reported that other states, including South Dakota, Colorado, and Arizona, have considered this option.

After South Dakota Gov. Dennis Daugaard proposed using state workers to open parts of Mt. Rushmore, the National Park Service rejected that plan, Tony Venhuizen, the governor’s spokesman, said on Friday. The state is reviewing its options due to the Interior Department’s changed position, he said.

“Gov. Daugaard asked yesterday for details as what the cost to the state would be under this proposal, and he is awaiting that information,” Venhuizen related. “He appreciates this change in approach



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towards flexibility and partnership with states, and is hopeful that it will lead to the reopening of Mt. Rushmore.”

Officials in Colorado would like to reopen Trail Ridge Road through Rocky Mountain National Park to allow access to the town of Estes Park, which is working to recover from recent flooding, Eric Brown, a spokesman for Gov. John Hickenlooper, said in an e-mail on Friday.

Among the closed parks is the Grand Canyon, which Arizona Governor Jan Brewer has asked to be allowed to reopen in part, according to the [Arizona Republic](#).

Brewer, along with State Senate President Andy Biggs and State House of Representatives Speaker Andy Tobin, sent a joint letter to President Obama asking to reopen the park. The letter cited a National Park Service study that found that the Grand Canyon brings in more than \$467 million in yearly revenue and supports about 7,400 jobs.

“As Arizona is no less exposed to the current unstable and struggling national economy than any other state, we cannot afford to turn away this kind of revenue,” Brewer and the legislators wrote. “To do so will unnecessarily devastate the employment of thousands of Arizonans who depend on the Grand Canyon — especially when there is a common-sense alternative.”

Among the states not interested in reopening and running national parks (and paying for the privilege) are Wyoming, Nevada, and Florida.

“[Wyoming’s] Gov. Mead did ask about the federal government’s plan for national parks and was told the shutdown order prohibited any state from reopening a national park,” his spokesman Renny MacKay wrote in an e-mail to the [Casper Star-Tribune](#). “While the Department of Interior’s position may have changed, Wyoming’s position has not.”

Nevada Governor Brian Sandoval also declined, with his spokesman, Mary-Sarah Kinner, stating in an e-mail to NBC News on Friday:

Nevada is already making critical funding decisions on programs such as food stamps, unemployment insurance, programs for women, infants and children, and dozens of others. With so many Nevadans facing real consequences, the state simply cannot afford to reopen federal parks at this time. Nevada state parks, however, are open and experiencing record visitation.

Florida Governor Rick Scott also declined to use state funds to open national parks in his state.

“It’s the federal government’s obligation to reopen and cancel restrictions on Florida’s natural treasures, and Florida taxpayers will not foot the bill to cover Washington’s failure to negotiate and compromise,” Scott’s Deputy Communications Director, Frank Collins, said in a statement.

While the reluctance of Scott (and the other governors who declined) to engage in the financial double jeopardy of using state funds to pay for something his taxpayers have already paid for through their federal tax dollars is understandable, his choice of words does little to educate constituents about the proper balance between federal and state authority and responsibility, under the Constitution. The Tenth Amendment to the Constitution states: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.”

While the Constitution does grant to Congress the same authority it has over the District of Columbia “over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings,” it is silent about



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the creation of national parks.

Therefore, Scott's claim that it is "the federal government's obligation to reopen and cancel restrictions on Florida's natural treasures," is valid only if it is within the federal government's delegated power to establish such "natural treasures" in the first place.

Given the federal government's financial difficulties and inability to operate our national parks during this crisis, it might be worthwhile to consider the Liberty Amendment, originally conceived by Willis E. Stone in the 1940s. Variations of the Liberty Amendment have been introduced in Congress over the years, the first in 1952 and the most recent in 2009, when Rep. Ron Paul introduced H.J. Res. 48, "Proposing an amendment to the Constitution of the United States relative to abolishing personal income, estate, and gift taxes and prohibiting the United States Government from engaging in business in competition with its citizens."

On October 9, 1975, the late Rep. Larry McDonald (D-Ga.) introduced a document called "The Liberty Amendment: Questions and Answers" into the *Congressional Record*. Among the questions and answers were:

What will happen to our national parks and forests?

There is no reason to fear that parks and forests will be destroyed because they will be in State jurisdiction. There is nothing to indicate that Federal control has any merit. State, city, and county parks are generally better maintained than national parks, because the local interest is higher.

The same may be said of forests. Records show that the ravages of fire and disease in a national forest are far greater than in State forests, and greater in States forests than in private forests. The obvious reason is that trees in a private forest represent a salable crop, while in public hands they are an avenue to political power.

Can the States be trusted to maintain their parks and monuments and preserve these for posterity?

Under the Constitution each State was sovereign and held complete jurisdiction over the land and activities within its boundaries. As the Parks and Monuments are located within States, the States are naturally better stewards of their own property than any Federal agency could be.

The Constitution intended that each State would hold exclusive jurisdiction over all land and activities within its own boundaries. The Liberty Amendment will restore that concept.

Photo of Delicate Arch at the Arches National Park near Moab, Utah



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