

PROTECTING SCENERY AT MULTIPLE SCALES

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Abstract.—The need to protect scenery and historic properties is explicitly called out by several Federal statutes. By adopting thoughtful and intentional management strategies to implement the statutory direction, Federal agencies can collectively ensure that important scenery endures for the benefit of future generations. This paper summarizes why it is so important to cultivate thoughtful management of public scenic resources, which encompass both natural and cultural settings. It briefly describes current efforts by Federal agencies to advance the consideration and protection of scenery across lands under their jurisdiction. Recommended steps are presented for securing a broader collaboration across Federal agencies, States, industry, private property owners, and stakeholders to advance stewardship of visual resources into the future.

INTRODUCTION

Experiencing breathtaking scenery and culturally significant settings and their surrounding views is important to our National heritage and the human spirit. The protection of scenery and historic properties at the National level has been included in the stated goals and direction of an array of Federal statutes. Private landowners, local communities, and States also protect scenery and iconic scenic views. According to National Park Service visitor surveys, 90 percent of visitors to our National Parks consider scenic views an *extremely or very important* resource to protect and preserve (Kulesza et al. 2013). This is across a range of other attributes that provide motivation for visiting our National Parks. In addition, National, regional, and local economies all benefit from this tourism. By adopting thoughtful and intentional management strategies, we can collectively ensure that important scenery across an array of jurisdictions endures for the benefit of current and future generations.

Because of the vision and hard work of others over our country's history, many treasured visual resources across our Nation have already been preserved into the future. Such resources typically fall wholly within protected lands like National Parks, National conservation lands, National Forests, protected cultural sites, and State and local parks. However,

many other visual resources and their viewsheds lack such protection. Federal agencies have authority and opportunity to collaborate on safeguarding additional views of natural and cultural scenes of shared importance at multiple scales. Scales may range from the site-specific level in light of particular development proposals, to the landscape-scale level, where strategies can knit jurisdictional boundaries together to address visual resources in a broader and shared context.

Visual resources are defined as visible physical features within the landscape (e.g., land, water, vegetation, structures, and other features), whereas views are geographic areas that contain visual/scenic resources that can be seen from a given viewpoint. Visual resources and views include both natural and cultural settings.

This paper summarizes why it is so important to cultivate thoughtful management of visual and scenic resources at a National and local level. It briefly describes current efforts by Federal agencies to advance the consideration and protection of scenery associated with lands under their jurisdiction. It also explores steps for securing broader collaborations among an array of partners across shared landscapes to forge a collective management strategy for stewarding visual resources into the future. Forging collective management strategies across jurisdictions is key.

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WHY PROTECT SCENERY? WHAT DO WE GET IN RETURN?

Efforts to protect scenery by Federal agencies and others frequently complement other resource management goals, from recreational opportunities to protection of endangered species to promoting ecosystem services to historic preservation. Visible physical features often consist of multiple attributes including landforms, vegetation, cultural landscapes, and water bodies. While there is no single statute that is totally devoted to the protection of scenic viewsheds, statutes that focus on other resources provide the co-benefit of protecting scenery and can be used to protect scenic viewsheds.

In addition to the public's enjoyment of National Parks noted above, research also documents a connection between natural scenic views and health (Seresinhe et al. 2015). The Harvard School of Public Health is exploring this phenomenon in the larger context of the importance of humans interfacing with nature, and the role that getting outdoors plays in our overall health (Harvard University 2018). The mental and physical health benefits from interacting with nature have been known since the 1600s and have been recently validated by evidence-based medical research. Research continues to reveal undeniable relationships between doses of nature and improvement in health from stress reduction to bolstering the immune system. Cities and communities are making large investments to put natural elements back into urban places, particularly where health risks are known to be high, as an effective and affordable public health intervention. With the investments being made to resurrect nature in built environments, the idea of protecting existing natural scenic settings and maintaining important viewshed portals to scenic vistas and natural landscape backdrops is also a very wise investment (Sachs 2014).

Efforts to protect scenery may also yield economic benefits to communities and the Nation as a whole. The literature is replete with studies examining the economic value of scenery and natural resource amenities in general such as the work done on the value of scenic quality to visitors of the Blue Ridge Parkway (Mathews et al. 2004). The National Park Service also annually evaluates the sizable economic contribution that Parks make to surrounding communities (Cullinane and Koontz 2017).

The measured economic value of protecting scenic viewsheds will vary depending on the value that the public places on scenery. This is measured by adding up expenditures the public makes to actually see such views plus the value the public places on knowing such views exist, counter-weighted by the economic value associated with conflicting uses that could be curtailed to protect scenic landscapes. As an example, in 2016 the National Park Service determined that visitors to Parks contributed \$34.9 billion in economic activity and created or supported 318,000 jobs across the country (Cullinane and Koontz 2017).

EFFORTS TO DATE AT THE FEDERAL LEVEL

Typically, protecting scenery is the domain of local communities through zoning ordinances, scenic conservation easements, and State governments through creation of State parks, State forests, and other special set asides. At the Federal level, a long history also exists for protecting scenery through special designations, which began with the creation of Yellowstone National Park in 1872 “for the benefit and enjoyment of the people” (16 U.S.C. §21) and extends across a variety of Federal lands under the management of several key agencies including the USDA Forest Service (FS), the Bureau of Land Management (BLM) and the National Park Service (NPS).

Current Systems in Place

At least 12 Federal agencies have varying levels of responsibilities in the visual resources arena. They include: the BLM, NPS, U.S. Fish and Wildlife Service (FWS), Bureau of Energy and Ocean Management (BOEM), Bureau of Reclamation (BOR) and Bureau of Indian Affairs in the Department of the Interior; Forest Service and Natural Resource Conservation Service in the Department of Agriculture; Department of Transportation; Federal Energy Regulatory Commission; United States Army Corps of Engineers (USACE); and National Advisory Council on Historic Preservation. These agencies all have differing missions and authorities governing how they consider and integrate the protection of scenic views into their planning and decision-making processes. These differences are strengths by which existing means for advancing the protection of visual resources

get closely examined and new ideas get well vetted, often under the process set forth under the National Environmental Policy Act (NEPA). Six of the Federal agencies (BLM, NPS, FWS, FS, BOR, and USACE) have direct land management responsibilities while a seventh agency, BOEM, has jurisdiction over expansive ocean resources associated with the outer continental shelf, which typically begins 3 miles off shore.

Of the six agencies with land management responsibilities, two of them, the BLM and FS, have had comprehensive programs that address visual resources associated with their lands since the 1970s. Both agencies have direction in their governing statutes that call for accounting for visual resources in their land use planning processes. These agencies have amplified this direction through policies and procedures and made adjustments to their approaches over time. While both programs have the latitude to protect scenic views associated with neighboring lands, the programs have often been implemented in a much more limited fashion. By recognizing the importance of collaborating with local communities and other Federal agencies, both agencies have been increasingly working in a broader context.

For the NPS, its enabling statute dates back to 1916 and specifically calls out the preservation of scenery among the agency's responsibilities. Since 2012, the NPS has had an effort underway to develop a comprehensive approach for inventorying and evaluating the importance of natural and cultural views to Park visitors and their enjoyment of the Parks. This effort includes both views that are wholly within the boundary of lands under the NPS's jurisdiction and those that extend beyond Park boundaries. Prior to this recent effort, unlike BLM and the FS, the NPS took a very decentralized approach (i.e., park by park) to account for Park views in planning and decision making processes. This piecemeal approach included the land use planning and permitting processes of Park neighbors, whether they were other Federal agencies, local government, or individual landowners.

In the case of the FWS, the agency focuses on its management responsibilities related to fish and wildlife. Nonetheless, scenic views are an important component of the experiences of wildlife Refuge visitors. The BOR manages water in the West, covering 17 States. In this capacity, BOR is engaged in water infrastructure projects and in river restoration and

reclamation projects, which includes restoring the ecological function of rivers and recovering species. Visual resources fall within the restoration efforts.

The USACE provides outdoor recreational opportunities to the public as an ancillary benefit of its flood damage reduction and navigation projects. This role fulfills its three-part mission to: 1) serve the needs of present and future generations; 2) contribute to the quality of American life; and 3) to manage and conserve natural resources consistent with ecosystem management principles. The USACE provides over 5,000 recreation sites at more than 400 projects on 12 million acres of land and water. The USACE also advances environmental stewardship associated with these lands and waters (U.S. Army Corps of Engineers 2016). As early as 1971, the USCOE issued design guidance in its Engineer Manual (Department of the Army 1971). In this document, the USACE states that: "Incorporating environmental quality in project design involves considerably more than a superficial treatment of aesthetics. It involves designing with nature in all of its dimensions—ecological, visual, and human-cultural—rather than against or onto it" (U.S. Army Corps of Engineers 2016). In 1988, the USACE developed a visual resources assessment procedure for its various water-related projects. The procedure document sets forth a systematic approach for addressing visual resources in the planning process (Smardon et al. 1988).

Other mentioned agencies that do not manage land nevertheless have responsibilities that affect visual resources. In brief, these include:

- Bureau of Indian Affairs: Acts on behalf of Indian Tribes. Scenic resources are important, especially at a cultural landscape level. Tribes have a variety of energy assets that are being developed, and opportunities to mitigate impacts to visual resources are in the mix.
- Natural Resources Conservation Service: Helps rural communities and individual private landowners with agricultural issues, including taking voluntary steps to understand, map, and protect cherished scenic resources on private land. The agency has a series of technical guidance documents on various topics, including the preservation of visual resources plus resource stressors and what can be done to reduce them.

- Department of Transportation: Section 109(h) of Title 23, United States Code, requires that adverse economic, social, and environmental effects are considered in transportation project decision making for any Federally funded project. This includes minimizing adverse effects from the destruction or disruption of humanmade and natural resources, aesthetic values, and community cohesion. In 1981, the agency released guidance on accounting for and protecting the visual environment, which was updated in 2015 in Guidelines for the Visual Impact Assessment of Highway Projects (Churchward et al. 2013). The Department of Transportation is also tasked with formulating a National Scenic Byways program under Section 1047 of the Intermodal Surface Transportation and Efficiency Act of 1991.
- Federal Energy Regulatory Commission: The Commission licenses hydroelectric, gas, and transmission projects. As part of that process, it takes into account how projects will affect visual and aesthetic resources.
- Advisory Council on Historic Preservation: The Advisory Council is an independent Federal agency that promotes the preservation, enhancement, and productive use of our Nation's historic resources, and it advises the President and Congress on National historic preservation policy. It is very involved in energy development issues throughout the West, including the use of Section 106 of the National Historic Preservation Act to understand impacts and secure needed mitigation. The visual resource dimension of historic properties is among the considerations.

Cultivating Thoughtful Management of Visual Resources

There is a range of statutory and regulatory language that provides the basis for Federal agencies to consider and protect scenery in their land use planning and/or site-specific permitting decisions. For example, the Federal Land Policy and Management Act governing the BLM calls for BLM lands to be managed in a manner that will protect the quality of the scientific, *scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values* ..." (43 U.S.C. §1701(a)(8), emphasis added). BLM regulations, at 43 CFR Subpart 1610, incorporate

this direction into the Bureau's land use planning processes. For visual resources, the BLM has a formal visual resource management framework to fulfill its basic stewardship responsibility by identifying and protecting visual values on public lands under its management (see BLM Manual 8400 - Visual Resource Management 1984).

Under the NPS Organic Act, the NPS is directed to "conserve *the scenery*, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations" (54 U.S.C. §100101(a), emphasis added). The NPS does not have separate regulations governing the management and protection of visual resources. Instead the Service relies on its 2006 Management Policies and the mandates and regulatory processes of other agencies. In the NPS policy document, Park resource managers are directed to "work cooperatively with others to anticipate, avoid and resolve potential conflicts; protect Park resources and values; provide for visitor enjoyment; and to address mutual interests in the quality of life of community residents, including matters such as compatible economic development and resource and environmental protection" (see National Park Service 2006, Section 1.6, p. 13). Emphasis is placed on "cooperative conservation beyond Park boundaries."

In 2012 the NPS began a process of developing a systematic inventorying and management strategy for Park-related visual resources and has drawn heavily on the systems developed by BLM, the FS, and some individual Parks like the Blue Ridge Parkway's Scenery Conservation System (National Park Service 2008).

Traditional Federal approaches for scenery protection have also drawn heavily on the analysis of effects required under NEPA and the National Historic the National Historic Preservation Act (NHPA). The NEPA calls for "the Federal Government to use all practicable means, consistent with other essential considerations of National policy, to improve and coordinate Federal plans, functions, programs and resources to the end that the Nation may... (2) assure for all Americans safe, healthful, productive and *esthetically and culturally pleasing surroundings*;...(4) *preserves important historic, cultural and natural aspects of our National heritage*..." (42 U.S.C. §4331(b), emphasis added). The NHPA also speaks to "(4) the preservation of this irreplaceable heritage is in the public interest so that its vital legacy

of cultural, educational, *aesthetic*, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans” (Public Law 89-665, as amended by Public Law 96-515, emphasis added). Both statutes provide an overarching basis for considering the protection of the aesthetic environment in Federal agency decision making processes. They also call for the engagement of various interests in those processes.

All efforts to date have tried to take thoughtful approaches to visual resource management with an emphasis on reaching out to a broad array of stakeholders from other Federal agencies, States, private landowners, developers, and various user groups including the environmental community. Efforts have nearly always started by examining statutory and regulatory authorities but agencies have recognized that that is not enough. Stimulating open dialogues with local communities at the onset of any project to identify important views and understand how those views fit into the local fabric of an area is a key first step. It is critical to identify the diverse interests in a community and understand the community’s willingness to participate in a process meant to advance collaborative conservation around scenery. The circle of people with interests in protecting scenery is larger than the local community but the voices of local people are sometimes taken for granted or even overlooked.

Importance of Communities and Engagement

Bringing people together is a fundamental and necessary step of regulatory and /or non-regulatory processes to document the overall value of visual resources. Such engagement is and will continue to be central for establishing enduring management strategies for scenery and visual resources. Common ground must be achieved.

In striving for a collective vision for managing visual resources at multiple scales, agencies need to manifest a commitment to effective and sustained engagement with an array of stakeholders from other Federal agencies, State and local governments, Tribes, private landowners, industry, and a range of nongovernmental entities. Doing so includes:

- Engaging in dialogues on multi-scale management of shared visual resources and viewsheds.

- Building consensus on scale, both the need to account for specific visual resources in a given area and then stepping back to look at a regional scale.
- Setting stakeholder-driven goals and objectives related to different scales.
- Scripting a framework and management strategy covering shared visual resources and viewsheds at multiple scales.
- Implementing the strategy and engaging the full range of interest groups and stakeholders with special efforts to engage the local community.
- Taking advantage of existing data bases, inventory efforts, evaluation methods, information on best management practices, and key steps in agency land use planning.
- Remaining mindful that the process needs to be iterative.

NEW DIRECTION AND PRIORITIES

There is a delight in the hardy life of the open. There are no words that can tell the hidden spirit of the wilderness that can reveal its mystery, its melancholy and its charm. The nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased and not impaired in value. – President Theodore Roosevelt

The land ethic of the current Administration is still being articulated and solidified by action. In the resource management arena, the U.S. Department of the Interior is off to a fast start with a heavy emphasis on energy development through various Secretarial Orders that tier off of new Executive Orders. Ensuring that breathtaking scenery remains part of the American experience from coast to coast fits squarely in the broad mission framework of the Department, which includes both energy development and conservation. With time, greater clarity will emerge as to how the Department balances its many missions and resources. Protecting scenery does not need to be a “zero sum” game with winners and losers. By taking an inclusive, collaborative approach to the protection of visual resources, we can ensure that they endure over time and across multiple scales for all.

CONCLUSION

The Nation has long recognized the importance of protecting scenic and cultural landscapes as part of the American experience and acknowledged that deliberate steps must be taken to preserve this heritage for future generations. Efforts among Federal agencies to be wise stewards of our Nation's resources echo a 1965 call to action by President Johnson to the United States Congress: "For centuries Americans have drawn strength and inspiration from the beauty of our country. It would be a neglectful generation indeed, indifferent alike to the judgment of history and the command of principle, which failed to preserve and extend such a heritage for its descendants" (White House Conference on Natural Beauty 1965). Differing missions, enabling statutes and agency culture, create both challenges and opportunities related to protecting public resources. Because natural, cultural, and visual resources associated with our Federal lands are finite, it is important that we collectively ensure that viewsheds and associated visual resources that are important to us as a Nation are considered and protected for the future.

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