

We know that Secretary of the Interior Ryan Zinke has little regard for government rules — the Navy SEAL career he is so fond of touting was derailed because [he misused government funds for personal travel](#); he has continued to [flout travel regulations and restrictions on political activity by government employees](#) in his present job; and just this month, taking a page out of his boss's playbook, he suddenly announced via Twitter that his department would exempt Florida from offshore oil drilling for no apparent reason, a decision [he is still trying to defend](#) while his underlings [try to walk it back](#).

So we shouldn't be surprised that part of the stamp Zinke seems to want to put on the Department of Interior is to surround himself with others who share his contempt for good governance. But the announcement this week that [Dan Smith has been appointed Acting Director of the National Park Service](#) is stunningly tone-deaf, even for an administration with essentially no regard for the norms of governing. As a special assistant to then-NPS director Fran Mainella in 2004, Smith bypassed NPS scientists, in violation of NPS guidelines and as far as I can tell in violation of the National Environmental Policy Act, [to make sure that Washington Redskins owner Dan Snyder was given a special use permit to clearcut](#) the vegetation on 1.3 acres of a scenic easement held by NPS.

Here's what the Department of Interior's Inspector General (you can read the full report [here](#), courtesy of [Public Employees for Environmental Responsibility](#)) had to say about Smith's role in this incident:

Our investigation also revealed that the unprecedented decision to allow Mr. Snyder to cut on the easement resulted from the undue influence of P. Daniel Smith. Smith inappropriately used his position to apply pressure and circumvent NPS procedures, on Mr. Snyder's behalf, through his personal communications with park officials and Mr. Snyder and his representatives.

Of course, this history too probably ought not to surprise us — inappropriate pressure of career civil servants by political appointees was rampant at the time, in the GW Bush Interior Department (you may remember [Julie MacDonald](#)).

This is not a partisan issue, or at least it should not be. And it's not a difficult one to solve. It's not much to ask that any administration avoid putting people with a documented history of flouting the rules that govern governance in charge of the very agencies whose rules they have flouted. But of course, if the President and the Senate are okay with putting someone (Zinke) with a documented history of self-dealing with government funds in charge of a

Cabinet department, those Cabinet members can be expected to replicate the pattern. So corruption takes root and grows.

Oh, and perhaps Zinke should worry about another pattern. The IG's report offers a nice tidbit I hadn't seen reported elsewhere: when questioned about his actions in the Snyder clearcutting matter, Smith blamed NPS Director Mainella. She denied any knowledge of the situation. The IG concluded that Smith's account was internally inconsistent and therefore (reading between the lines) not credible. If I were Zinke, though, I'd watch my back — if Smith gets caught doing anything untoward, he's likely to look to Zinke as a potential scapegoat, and Zinke's own credibility is sufficiently tattered that he might not find it easy to defend himself.

This appointment may also indicate that Secretary Zinke still has a lot to learn about the federal bureaucracy. [Interior's press release](#) explicitly says that Smith has been appointed acting director of NPS, but that doesn't seem possible. Under the Federal Vacancies Reform Act, positions that are subject to presidential nomination and Senate confirmation which are vacant on inauguration day can be filled by acting officials for no more than 300 days. (See part 4 of [this report](#) by my colleague, Anne Joseph O'Connell, who is the leading expert on the Vacancies Reform Act.) On Jan. 20, 2017, inauguration day for Trump, there was no Senate-confirmed director of NPS. Jon Jarvis, the last confirmed director, [retired on Jan. 3](#). Mike Reynolds, who had been the deputy director, became acting director when Jarvis retired, and served in that capacity through January 8, 2017. That was already more than 300 days. As I understand it, there cannot now be an "acting director" of NPS, and until a new director is nominated and confirmed any non-delegable duties of the NPS director must be carried out by Secretary Zinke.

Which makes this just one more reminder that, a year into the Trump administration, the top ranks at Interior (as elsewhere) remain thin. There are [17 positions at Interior](#) requiring presidential nomination and Senate confirmation. According to [this Washington Post tracker](#), as of today, nominees had been confirmed for only 6 of those positions, with an additional four nominations pending. In addition to NPS director, key positions still without nominees include director of the US Fish and Wildlife Service; director of the US Geological Survey; director of the Bureau of Land Management; and Assistant Secretary for Fish, Wildlife and Parks.