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APPENDIX M: ANNOTATED LIST OF APPLICABLE LAWS, EXECUTIVE ORDERS, AND POLICIES

The federal laws, executive orders, and policies and procedures applicable to the national park system are listed below, and their guidance is summarized in that order in this appendix. More selective compilations and explanations of legal requirements for particular subjects are available at the listed websites.

TABLE M.1: FEDERAL LAWS APPLICABLE TO THE NATIONAL PARK SYSTEM

Federal Laws	
Abandoned Shipwreck Act of 1987	Endangered Species Act of 1973
Acid Precipitation Act of 1980	Endangered Species Conservation Act of 1969
Act amending the act of October 2, 1968 (commonly called the Redwoods Act)	Energy Supply and Environmental Coordination Act of 1974
Act of August 8, 1953	Estuary Protection Act
Act of February 21, 1925	Farmland Protection Policy Act
Act of June 30, 1864	Federal Advisory Committee Act
Act of June 5, 1920	Federal Aviation Act of 1958
Act of March 1, 1872	Federal Cave Resources Protection Act of 1988
Act of May 26, 1930	Federal Coal Leasing Amendments Act of 1976
Administrative Dispute Resolution Act	Federal Insecticide, Fungicide, and Rodenticide Act
Administrative Procedures Act	Federal Land Policy and Management Act
Airport and Airway Development Act of 1970	Federal Power Act of 1920
Airports In or Near National Parks Act	Federal Water Pollution Control Act (commonly referred to as Clean Water Act)
Alaska National Interest Lands Conservation Act of 1980	Federal Water Power Act
Alternative Dispute Resolution Act	Federal Water Project Recreation Act
American Battlefield Protection Act of 1996	Fish and Wildlife Coordination Act
American Folklife Preservation Act of 1976	Flood Disaster Protection Act of 1973
American Indian Religious Freedom Act	Food Security Act of 1985 (Sodbuster Law)
Americans with Disabilities Act of 1990	Forest and Rangeland Renewable Resources Planning Act of 1974
Antiquities Act of 1906	Freedom of Information Act
Archeological and Historic Preservation Act of 1974	General Authorities Act, October 7, 1976
Archeological Resources Protection Act of 1979	General Mining Act of 1872
Architectural Barriers Act of 1968	Geothermal Steam Act Amendments
Arizona Desert Wilderness Act (contains NPS boundary study provisions)	Geothermal Steam Act of 1970
Bald and Golden Eagles Protection Act	Grand Canyon National Park Enlargement Act
Clean Air Act	Historic Sites Act of 1935
Coastal Barrier Resources Act	Intergovernmental Cooperation Act of 1968
Coastal Zone Management Act of 1972	Lacey Act of 1900
Comprehensive Environmental Response Compensation and Liability Act (commonly referred to as CERCLA or the Superfund Act)	Land and Water Conservation Fund Act of 1965
Department of Transportation Act of 1966	Magnuson-Stevens Fishery Conservation and Management Act
Disposal of Materials on Public Lands (Material Act of 1947)	Management of Museum Properties Act of 1955
Emergency Planning and Community Right-to-Know Act of 1986	Marine Mammal Protection Act of 1972

Federal Laws (cont.)	
Marine Protection, Research, and Sanctuaries Act of 1972 (commonly known as Ocean Dumping Act)	Outer Continental Shelf Lands Act
Migratory Bird Conservation Act	Park System Resource Protection Act
Migratory Bird Treaty Act	Parks, Parkways, and Recreational Programs Act
Mineral Leasing Act for Acquired Lands	Payment in Lieu of Taxes Act
Mineral Leasing Act of 1920 (commonly referred to as Mineral Leasing Act or Mineral Lands Leasing Act)	Public Buildings Cooperative Use Act of 1976
Mining in the Parks Act	Rehabilitation Act of 1973
National Environmental Policy Act of 1969	Reorganization Act of March 3, 1933
National Flood Insurance Act of 1968	Reservoir Salvage Act of 1960
National Historic Preservation Act	Resource Conservation and Recovery Act of 1976
National Park Service Concession Management Improvement Act of 1998	Revised Statute 2477, Right-of-Way across Public Lands
National Park Service Omnibus Management Act of 1998	Rivers and Harbors Appropriation Act of 1899
National Park System Concessions Policy Act	Safe Drinking Water Act
National Park System General Authorities Act (Act to Improve the Administration of the National Park System), August 18, 1970	Soil and Water Resources Conservation Act of 1977
National Park System New Areas Studies Act	Surface Mining Control and Reclamation Act of 1977
National Parks Air Tour Management Act of 2000	Surface Resources Use Act of 1955
National Parks and Recreation Act, November 10, 1978	Surface Transportation Assistance Act of 1982
National Parks Overflights Act of 1987	Tax Reform Act of 1976
National Trails System Act	Toxic Substances Control Act
National Trust Act of 1949	Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
National Wildlife Refuge System Administration Act of 1966	Urban Park and Recreation Recovery Act of 1978
Native American Grave Protection and Repatriation Act	Water Resources Planning Act of 1965
Negotiated Rulemaking Act of 1990	Watershed Protection and Flood Prevention Act
Noise Control Act of 1972	Wild and Scenic Rivers Act
NPS Organic Act	Wilderness Act
Outdoor Recreation Coordination Act of 1963	Wildfire Disaster Recovery Act of 1989

TABLE M.2: EXECUTIVE ORDERS APPLICABLE TO THE NATIONAL PARK SYSTEM

Executive Orders	
Executive Order 11514: Protection and Enhancement of Environmental Quality	Executive Order 13006: Locating Federal Facilities on Historic Properties in our Nation's Central Cities
Executive Order 11593: Protection and Enhancement of the Cultural Environment	Executive Order 13007: Indian Sacred Sites
Executive Order 11644	Executive Order 13089: Coral Reef Protection
Executive Order 11987: Exotic Organisms, 42 FR 26949, Revoked by Executive Order 13112	Executive Order 13112: Invasive Species.
Executive Order 11988: Floodplain Management	Executive Order 13158: Marine Protected Areas
Executive Order 11990: Protection of Wetlands	Executive Order 13175: Consultation and Coordination with Indian Tribal Governments
Executive Order 12003: Energy Policy and Conservation	Executive Order 13186: Responsibilities of Federal Agencies to Protect Migratory Birds
Executive Order 12088: Federal Compliance with Pollution Control Standards	Executive Order 13352: Facilitation of Cooperative Conservation
Executive Order 12372: Intergovernmental Review of Federal Programs	Executive Orders 11989 (42 FR 26959) and 11644 (37 FR 2877): Offroad Vehicles on Public Lands
Executive Order 12898: General Actions to Address Environmental Justice in Minority Populations and Low-Income Populations	

TABLE M.3: POLICIES AND PROCEDURES APPLICABLE TO THE NATIONAL PARK SYSTEM

Policies and Procedures	
Analysis of Impacts on Prime or Unique Agricultural Lands in Implementing the National Environmental Policy Act	Policies on Construction of Family Housing for Government Personnel
Historic Preservation Certifications Pursuant to the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, and the Economic Recovery Tax Act of 1981	Procedures for Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the Nationwide Inventory

M.1 FEDERAL LAWS

Abandoned Shipwreck Act of 1987, PL 100-298, 102 Stat. 432, 43 USC 2101 et seq.

Asserts U.S. title to three categories of abandoned shipwrecks: those embedded in a state's submerged lands; those embedded in coralline formations protected by a state on its submerged lands; and those located on a state's lands that are included or determined eligible for inclusion on the National Register of Historic Places. The law then transfers title for a majority of those shipwrecks to the respective states, and provides that states develop policies for managing the wrecks so as to protect natural resources, permit reasonable public access, and allow for recovery of shipwrecks consistent with the protection of historical values and the environmental integrity of wrecks and sites.

http://www.access.gpo.gov/uscode/title43/chapter39_.html

Acid Precipitation Act of 1980, PL 96-294, 94 Stat. 770, 42 USC 8901 et seq.

Seeks to identify the causes and sources of acid precipitation and to evaluate the environmental, social, and economic effects of acid precipitation. Calls for a comprehensive 10-year program to be implemented by the Interagency Acid Precipitation Task Force.

http://www.access.gpo.gov/uscode/title42/chapter97_subchapteri_.html

Act Amending the Act of October 2, 1968 (commonly called the Redwoods Act), March 27, 1978, PL 95-250, 92 Stat. 163, 16 USC 1a-1, 79a-q

Amends the 1968 Redwood NP enabling legislation, and also provides additional guidance on national park system management. Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System shall be consistent with and founded in the purpose established by the first section of the Act of August 25, 1916, to the common benefit of all the people of the United States. The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress.

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+16USC1a-1

http://www.access.gpo.gov/uscode/title16/chapter1_subchaptervii_.html

Act of August 8, 1953, 67 Stat. 495, 16 USC 1b-1c

Authorizes the Secretary of the Interior to render emergency rescue, firefighting, and cooperative assistance to nearby law enforcement and fire prevention agencies; erection and maintenance of fire protection facilities, water lines, telephone lines, electric lines, and other utility lines; reimbursement of utility services to concessioners, contractors, or other users; and contracting for utilities. Also allows for acquiring rights-of-way and operating, repairing, and maintaining equipment. Section 2 defines the “national park system” as “any area of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes” and requires that “each area within the national park system shall be administered in accordance with the provisions of any statute made specifically applicable to that area.”

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+16USC1b

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+16USC1c

Act of February 21, 1925, 43 Stat. 958 (temporary act, not codified)

Further extended policy direction initiated in 1920, providing for securing lands in the southern Appalachian Mountains and Mammoth Cave regions of Kentucky for perpetual preservation as National Parks. Led to the authorization of Great Smoky Mountains, Mammoth Cave, and Shenandoah National Parks.

Act of June 30, 1864, 13 Stat. 325, 16 USC 48

Authorizes a grant to California for the “Yosemite Valley,” and for land embracing the “Mariposa Big Tree Grove.” This tract was “to be held for public use, resort, and recreation” by the state of California, and to “be inalienable for all time.”

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+16USC48

Act of June 5, 1920, 41 Stat. 917, 16 USC 6

Begins to formulate a new policy for establishing parks and monuments (up to this time they were established from the public domain). Authorized the secretary of the interior to accept patented lands, rights-of-way over patented lands or other lands, buildings, or other property within the various national parks and monuments, and moneys which may be donated for the purposes of the national park and monument system.

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+16USC6

Act of March 1, 1872, 17 Stat. 32, 16 USC 21 et seq.

Sets aside a certain tract of land near the headwaters of the Yellowstone River as a public park. Generally, the act signified establishment of a new public policy; namely, that portions of the public lands were to be reserved and withdrawn from settlement, occupancy or sale under the laws of the United States and dedicated and set apart as a public park or pleasuring ground for the benefit and enjoyment of the people. . . . That . . . the Secretary of the Interior

... shall provide for the preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities or wonders within said park, and their retention in their natural condition.

http://www.access.gpo.gov/uscode/title16/chapter1_subchapterv_.html

Act of May 26, 1930, 46 Stat. 381, 16 USC 17-17j

Authorizes the purchases of equipment and supplies; contracts for services and accommodations, temporary care and the removal of indigents from parks; reimburses employees for losses, hires and purchase work animals and property, and the payment of employee travel expenses.

http://www.access.gpo.gov/uscode/title16/chapter1_subchapteri_.html

Administrative Dispute Resolution Act, PL 104-320, 110 Stat. 3870, 5 USC 571 et seq. (1996) (“ADRA”)

The act applies to federal agencies, requiring them to consider and examine alternative means of resolving disputes in connection with rulemaking, litigation, enforcement actions, licensing and permitting, and formal and informal adjudications. The action, which amends the Administrative Procedures Act (see below) to authorize and establish guidelines for federal agencies’ use of alternative dispute resolution, is essentially a voluntary statute and as such merely encourages, but does not mandate, the use of mediation, conciliation, arbitration, and other alternative dispute resolution techniques.

http://www.access.gpo.gov/uscode/title5/parti_chapter5_subchapteriv_.html

Administrative Procedures Act, 5 USC 551-59, 701-706

Standardizes and categorizes agency action between rulemakings, both formal and informal, and adjudications. Requires that the public be given notice of federal agency actions, along with an opportunity for comment, and [provides for trial-like proceedings during formal rulemakings]. Institutionalizes an appeals process, and provides for judicial review of agency actions to determine whether or not they are “in accordance with law” or are “arbitrary and capricious.”

http://www.access.gpo.gov/uscode/title5/parti_chapter5_subchapteriii_.html

http://www.access.gpo.gov/uscode/title5/parti_chapter7_.html

Airport and Airway Development Act of 1970, PL 91-258, 84 Stat. 226, 49 USC 2208)

Requires airport development projects to provide for the protection and enhancement of the natural resources and environmental quality and limits the secretary of transportation in circumventing this purpose. No airports can be authorized with adverse environmental impacts unless it is determined in writing that no feasible and prudent alternatives exist and steps have been taken to minimize adverse effects. Relationship is identical to §4(f) of Department of Transportation Act.

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+49USC47106

Airports in or near National Parks Act, 64 Stat. 27, 16 USC 7a-e

Allows the Secretary of the Interior to plan, acquire, establish, construct, enlarge, or improve airports in or close to national park system units if necessary to the proper performance of DOI functions. Requires all airports to be operated as public airports.

http://www.access.gpo.gov/uscode/title16/chapter1_subchapteri_.html

Alaska National Interest Lands Conservation Act of 1980, PL 96-487, 94 Stat. 2371, 16 USC 3101 et seq.

Added to or expanded existing units of the five national conservation systems in the Alaska national park system, national wildlife refuge system, national wild and scenic rivers system, national wilderness preservation system, and national forest system. Established 5 national parks; expanded 3 existing parks (2 of which were monuments); established 2 national monuments and 10 national preserves (the latter are to be administered as parks except that sport hunting and trapping are authorized in them); and placed 13 wild and scenic rivers under NPS administration. More than doubled the size of the national park system by adding over 50 million acres. Also provides for specific exceptions to general NPS legal authorities for parks in Alaska, including special provisions related to subsistence and rights-of-way.

http://www.access.gpo.gov/uscode/title16/chapter51_.html

Alternative Dispute Resolution Act, PL 105-315, 112 Stat. 2993, 28 USC Appx 2 (1998), 28 USC 651-658

Requires all federal district courts to establish an alternative dispute resolution program, which may involve the use of arbitration, mediation, early neutral evaluation, or mini-trials, for certain civil cases.

http://www.access.gpo.gov/uscode/title28a/28a_2_.html

http://www.access.gpo.gov/uscode/title28/partiii_chapter44_.html

American Battlefield Protection Act of 1996, PL 104-333, 16 USC 469k

Requires the Secretary of the Interior, through the American Battlefield Protection Program and the existing national historic preservation program, to provide assistance to citizens, public and private institutions, and federal, tribal, state and local governments, for the identification, research, evaluation, interpretation, and protection of historic battlefields and associated sites.

<http://www.cr.nps.gov/linklaws>

American Folklife Preservation Act of 1976, PL 94-201, 89 Stat. 1129, 20 USC 2101-2107

Establishes U.S. policy to “preserve, support, revitalize, and disseminate American folklife traditions and arts.” Defines folklife, establishes American Folklife Center, and authorizes the Librarian of Congress to promote various American folklife programs.

http://www.access.gpo.gov/uscode/title20/chapter43_subchapteri_.html

American Indian Religious Freedom Act, PL 95-341, 92 Stat. 469, 42 USC 1996, 1996a; 43 CFR 7.7

Declares federal policy to protect/preserve the inherent and constitutional right of the American Indian/Eskimo/Aleut/Native Hawaiian people to believe/express/ exercise their traditional religions and calls for a now-completed evaluation of federal procedures/programmatic objectives/policies. Imposes no specific procedural duties on federal agencies. Provides that religious concerns should be accommodated or addressed under NEPA or other appropriate statutes.

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+42USC1996

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+42USC1996a

http://a257.g.akamaitech.net/7/257/2422/05dec20031700/edocket.access.gpo.gov/cfr_2003/octqtr/pdf/43cfr7.7.pdf

Americans with Disabilities Act of 1990, PL 101-336, 104 Stat. 327, 42 USC 12101 et seq.

States that all new construction and programs will be accessible. Planning and design guidance for accessibility is provided in the Architectural and Transportation Barriers Compliance Board (36 CFR Part 1191). Additionally, NPS Special Directive 83-3 states that accessibility will be proportional to the degree of development, i.e., areas of intense development (visitor centers, museums, drive in campgrounds, etc.) will be entirely accessible and areas of lesser development, (backcountry trails and walk-in campgrounds) may have fewer accessibility features.

http://www.access.gpo.gov/uscode/title42/chapter126_.html

Antiquities Act of 1906, PL 59-209, 34 Stat. 225, 16 USC 431-433; 43 CFR 3

As the Archeological Resources Protection Act's forerunner, the Antiquities Act constituted the first general act providing protection for archeological resources. It protects all historic and prehistoric ruins or monuments on federal lands and prohibits their excavation, destruction, injury or appropriation without the departmental secretary's permission. It also authorizes the President of the United States to proclaim as national monuments public lands having historic landmarks, historic and prehistoric structures, and other objects of historic or of scientific interest. The Antiquities Act also authorizes the President to reserve federal lands, to accept private lands, and to accept relinquishment of unperfected claims for that purpose.

The act authorizes the departmental secretary to issue permits to qualified institutions to examine ruins, excavate archeological sites, and gather objects of antiquity. Regulations at 43 CFR Part 3 establish procedures for permitting the excavation or collection of prehistoric and historic objects on federal lands. Superseded by the Archeological Resources Protection Act (1979) as an alternative federal tool for prosecution of antiquities violations in national park system areas. Permits under the Archeological Resources Protection Act replace Antiquities Act permits.

http://www.access.gpo.gov/uscode/title16/chapter1_subchapterlx_i_.html

http://www.access.gpo.gov/nara/cfr/waisidx_03/43cfr3_03.html

Archeological and Historic Preservation Act of 1974, PL 93-291, 88 Stat. 174, 16 USC 469 et seq.

Amends and updates the Reservoir Salvage Act of 1960 to broaden legislation beyond dam construction. Provides for the preservation of significant scientific, prehistoric, historic, or archeological data (including relics and specimens) that might be lost or destroyed as a result of (1) the construction of dams, reservoirs, and attendant facilities, or (2) any alteration of the terrain caused as a result of any federal construction project or federally licensed project, activity, or program. Provides for the recovery of data from areas to be affected by federal actions.

http://www.access.gpo.gov/uscode/title16/chapter1a_subchapteri_.html

Archeological Resources Protection Act of 1979, PL 96-95, 93 Stat. 721, 16 USC 470 aa et seq.; 43 CFR 7, subparts A and B, 36 CFR 79

Secures the protection of archeological resources on public or Indian lands and fosters increased cooperation and exchange of information between the private/governmental/professional community in order to facilitate the enjoyment and education of present and future generations. Regulates excavation and collection on public and Indian lands. Defines archeological resources to be any material remains of past human life or activities that are of archeological interest and are at least 100 years old. Requires notification of Indian tribes who may consider a site of religious or cultural importance prior to issuing permit. Amended in 1988 to require the development of plans for surveying public lands for archeological resources and systems for reporting incidents of suspected violations.

http://www.access.gpo.gov/uscode/title16/chapter1b_.html

http://www.access.gpo.gov/nara/cfr/waisidx_03/43cfr7_03.html

http://www.access.gpo.gov/nara/cfr/waisidx_04/36cfr79_04.html

Architectural Barriers Act of 1968, PL 90-480, 82 Stat. 718, 42 USC 4151 et seq.

Makes buildings or facilities constructed, altered, leased, or financed by the federal government or a federal grant since August 12, 1968, subject to the statute. Establishes standards for design/construction or alteration of buildings to ensure that physically handicapped persons have ready access to and use of such buildings. Excludes historic structures from the standards until they are altered.

http://www.access.gpo.gov/uscode/title42/chapter51_.html

Arizona Desert Wilderness Act (contains NPS boundary study provisions), PL 101-628, 104 Stat. 4495, 16 USC 1a-5, 460ddd, 460fff, and many more

Expands San Antonio Mission NHP; establishes Amistad and Lake Meredith as national park system units; authorizes Underground Railroad Study of Alternatives; includes Civil War Sites Study Act; revises NPS Advisory Board by increasing from 12 to 16 members and expanding disciplines, requires recommendations on the designation of national natural and historic landmarks; establishes an NPS Advisory Council to provide advice to Advisory Board; requires the National Park Service to prepare a boundary report; requires the development of boundary adjustment criteria; requires consultation with state and local governments, affected landowners, and private national, regional, and local organizations;

requires cost estimates and priorities by area and by the National Park Service for boundary adjustments.

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+16USC1a-5

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+16USC460ddd

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+16USC460fff

Bald and Golden Eagles Protection Act, as amended, Act of June 8, 1940, 54 Stat 250; 16 USC 668-668d

Prohibits taking, possessing, and trade in bald and golden eagles. Provides criminal and civil penalties.

http://www.access.gpo.gov/uscode/title16/chapter5a_subchapterii_.html

Clean Air Act, as amended, Act of July 14, 1955, 69 Stat. 322; 42 USC 7401 et seq.

Addresses both moving and stationary sources of air pollution, as well as acid deposition, stratospheric ozone, and noise. Seeks to prevent and control air pollution; to initiate and accelerate research and development; and to provide technical and financial assistance to state and local governments in connection with the development and execution of air pollution programs. Establishes requirements for areas failing to attain national ambient air quality standards. Provides for the prevention of significant deterioration of areas where air is cleaner than the national standards.

Establishes a conformity program to ensure that federal actions do not interfere with the state implementation plan for the attainment and maintenance of national ambient air quality standards (sec. 176 (c)). *Transportation conformity regulations* (applicable to highways and mass transit) establish the criteria and procedures for determining that transportation plans, programs, and projects that are federally funded (23 USC or the Federal Transit Act) conform with the state implementation plan (58 FR 62188). *General conformity regulations* (applicable to everything aside from what is covered in transportation conformity) ensure that other federal actions also conform to the state implementation plan (58 FR 63214).

http://www.access.gpo.gov/uscode/title42/chapter85_.html

<http://www.epa.gov/region5/defs/html/caa.htm>

Coastal Barrier Resources Act, PL 97-348, 96 Stat. 1653, 16 USC 3501 et seq.

Establishes a coastal barrier resources system that identifies and maps certain essentially undeveloped coastal barrier features (islands, spits, etc.) and their associated aquatic habitats along the Atlantic and Gulf of Mexico coastlines. The act restricts certain federal actions (construction of bridges, roads, docks, shoreline stabilization features, etc.) or federal assistance for such actions in national park system areas. The act was amended by the Great Lake Coastal Barriers Act of 1988 to include coastal barriers in the shore areas of the Great Lakes.

http://www.access.gpo.gov/uscode/title16/chapter55_.html

Coastal Zone Management Act of 1972, as amended, PL 92-583, 86 Stat. 1280, 16 USC 1451 et seq.

States that the national policy is to “preserve, protect, develop, and where possible, to restore or enhance the resources of the nation’s coastal zones” (including those bordering the Great Lakes) and to encourage and assist the states (through 1977) in developing management plans for the nonfederal lands and waters of their coastal zones. Requires federal actions to conform to approved state coastal zone management plans to the maximum extent possible. Stipulates that applicants for federal licenses and permits certify that their activities are consistent with management programs of directly affected states.

http://www.access.gpo.gov/uscode/title16/chapter33_.html

Comprehensive Environmental Response Compensation and Liability Act (commonly referred to as CERCLA or the Superfund Act), PL 96-510, 94 Stat. 2767, 42 USC 9601 et seq.

Regulates the cleanup of hazardous or toxic contaminants at closed or abandoned sites. Establishes a fund available to states for the cleanup of abandoned sites (funds come from taxes levied on designated chemical feedstocks). Allows the government to recover the cost of the cleanup and associated damages by suing the responsible parties. Reauthorized in 1986 under the Superfund Amendment Reauthorization Act; section 120 specifies that CERCLA applies to federal facilities.

http://www.access.gpo.gov/uscode/title42/chapter103_.html

Department of Transportation Act of 1966 (PL 89-670, 80 Stat. 931, as amended and recodified in 49 USC 303, 4(f))

Restricts the use of park lands for federally supported highways and other projects requiring DOT approval. Section 4(f) mandates that no project that requires use of land from a public park, a recreation area, or a wildlife or waterfowl refuge of national, state, or local significance be approved unless there is no feasible or prudent alternative and that all possible planning be done to minimize the harm to such an area.

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+49USC303

Disposal of Materials on Public Lands (Material Act of 1947), PL Chapter 406, 61 Stat. 681, 30 USC 601-604

Prohibits the sale of “salable” or “common variety” minerals in national park system units (petrified wood, sand, stone, gravel, pumice, pumicite, cinders, limestone, and clay). However, the Secretary may sell for limited purposes sand, gravel, and rock to the residents of the Stehekin community in Lake Chelan NRA (16 USC 90c-1(b)).

http://www.access.gpo.gov/uscode/title30/chapter15_subchapteri_.html

Emergency Planning and Community Right-to-Know Act of 1986, PL 99-499, 100 Stat. 1725, 42 USC 11001 et seq.

Sets up procedures for emergency planning, emergency notification, and community right-to-know reporting on chemicals and emissions inventory. Designed to protect communities

from hazardous chemicals by making sure that advance planning occurs for potential emergencies. Exempts all federal agencies from compliance, but the Department of the Interior strongly encourages voluntary compliance with all portions of the law.

http://www.access.gpo.gov/uscode/title42/chapter116_.html

Endangered Species Act of 1973, as amended, PL 93-205, 87 Stat. 884, 16 USC 1531 et seq.

Requires federal agencies to ensure that any action authorized, funded, or carried out does not jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modifications of critical habitat. Section 7 requires all federal agencies to consult with the Department of the Interior and to insure that any action authorized, funded or carried out by such agencies is not likely to jeopardize the continued existence or destruction or adverse modification of critical habitat of such species.

http://www.access.gpo.gov/uscode/title16/chapter35_.html

Endangered Species Conservation Act of 1969, PL 91-135, 16 USC 668aa et seq.

Provides for the conservation, protection, restoration, and propagation of selected species of native fish and wildlife, including migratory birds, that are threatened with extinction. This act was repealed by the Endangered Species Act of 1973. However, many of the provisions of this act were incorporated into the Endangered Species Act of 1973 (16 USC 1531 et seq.).

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+16USC668aa

Energy Supply and Environmental Coordination Act of 1974, PL 93-319, 88 Stat. 246, 15 USC 791 et seq.

Provides the basis for issuing Executive Order 12003 and Staff Directive 78-10.

http://www.access.gpo.gov/uscode/title15/chapter16c_.html

Estuary Protection Act, PL 90-454, 82 Stat. 625, 16 USC 1221 et seq.

Provides a means for evaluating the nation's estuaries to maintain a reasonable balance between the need to protect their natural beauty and to develop them for further growth of our nation.

http://www.access.gpo.gov/uscode/title16/chapter26_.html

Farmland Protection Policy Act, PL 97-98, 7 USC 4201 et seq.; 7 CFR 658

Requires federal agencies to assess the effects of their actions on prime or unique farmland and land of statewide or local importance classified by the U.S. Department of Agriculture's Natural Resources Conservation Service. Does not authorize the federal government to regulate the use of private or nonfederal land or in any way to affect the property rights of owners. Projects are subject to act requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a federal agency or with assistance from a federal agency. Requirements apply not only to cropland, but also to forestland, pastureland, or other land, but not water or urban built-up land. *Prime farmland*

is land that has the physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, and other agricultural crops. Prime farmland includes land that possesses the above characteristics but is being used currently to produce livestock and timber. *Unique farmland* is land other than prime farmland that is used for production of specific high-value food and fiber crops, such as citrus, tree nuts, olives, cranberries, fruits, and vegetables. Farmland that is of statewide or local importance for the production of food feed, fiber, forage, or oilseed crops, as determined by the appropriate state or unit of local government agency or agencies, and that the Secretary of Agriculture determines should be considered as farmland for the purposes of this subtitle.

<http://www.nrcs.usda.gov/programs/fppa/index.html>

Federal Advisory Committee Act, PL 92-463, 5 USC App. 1, et seq.

Seeks to ensure that all groups have equal access to federal decision making, where such decisions are made using public input. Controls the growth and operation of the “numerous committees, boards, commissions, councils, and similar groups which have been established to advise officers and agencies in the executive branch of the Federal Government.” Does not apply to a meeting of nongovernmental employees if the intent of the group meeting is to obtain information or viewpoints from individual attendees, and not to solicit advice, opinions or recommendations from the group acting in a collective mode. May be triggered if the function/mission of the group changes over time such that the agency begins to use the group as a source of consensus advice or recommendations. (The more static the group composition, i.e., the same attendees at each meeting, the more likely FACA will be applicable.)

Questions to ask when determining whether FACA applies to a particular undertaking or contemplated action: (1) What is the composition of the group? (2) Can the assemblage of parties be fairly characterized as a “group”? (3) Who formed the group? Depending on this answer, another important issue may arise, and that is whether the group, if not “established” by the agency, is “utilized” by the agency and thus within the purview of FACA. (4) What is the function of the group? or Why was the group convened? This final question applies to both “established” and “utilized” groups. Thus, even if the convened parties constitute a “group,” that is either “established” or “utilized” by the agency, FACA’s applicability will still depend on the purpose for which the group was assembled.

http://www.access.gpo.gov/uscode/title5a/5a_1_.html

Federal Aviation Act of 1958, PL 85-726, 72 Stat. 744, 49 USC 106

Authorizes and mandates the Federal Aviation Administration to prescribe rules and regulations governing the flight of aircraft, including rules as to the safe altitude of flight, as well as the protection to the public health and welfare from aircraft noise and sonic boom.

http://www.access.gpo.gov/uscode/title49/subtitlei_chapter1_.html

Federal Cave Resources Protection Act of 1988, PL 100-691, 102 Stat. 4546, 16 USC 4301 et seq.

Requires the identification and preservation of significant caves on federal land and fosters increased cooperation and information exchange between government agencies and others on the use of these caves for scientific, educational, and recreational purposes.

http://www.access.gpo.gov/uscode/title16/chapter63_.html

Federal Coal Leasing Amendments Act of 1976, PL 94-377, 90 Stat. 1083, 30 USC 201

Prohibits coal leasing in national park system units. Also requires inclusion of various environmental protection measures in coal leases issued under the Mineral Leasing Acts of 1920 and 1947 in order to help reduce the adverse impacts generated from coal development adjacent to parks.

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+30USC201

Federal Insecticide, Fungicide, and Rodenticide Act, PL 92-516, 86 Stat. 975, 7 USC 136 et seq.

Requires that all pesticides be registered, and that pesticides be used in accordance with this registration. Restricts the use of certain pesticides and regulates others as toxic pollutants under the Clean Water and Safe Drinking Water Acts.

http://www.access.gpo.gov/uscode/title7/chapter6_subchapterii_.html

Federal Land Policy and Management Act, PL 94-579, 90 Stat. 199, 43 USC 1701 et seq.

Provides for grazing on public lands and the issuance or renewal of rights-of-way. Establishes that the principles of multiple use management and sustained yields be used in the management of public lands. Requires the preparation and maintenance of inventories of all public lands and their resources and other values; requires the development and maintenance of land use plans for the use of public lands; provides for the sale, exchange, or purchase of lands. Provides for personnel in the Bureau of Land Management. Also contains a land exchange authority under which the Secretary of the Interior may exchange federal lands or interests in lands outside national park system units for nonfederal lands or interests in lands within national park system units.

http://www.access.gpo.gov/uscode/title43/chapter35_.html

Federal Power Act of 1920, PL Chapter 285, 41 Stat. 1063, 16 USC 791a et seq.

Authorizes the Federal Energy Regulatory Agency (FERC) to issue licenses for the construction, operation, and maintenance of dams, water conduits, reservoirs, power houses, transmission lines, and other physical structures of hydropower projects. Also authorizes FERC to grant licensing exemptions to facilities 15MW or less on nonfederal lands and to small hydroelectric power projects of 5000 KW or less at existing dams. (The exemptions require FERC to consult with state and federal fish and wildlife agencies and to include the terms and conditions the agencies consider appropriate to mitigate the loss of, or damage to, fish and wildlife resources.)

http://www.access.gpo.gov/uscode/title16/chapter12_subchapteri_.html

Federal Water Pollution Control Act (commonly referred to as Clean Water Act), PL 92-500, 33 USC 1251 et seq., as amended by the Clean Water Act, PL 95-217

Furthers the objectives of restoring and maintaining the chemical, physical, and biological integrity of the nation's waters and of eliminating the discharge of pollutants into navigable waters by 1985. Establishes effluent limitation for new and existing industrial discharge into U.S. waters. Authorizes states to substitute their own water quality management plans developed under section 208 of the act for federal controls. Provides an enforcement procedure for water pollution abatement. Requires conformance to permit required under section 404 for actions that may result in discharge of dredged or fill material into a tributary to, wetland, or associated water source for a navigable river.

http://www.access.gpo.gov/uscode/title33/chapter26_subchapteri_.html

<http://www.epa.gov/region5/water/cwa.htm>

Federal Water Power Act, PL Chapter 285, 41 Stat. 1063, 16 USC 823a, as amended, 16 USC 797

Prescribes that what is now the Federal Energy Regulatory Commission cannot authorize, permit, lease, or license any facilities for the development, storage, and transmission of water and/or power within a national park without specific authority from Congress. Exceptions are where a park's enabling legislation or other statute specifically

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+16USC823a

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+16USC797

Federal Water Project Recreation Act, 79 Stat. 213, PL 89-72, 16 USC 460I-12 to 460I-21

Requires that full consideration be given to recreation and fish and wildlife enhancement in the construction of water resource projects. Gives the Secretary of the Interior authority to provide recreation development at projects and may operate, maintain, and acquire lands for these purposes for existing, authorized, or reauthorized projects. Allows for lands acquired for recreational purposes at any project by any federal agency to be transferred to the Department of the Interior. Funnel recreational use fees to the Land and Water Conservation Fund.

http://www.access.gpo.gov/uscode/title16/chapter1_subchapterlxix_partc_.html

Fish and Wildlife Coordination Act, as amended, PL 85-624, 72 Stat. 563, 16 USC 661 et seq.

Applies to major federal water resources development plans (impounding, diverting, deepening the channel, or otherwise controlling or modifying streams or other bodies of water). Requires federal agencies to consult with the Fish and Wildlife Service and parallel state agencies whenever such plans result in alteration of a body of water. Requires that wildlife conservation receive equal consideration with other features of water resource development. Triggers coordination with the Fish and Wildlife Service upon application for a 404 permit.

http://www.access.gpo.gov/uscode/title16/chapter5a_subchapteri_.html

Flood Disaster Protection Act of 1973, PL 93-234, 87 Stat. 975, 12 USC 24, 42 USC 4001 et seq.

Substantially increases the coverage limits of the national flood insurance program. Requires state and local communities, as a condition of future federal assistance, to participate in the program and to adopt adequate floodplain ordinances and enforcement mechanisms. Requires property owners acquiring or improving land or facilities in identified flood hazard areas, and who are being assisted by federal institutions (including by federally regulated or insured institution), to purchase flood insurance. This act is the 1973 amendments of the National Flood Insurance Act of 1968.

http://www.access.gpo.gov/uscode/title42/chapter50_.html

Food Security Act of 1985 (Sodbuster Law), PL 99-198, 99 Stat. 1504, 16 USC 3801 et seq.

Restricts a number of federal benefits to farmers who, after December 23, 1985, produce agricultural commodities on certain “converted wetland.”

http://www.access.gpo.gov/uscode/title16/chapter58_.html

Forest and Rangeland Renewable Resources Planning Act of 1974, as amended, PL 93-378, 88 Stat. 476, 16 USC 1600 et seq.

Establishes land and resource management planning system for the Forest Service and also expresses congressional insistence on inventory and monitoring of natural resources on all public lands.

http://www.access.gpo.gov/uscode/title16/chapter36_subchapteri_.html

Freedom of Information Act, PL 93-502, 5 USC 552 et seq.

Requires the government to make its records available to any person upon written request unless such information is exempt from disclosure.

http://www.access.gpo.gov/uscode/title5/parti_chapter5_subchapterii_.html

General Authorities Act, October 7, 1976, PL 94-458, 90 Stat. 1939, 16 USC 1a-1 et seq.

Amends or repeals many provisions from previous acts and provides additional improvement and authorization for the administration of the national park system. Repeals virtually all previous arrest authority, authorizes law enforcement officers, and provides these officers with the authority to carry firearms, make arrests without warrant, execute warrants, and conduct investigations. Also addresses boating and other water regulations, meals and lodging, moving expenses for dependents, and uniform allowance. Amends the Freedom of Information Act in terms of exceptions. Requires the Secretary of the Interior to transmit to Congress a detailed program for the development of facilities, structures, or buildings of each unit of the national park system consistent with general management plans no later than January 15 of each year. Also requires the National Park Service to investigate, study, and monitor areas of national significance. At the beginning of each fiscal year, the Service is required to submit to Congress a list of not less than 12 areas that appear to qualify for inclusion in the national

park system. Allows the Secretary of the Interior “to withhold from disclosure to the public, information relating to the location of sites or objects listed on the National Register whenever he determines that the disclosure of specific information would create a risk of destruction or harm to such sites or objects.”

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+16USC1a-1

http://www.access.gpo.gov/uscode/title16/chapter1_subchapter1_.html

General Mining Act of 1872, PL Chapter 152, 17 Stat. 91, 30 USC 22 et seq.

Provides that all public domain lands not withdrawn are open to prospecting and the staking of claims. Allows individuals to file mining claims for federal minerals on federal lands open to mineral entry. Gives claimants a possessory right on unpatented mining claims, which permits them to extract and remove federal minerals from claims but does not give them ownership of the land. Allows full title to the mineral from the federal government, and in most cases, the surface and all resources as well, to be obtained through the patent process. (Most national park system units were closed to mineral entry under this law by their enabling laws or proclamations. The Mining in the Parks Act closed the last six NPS units that were still open to claim location.)

(All NPS units are closed to the location and filing of new mining claims, the selling of federal mineral materials, and the leasing of federal minerals with the exception of four NPS-managed national recreation areas where mineral leasing has been authorized by Congress and permitted under regulation. However, the holders of valid claims and leases that predate the establishment of a unit or exist in one of the four national recreation areas open to federal mineral leasing do possess rights to develop the mineral associated with their claims or leases. Their ability to exercise these rights is dependent on the nature of potential impacts on park resources and values. If the potential impacts are deemed unacceptable, the National Park Service will need to extinguish the pertinent right through purchase, exchange, or donation.)

http://www.access.gpo.gov/uscode/title30/chapter2_.html

Geothermal Steam Act Amendments, PL 100-443, 30 USC 1001, 1005, 1026, 1027

Provides added protection for selected parks by requiring the Bureau of Land Management to obtain NPS consent before issuing a geothermal lease on lands adjacent to listed park units. (The regulations at 43 CFR 3200 govern geothermal leasing on lands adjacent to park units.)

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+30USC1001

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+30USC1005

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+30USC1026

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+30USC1027

Geothermal Steam Act of 1970, as amended, PL 91-581, 84 Stat. 1566, 30 USC 1001-1027

Authorizes leasing of lands for exploration, development, and production of geothermal steam (which is broadly defined to include more than simply steam). Amended in 1988 to prevent issue of geothermal leases if there is an adverse effect on national park system units. Also prevents the use of existing or new geothermal sources in Corwin Springs, near Yellowstone, until after the U.S. Geological Survey/National Park Service prepare a study for Congress.

http://www.access.gpo.gov/uscode/title30/chapter23_.html

Grand Canyon National Park Enlargement Act, January 1975, PL 93-620 sec. 8, 88 Stat. 2089, 16 USC 221, 228a et seq.

In addition to measures applying specifically to Grand Canyon National Park, recognizes “natural quiet as a value or resource in its own right to be protected from significant adverse effect” (sec. 8). In addition, specifically addresses the potential for helicopter operations to cause a significant adverse effect on natural quiet and experience of a park.

http://www.access.gpo.gov/uscode/title16/chapter1_subchapterxxiv_.html

Historic Sites Act of 1935, PL 74-292, 49 Stat. 666, 16 USC 461-467, and 36 CFR 65

Establishes a national policy “to preserve for public use, historic sites, buildings, and objects of national significance for the inspiration and benefit” of the American people. Authorizes the designation of national historic sites and landmarks, authorizes interagency efforts to preserve historic resources, and establishes fines for violations of the Act. Authorizes surveys of historic and archeological sites, buildings, and objects to determine which remain significant, and provides for the restoration, reconstruction, rehabilitation, preservation, and maintenance of historic and prehistoric properties of national significance. Authorizes the Secretary of the Interior, through the National Park Service, to conduct surveys and studies, to collect information, and purchase significant historic properties. Allows the Secretary of the Interior to restore, preserve, maintain, and rehabilitate structures and sites; establish museums; and operate and manage historic sites, and develop educational programs.

http://www.access.gpo.gov/uscode/title16/chapter1a_subchapteri_.html

http://www.access.gpo.gov/nara/cfr/waisidx_04/36cfr67_04.html

Intergovernmental Cooperation Act of 1968, PL 90-577, 82 Stat. 1098, 40 USC 531 et seq. and 31 USC 6501 et seq., 42 USC 4201

Governs grants-in-aid to states, assignment and consultation by federal employees to state/local government units, and operation between federal actions and state and local units regarding planning.

http://www.access.gpo.gov/uscode/title40/chapter10_subchapterv_.html

http://www.access.gpo.gov/uscode/title31/subtitlev_chapter65_.html

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+42USC4201

Lacey Act of 1900, as amended by PL 97-79, 16 USC 3371 et seq., 18 USC 42; Title 50 CFR

Outlaws interstate traffic in illegally killed birds and other animals (one of the first federal wildlife laws and aimed at the “pot hunter,” who killed large amounts of wildlife for sale). Aids states in enforcing conservation laws. As amended in 1981, is a single comprehensive statute that provides more effective enforcement of state, federal, Indian tribal, and foreign conservation laws protecting fish, wildlife, and rare plants. Gives authority, in addition to CFR regulations, to park superintendents and U.S. attorneys to prosecute criminal or civil violations involving the taking of fish, wildlife, and rare plants in park units.

http://www.access.gpo.gov/uscode/title16/chapter53_.html

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+18USC42

Land and Water Conservation Fund Act of 1965, as amended, PL 88-578, 78 Stat. 897, 16 USC 460I-4 to 460I-11

Establishes a conservation fund to assist state and federal agencies in meeting present and future outdoor recreational demands. Funds the federal government in its efforts to provide public recreation and to preserve threatened fish and wildlife. Requires the preparation of state comprehensive outdoor recreation plans. Authorizes fee collection activities. Requires that no property acquired or developed with assistance from the LWCF be converted to other than public outdoor recreation uses without approval of the Secretary of the Interior (sec. 6(f)). Allows the secretary to approve a conversion only upon a finding that it is in accord with the current comprehensive statewide plan and that there will be a fair substitution of other recreation properties. Makes LWCF grants available to states and local governments for the acquisition and preservation of threatened Civil War battlefields. LWCF funds cannot be used to acquire lands within the existing boundaries of a park unit.

http://www.access.gpo.gov/uscode/title16/chapter1_subchapterlxix_partb_.html

Magnuson-Stevens Fishery Conservation and Management Act, PL 94-625, 90 Stat. 331, 16 USC 1801 et seq.

Provides for the protection, conservation, and enhancement of U.S. fishery resources. Extends the exclusive U.S. fisheries zone from 12 to 200 miles effective July 1, 1976, and provides for the development of regional fisheries management plans and regulations to govern fishing within the fisheries zone and to provide control over anadromous fish to the extent of their range.

http://www.access.gpo.gov/uscode/title16/chapter38_.html

Management of Museum Properties Act of 1955, PL 84-127, 69 Stat. 242, 16 USC 18f to 18f-3

Authorizes the National Park Service to accept donations or bequests of museum properties, purchase them from donated funds, exchange them, and receive and grant museum loans.

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+16USC18f

http://www.access.gpo.gov/uscode/title16/chapter1_subchapteri_.html

Marine Mammal Protection Act of 1972, PL 92-522, 86 Stat. 1027, 16 USC 1361 et seq.

Provides marine mammals with necessary and extensive protection from commercial exploitation, technology, and possible extinction. Exceptions are allowed for specific, approved research and incidental taking in the course of certain commercial fishing operations. Any Indian, Aleut, or Eskimo who resides in Alaska and who dwells on the coast of the North Pacific Ocean or the Arctic Ocean is exempt from the moratorium on taking if such taking is for subsistence purposes or is done for the purposes of creating and selling authentic native articles of handicrafts and clothing, in each case accomplished in a non-wasteful manner.

http://www.access.gpo.gov/uscode/title16/chapter31_.html

Marine Protection, Research, and Sanctuaries Act of 1972 (commonly known as Ocean Dumping Act), PL 92-532, 86 Stat. 1052, 16 USC 1431 et seq., 33 USC 1401 et seq.

Establishes a policy to regulate ocean dumping and to prevent or strictly limit ocean dumping of any material that would adversely affect human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities. Allows designation of marine sanctuaries (title III). Requires consideration of the relationship between alternative actions and existing or proposed marine sanctuaries in the region, as well as the desirability of establishing marine sanctuaries within the park or its regions where appropriate. Authorizes the Corps of Engineers (sec. 103) to issue permits for the transportation of dredged material for the purpose of dumping into ocean waters.

http://www.access.gpo.gov/uscode/title16/chapter32_.html

http://www.access.gpo.gov/uscode/title16/chapter32a_.html

http://www.access.gpo.gov/uscode/title33/chapter27_.html

Migratory Bird Conservation Act, PL Chapter 257, 45 Stat. 1222, 16 USC 715 et seq.

Aids in the restoration of scarce or extinct species and regulates the introduction of American or foreign birds or other animals.

http://www.access.gpo.gov/uscode/title16/chapter7_subchapteriii_.html

Migratory Bird Treaty Act, PL Chapter 128, 40 Stat. 755, 16 USC 703 et seq.

Prohibits the taking, possession, and trade of migratory birds, except as permitted by regulations. Provides search, arrest, and seizure authority to authorized employees; provides for civil and criminal penalties for violation; allows states to impose more restrictive measures to protect migratory birds; and allows for taking for scientific and propagating purposes.

http://www.access.gpo.gov/uscode/title16/chapter7_subchapterii_.html

Mineral Leasing Act for Acquired Lands, PL Chapter 513, 61 Stat. 913, 30 USC 351 et seq.

Authorizes the disposal of leasable minerals (including coal, oil, and gas) from federal lands that were acquired by the United States, i.e. lands that were nonfederally owned prior to U.S. obtaining title. Like the Mineral Leasing Act of 1920, prohibits the leasing of federally owned minerals in national park system units except where specifically authorized by law.

http://www.access.gpo.gov/uscode/title30/chapter7_.html

Mineral Leasing Act of 1920 (commonly referred to as Mineral Leasing Act or Mineral Lands Leasing Act), PL Chapter 85, 41 Stat. 437, 30 USC 181 et seq., as amended

Provides authority for disposal of leasable minerals on “public domain” federal lands. Prohibits the leasing of federally owned minerals in national park system units except where specifically authorized by law (Glen Canyon, Lake Mead, Whiskeytown).

http://www.access.gpo.gov/uscode/title30/chapter3a_subchapteri_.html

Mining in the Parks Act, PL 94-429, 90 Stat. 1342 16 USC 1901 et seq.

Requires all mining claims within national park system boundaries to be recorded with the Secretary of the Interior; any claim not recorded is presumed abandoned and void. Gives the National Park Service specific authority to regulate mining activities associated with valid existing mining claims in order to protect park resources.

http://www.access.gpo.gov/uscode/title16/chapter39_.html

National Environmental Policy Act of 1969, PL 91-190, 83 Stat. 852, 42 USC 4321 et seq.; 40 CFR Parts 1500-1508

Mandates that federal agencies assess the environmental effects of a proposed action and engage the public in the analyses of environmental impacts before making decisions affecting the human environment. Requires that federal agencies “utilize a systematic interdisciplinary approach” to ensure the integrated use of resource information in federal decision-making affecting the environment, and that they complete all analyses, public input, and NEPA documentation in time to aid decision-making. Stipulates that initiating or completing environmental analysis after making a decision, whether formally or informally, violates both the spirit and the letter of NEPA.

The Council on Environmental Quality (CEQ) was established to oversee implementation of the act. CEQ NEPA regulations were published in 1978 (40 CFR Parts 1500-1508) and apply to all federal agencies, requiring each agency to “implement procedures to make the NEPA process more useful to agency decision-makers and the public” (40 CFR 1500.2). Agencies must review and update their regulations as necessary. In 1981 CEQ also published a guidance document titled “Forty Most Asked Questions Concerning CEQ’s NEPA Regulations” (46 FR 18026). *DO #12*, along with *The DO-12 Handbook* (NPS 2001a, 2001b), is the National Park Service’s guidance on implementing NEPA.

The NEPA process constitutes an essential component of conservation planning and resource management through the integration of scientific and technical information into

management decisions. In order to be effective, agencies cannot fulfill NEPA compliance by conducting an after-the-fact "compliance" effort. A well-crafted NEPA analysis provides useful information about the environmental pros and cons (i.e. impacts) of a variety of reasonable choices (alternatives), similar to an economic cost-benefit analysis, technical planning, or logistical planning. It remains an essential prelude to the effective management of park resources.

NEPA represents a procedural or process-oriented statute rather than a substantive or substance-oriented statute. Other substantive laws may prevent an agency from taking action or components of an action which have "too great" an impact on a particular resource. Within the NPS, the process of environmental analysis under NEPA provides the needed information to make substantive decisions for the long-term conservation of resources.

NEPA has a broad reach. NEPA is triggered whenever there is a major federal action, regardless of who proposes the action (NPS, private individuals, federal agencies, states, or local governments) or whether the action could impact the human environment. Even though the CEQ regulations give less emphasis to the socioeconomic environment than the physical or natural environment, the NPS considers the socioeconomic environment as an integral part of the human environment. Consequently, NPS will do NEPA analysis even if the impacts remain primarily socioeconomic, including potential impacts on minority and low-income communities (see Executive Order 12948, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations").

The National Park Service undertakes its environmental analyses in a number of ways. When the NPS considers taking a "major federal action", it prepares an EA to assess the impacts of the proposed operation and to determine if the NPS must prepare an EIS. If, based on the EA's analysis and public comments, the NPS determines that the proposed action would not significantly affect the human environment, the NPS would prepare a FONSI. Conversely, if NPS determines the proposed action would likely cause significant affects on the human environment, then it prepares an EIS. The NPS may prepare an EIS without first preparing an EA if the action will likely cause significant environmental impacts. If the proposal has been previously analyzed in site-specific detail, a "memo to files" may be prepared. Some actions or types of proposals fall under a NEPA "categorical exclusion" (CE). A categorical exclusion is used where the proposal meets specific criteria defined under Department of the Interior regulations and NPS *DO #12*, for activities that do not have the potential for measurable impacts on park resources.

NEPA: http://www.access.gpo.gov/uscode/title42/chapter55_.html

National Flood Insurance Act of 1968, PL 90-448, 82 Stat. 572, 42 USC 4001 et seq., as amended

Establishes a national flood insurance program, encouraging state and local governments to institute planning and land use programs to help reduce damage in flood risk areas, and ensuring that federal actions, including licensing and permitting, are coordinated with these efforts. Executive Orders 11988 and 11990 direct the Water Resources Council to prepare guidelines for federal agencies, which it did February 10, 1978. The Department of the Interior issued guidelines in 520 DM on June 20, 1979. The National Park Service published final procedures May 28, 1980 (45 FR 35916), which were amended August 23, 1982 (47 FR 36718). The National Park Service is guided by *DO #77-2: Floodplain Management* (approved

Sept. 8, 2003) and accompanying *Procedural Manual 77-2* and *DO #77-1: Wetland Protection* (reissued Oct. 30, 2002) and *Procedural Manual 77-1*.

http://www.access.gpo.gov/uscode/title42/chapter50_.html

National Historic Preservation Act of 1966, as amended, PL 89-665, 80 Stat. 915; 16 USC 470 et seq.; 36 CFR 18, 60 61, 63, 68, 79, 800

Declares a national policy of historic preservation, including the encouragement of preservation on the federal, state, tribal, local, and private levels; authorizes the Secretary of the Interior to expand and maintain a National Register of Historic Places, including properties of state and local as well as national significance; authorizes matching federal grants to the states and the National Trust for Historic Preservation for surveys and planning and for acquiring and developing national register properties; establishes the Advisory Council on Historic Preservation; requires federal agencies to consider the effects of their undertakings on national register listed or eligible properties and to provide the advisory council opportunities to comment (sec. 106). Describes governmentwide federal agency historic preservation responsibilities such as Executive Order 11593 requirements, giving national historic landmarks extra protection in federal project planning, and permitting federal agencies to lease historic properties and apply the proceeds to any national register properties under their administration. Describes the formal roles in the national historic preservation partnership for local governments (i.e., through certified local governments), for states (through state historic preservation officers), and for tribes (i.e., through tribal historic preservation officers). Defines, among other things, federal undertakings, addresses “anticipatory demolition,” emphasizes the interests and involvement of Native Americans and Native Hawaiians, and describes when it is appropriate to withhold information about the location of cultural resources. Important guidance for implementing major portions of this act is in the *Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation* and *Secretary of the Interior’s Standards and Guidelines for Federal Agency Historic Preservation Programs Pursuant to the National Historic Preservation Act*.

Legislation related to cultural resource management: <http://www.cr.nps.gov/linklaws.htm>

NHPA: http://www.cr.nps.gov/local-law/FHPL_HistPrsvt.pdf

Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, and Secretary of the Interior’s Standards and Guidelines for Federal Agency Historic Preservation Programs Pursuant to the National Historic Preservation Act: <http://www.cr.nps.gov/linklaws.htm#standards>

National Park Service Concession Management Improvement Act of 1998, PL 105-391, 16 USC 5901, 5951 et seq.

Directs the Secretary of the Interior to “utilize concessions contracts to authorize a person, corporation, or other entities to provide accommodations, facilities and services to visitors to units of the National Park System.” Requires concessions contracts to be awarded to the entity submitting the best proposal as determined by the Secretary through a competitive selection process. Proposals for the concession contract must be publicly solicited and requires Congressional notification of any proposed contract with anticipated gross receipts exceeding \$5 million or a duration of more than ten years.

Prohibits the Secretary from granting a “preferential right of renewal” to a concessionaire unless it falls into an exception. Allows the Secretary, without public solicitation, to award a temporary concessions contract, an extension in order to avoid interruption of services, or a concessions contract in extraordinary circumstances. This act also establishes duration limits and franchise fees, protection of concessionaire investments, requires approval of Secretary for transfer of contracts, and creates the National Park Service Concessions Management Advisory Board. This act also repeals the National Park Service Concessions Policy Act.

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=105_cong_public_laws&docid=f:publ391.105

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+16USC5901

http://www.access.gpo.gov/uscode/title16/chapter79_subchapteriii_.html

National Park Service Omnibus Management Act of 1998, PL 105-391, 112 Stat. 3497, 16 USC 5901 et seq., 5991 et seq.

Requires the Secretary of Interior to continually improve the National Park Service’s ability to provide management, protection and interpretation of national park system resources. Directs the National Park Service to manage national park system units by employing high-quality science and information; to inventory the system’s resources to create baseline information so that future data can be monitored and analyzed to determine trends in the resources’ conditions; and to use the results of the scientific studies for park management.

http://www.access.gpo.gov/uscode/title16/chapter79_.html

http://www.access.gpo.gov/uscode/title16/chapter79_subchapterv_.html

National Park System Concessions Policy Act, PL 89-249, 79 Stat. 969, 16 USC 20 et seq., Repealed by PL 105-391, 112 Stat. 3515

Requires that public accommodations/facilities/services in national park system areas be provided only under carefully controlled safeguards to protect against despoliation. Limits development to those areas that are necessary and appropriate for public use and enjoyment and that are consistent to the highest practicable degree with the preservation and conservation of the areas. Must afford the concessioner a reasonable opportunity to make a profit. Also includes protection against loss of investment in tangible property, comparable rates to be charged, preferential right to provide new or additional accommodations, possessory interest in improvements on land owned by the federal government, and record-keeping.

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+16USC20

National Park System General Authorities Act (Act to Improve the Administration of the National Park System, August 18, 1970); PL 91-383, 84 Stat. 825, as amended by PL 94-458, PL 95-250, and PL 95-625; 16 USC 1a-1 et seq.

Affirms that while all national park system units remain “distinct in character,” they are “united through their interrelated purposes and resources into one national park system as cumulative expressions of a single national heritage.” Clarifies the authorities applicable to the system. Makes it clear that the NPS Organic Act and other protective mandates apply

equally to all units of the system. States that NPS management of park units shall not be exercised in “derogation of the values and purposes for which these various areas have been established.”

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+16USC1a-1

http://www.access.gpo.gov/uscode/title16/chapter1_subchapter1_.html

National Park System New Areas Studies Act, PL 105-391, 112 Stat. 3501, 16 USC 1, 1a-5

Amends the National Park System General Authorities act by reforming the process that is used to consider areas to add to the national park system. Directs the Secretary of the Interior to submit to Congress a list of areas recommended for study for potential inclusion in the system. Outlines factors to be included in such studies, including whether an area possesses nationally significant natural or cultural resources. Prohibits any such study from being initiated after this act’s enactment, except with congressional authorization. Requires each such study to be completed within three years after funds are made available for it. Directs the secretary to submit to specified congressional committees lists of areas previously studied that contain primarily historical or natural resources, in numerical order of priority for addition to the NPS.

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+16USC1

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+16USC1a-5

National Parks Air Tour Management Act of 2000, PL 106-181, 114 Stat. 186, 49 USC 40128

Prohibits commercial air tour operators from conducting commercial air tour operations over a national park or tribal lands except in accordance with this act, in accordance with conditions and limitations prescribed for that operator by the administrator of the Federal Aviation Administration, and in accordance with any applicable air tour management plan for the park or tribal lands. Gives details on how above conditions should be met by the Federal Aviation Administration and the National Park Service. Does not apply to Grand Canyon National Park, the tribal lands surrounding Grand Canyon National Park, or Lake Mead National Recreation Area if an operator is flying over as part of a transportation route to Grand Canyon National Park.

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+49USC40128

National Parks and Recreation Act, November 10, 1978, PL 95-625, 92 Stat. 3467; 16 USC 1 et seq.

Established eight new river designations, authorized 17 river studies, and improved management procedures for rivers program; raised acquisition ceilings in 29 units and development ceilings in 34; adjusted boundaries for 39 units; added wilderness areas; tripled size of national trails system; added 12 new national park system units; and authorized studies for

eight more. Also authorized moneys for Urban Recreation Recovery Programs, established a Pine Barrens Commission, purchased concession facilities at Yellowstone, and extended program for recovery of historic and archeological data. Requires the Secretary of the Interior to review all federal lands proposed for sale or disposal to ensure values for recreation is considered. Requires the National Park Service to prepare and revise general management plans in a timely manner for each unit. Requires GMPs to include resource protection measures; general development locations, timing, and costs; carrying capacity analyses; and boundary modifications.

http://www.access.gpo.gov/uscode/title16/chapter1_subchapteri_.html

National Parks Overflights Act of 1987, PL 100-91

Directs the National Park Service and the U.S. Forest Service to study the effects of aircraft overflights and report to Congress on the results. Also posed a number of questions to be addressed in the study, including: what is the nature and extent of the overflight problem in the national park system; what are other injurious effects on the natural, historical and cultural resources for which the units were established; what are the effects of overflights specifically on Yosemite and Haleakala national parks; has airspace been effectively managed at Grand Canyon NP; and what are the effects of overflights on visitor enjoyment and other park users such as hikers, rock-climbers and boaters. (*The Report on the Effects of Aircraft Overflights on the National Park System* was submitted to Congress in 1994 and published in 1995.)

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+16USC1a-1

<http://www.nonoise.org/library/npreport/intro.htm>

National Trails System Act, PL 90-543, 82 Stat. 919, 16 USC 1241 et seq.

Establishes a national system of recreational, scenic, and historic trails and prescribes the methods and standards for adding components to the system.

http://www.access.gpo.gov/uscode/title16/chapter27_.html

National Trust Act of 1949, PL 81-408, 63 Stat. 927, 16 USC 468 et seq.

Facilitates public participation in the preservation of sites, buildings, and objects of national significance or interest. Creates the National Trust for Historic Preservation and empowers it to acquire and hold property for historic preservation purposes. Supported in part by NPS-administered funds.

http://www.access.gpo.gov/uscode/title16/chapter1a_subchapteri_.html

National Wildlife Refuge System Administration Act of 1966, PL 89-669, 80 Stat. 927, 16 USC 668dd-ee

Establishes the national wildlife refuge system and preserves fish and wildlife species and their habitat, particularly those species threatened with extinction. (Precursor to the Endangered Species Act.)

http://www.access.gpo.gov/uscode/title16/chapter5a_subchapteriii_.html

Native American Grave Protection and Repatriation Act, PL 101-601, 104 Stat. 3048, 25 USC 3001-3013; 43 CFR 10

Assigns ownership or control of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony that are excavated or discovered on federal lands or tribal lands after passage of the act to lineal descendants or culturally affiliated Native American groups; establishes criminal penalties for trafficking in remains or objects obtained in violation of the act; provides that federal agencies and museums that receive federal funding shall inventory Native American human remains and associated funerary objects in their possession or control and identify their cultural and geographical affiliations within five years, and prepare summaries of information about Native American unassociated funerary objects, sacred objects, or objects of cultural patrimony. Provides for the repatriation of such items when lineal descendants or Native American groups request it.

http://www.access.gpo.gov/uscode/title25/chapter32_.html

http://www.access.gpo.gov/nara/cfr/waisidx_03/43cfr10_03.html

Negotiated Rulemaking Act of 1990, PL 101-648, 104 Stat. 4970, 5 USC 561 et seq.

Improves the Federal regulatory process by formalizing regulatory negotiation. Establishes a framework for the conduct of negotiated rulemaking by federal agencies to encourage agencies to use the process when it enhances the informal rulemaking process.” The practice of regulatory negotiation can be divided into 4 phases: (1) the initial determination of whether regulatory negotiation should be used in a particular rulemaking; (2) the establishment of a negotiated rulemaking committee, (3) the actual negotiations between representatives of the affected interests in order to reach a consensus, and (4) publication of the consensus (if reached) as the proposed rule for notice and comment pursuant to the Administrative Procedure Act.

http://www.access.gpo.gov/uscode/title5/parti_chapter5_subchapteriii_.html

Noise Control Act of 1972, as amended, PL 92-574, 86 Stat. 1234, 42 USC 4901 et seq.

Sets standards and procedures for limiting noise that jeopardizes Americans’ health and welfare. Requires publication of information on limits of noise required to protect public health and welfare, Authorizes the Office of Noise Abatement within the Environmental Protection Agency to specify noise limits for products distributed in commerce.

http://www.access.gpo.gov/uscode/title42/chapter65_.html

NPS Organic Act, Act of August 25, 1916, PL 64-235, 39 Stat. 535, 16 USC 1 et seq., as amended

Establishes the National Park Service, allows for the administration of Yellowstone and Sequoia national parks, and provides for criminal penalties if certain infractions occur.

The Service thus established shall promote and regulate the use of the Federal areas known as National Parks, Monuments, and Reservations . . . by such means and measures as to conform to the fundamental purpose of the said Parks, Monuments, and Reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to

provide for the enjoyment of same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

Authorizes the secretary of the interior to make rules and regulations for the use and administration of national park system areas. Allows the sale and disposal of timber under certain conditions, and the destruction of animal and plant life detrimental to the use of the park. Allows concessioners to be granted leases, and livestock grazing permits to be issued if not detrimental to the area, except there is to be no grazing in Yellowstone.

http://www.access.gpo.gov/uscode/title16/chapter1_subchapteri_.html

Outdoor Recreation Coordination Act of 1963, PL 88-29, 77 Stat. 49, 16 USC 4601 to 4601-4

Promotes the coordination and development of effective outdoor recreation programs. Authorizes the Secretary of the Interior to inventory, classify, and develop a nationwide plan for outdoor recreation needs and resources. Also provides for technical assistance, regional, and interdepartmental cooperation, research and education, and acceptance of donations.

http://www.access.gpo.gov/uscode/title16/chapter1_subchapterxix_parta_.html

Outer Continental Shelf Lands Act, PL Chapter 345, 67 Stat. 462, 43 USC 1331 et seq.; Outer Continental Shelf Lands Act Amendments of 1978, PL 95-372, 92 Stat. 630, 43 USC 1801 et seq.

Sets policies and procedures for managing oil and gas resources of the Outer Continental Shelf, including the issuance of mineral leases. Requires the lessee, prior to development, to submit a development and production plan to the Secretary for approval. Authorizes a license or permit to both be granted without concurrence by the affected state if the plan is consistent with its approved coastal zone management program.

1987 Amendments: Create the Offshore Oil Pollution Compensation fund to pay for the removal of oil spilled or discharged as a result of activities on the Outer Continental Shelf. Allows public entities, such as the National Park Service, to file claims against the fund to recover cleanup costs.

http://www.access.gpo.gov/uscode/title43/chapter29_subchapteriii_.html

http://www.access.gpo.gov/uscode/title43/chapter36_.html

Park System Resource Protection Act, PL 101-337, 104 Stat. 379, 16 USC 1911 et seq.

Establishes liability for any person who destroys, causes loss of, or injures any park system resource; if finding of damage to resource, or absent response, damage would have occurred, allows the commencement of civil action to recover damages; requires undertaking of all necessary actions to prevent/minimize destruction; requires assessment/monitoring of damages; allows response costs and damages recovered may only be used to reimburse response costs or to restore/replace/acquire equivalent of resources damaged; requires annual report to Congress on funds expended pursuant to act; authorizes acceptance of donations.

http://www.access.gpo.gov/uscode/title16/chapter1_subchapteriii-b_.html

Parks, Parkways, and Recreational Programs Act, June 23, 1936, 49 Stat. 1894, 16 USC 17k-n

Directs the Secretary of the Interior to study public park, parkway, and recreational area programs; aid states in planning; and allows states to negotiate and enter into compacts or agreements on planning, establishing, developing, improving, and maintaining any park, parkway, or recreational area.

http://www.access.gpo.gov/uscode/title16/chapter1_subchapteri_.html

Payment in Lieu of Taxes Act, PL 94-565, 90 Stat. 2662, 31 USC 6901 et seq.

Provides for payments to local governments based on the acreage and population within the boundaries of the locality.

http://www.access.gpo.gov/uscode/title31/subtitlev_chapter69_.html

Public Buildings Cooperative Use Act of 1976, PL 94-541, 90 Stat. 2507, 42 USC 4151-4156

Requires the general Services Administration to acquire and use space to accommodate federal agencies in buildings of architectural or cultural significance where feasible. Amended the Architectural Barriers Act on accessibility.

http://www.access.gpo.gov/uscode/title42/chapter51_.html

Rehabilitation Act of 1973, PL 93-112, 87 Stat. 355, 29 USC 701 et seq., as amended by the Rehabilitation Act Amendments of 1974, PL 93-516, 88 Stat. 1617

Sets forth a broad range of services and basic civil rights for handicapped individuals. Establishes the architectural and transportation barriers compliance board to ensure compliance with standards set by GSA and other federal agencies. Contains data-gathering and reporting requirements. Prohibits discrimination (section 504) against persons with visual, hearing, mobility, and mental impairments.

http://www.access.gpo.gov/uscode/title29/chapter16_generalprovisions_.html

Reorganization Act of March 3, 1933, 47 Stat. 1517

Reorganized the executive branch of the government, and through Executive Orders 6166 and 6228 (5 USC 124-132) transferred to the Department of the Interior for administration by the National Park Service the national memorials and parks of the nation's capital, national monuments, historical and military parks administered by other federal agencies. The number of units in the national park system virtually doubled overnight.

Reservoir Salvage Act of 1960, PL 86-523, 74 Stat. 220, 16 USC 469-469c

Provides for the recovery and preservation of historical and archeological data (including relics and specimens) that might be lost or destroyed in the construction of dams and reservoirs.

http://www.access.gpo.gov/uscode/title16/chapter1a_subchapteri_.html

Resource Conservation and Recovery Act of 1976, PL 94-580, 90 Stat. 2796, 42 USC 6901 et seq.

Governs the disposal of hazardous and/or solid waste, including landfills (NPS Staff Directive 76-20). Establishes guidelines for the collection, transport, separation, recovery, and disposal of solid waste. Creates a major federal hazardous waste regulatory program. Provides assistance to establish state or regional solid waste plans.

http://www.access.gpo.gov/uscode/title42/chapter82_subchapteri_.html

Revised Statute 2477, Right-of-Way across Public Lands, Act of July 26, 1866, 43 USC 932 (1976), repealed by the Federal Land Policy and Management Act, Sec. 706(a), October 21, 1976

Granted a right-of-way across public lands for all lands not otherwise withdrawn by the federal government. Based on state laws, applied mainly to Alaska and Utah. (NPS is developing guidelines to guide in processing RS 2477 right-of-way assertions.)

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+43USC932

Rivers and Harbors Appropriation Act of 1899, 33 USC Chapter 425, 30 Stat. 1150, as amended by PL 97-332, 96 Stat. 1582, and PL 97-449, 96 Stat. 2440, 33 USC 401 et seq.

Establishes the Army Corps of Engineers' regulatory authority over U.S. navigable waters. Establishes permit requirements for the construction of bridges, causeways, dams, or dikes within or over navigable waters of the United States. (Bridge and causeway construction is regulated by the secretary of transportation, while dam and dike permits are reviewed by the Corps of Engineers.) §10: requires a Corps permit for the construction of any "obstruction of navigable waters" of the U.S., and for any excavation, fill, or other modification to various types of navigable waters. §13: requires a Corps permit for the discharge of refuse of any kind (except liquid from sewers or urban runoff) from land or vessel, into the navigable U.S. waters or into their tributaries. Similarly prohibits the discharge of refuse upon the banks of navigable waters or their tributaries where the refuse could be washed into the water.

http://www.access.gpo.gov/uscode/title33/chapter9_subchapteri_.html

Safe Drinking Water Act, PL 93-523, 88 Stat. 1660, 42 USC 300f et seq., 42 USC 201, and 21 USC 349

Directs the Environmental Protection Agency to publish and enforce regulations for the maximum allowable contaminant levels in drinking water. Establishes the mechanism of national drinking water standards. Regulates the underground injection of wastes and other materials.

http://www.access.gpo.gov/uscode/title42/chapter6a_subchapterxii_.html

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+42USC201

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+21USC349

Soil and Water Resources Conservation Act of 1977, PL 95-192, 91 Stat. 1407, 16 USC 2001 et seq.

Requires appraisal by Secretary of Agriculture of information and expertise on the conservation and use of soils, plants, woodlands, etc.

http://www.access.gpo.gov/uscode/title16/chapter40_.html

Surface Mining Control and Reclamation Act of 1977, PL 95-87, 91 Stat. 447, 30 USC 1201 et seq.

Establishes a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations. Requires the Department of the Interior to issue regulations covering performance standards for protection of the environment and public health and safety, permit application, and bonding requirements for surface coal mining and reclamation operations; procedures for preparation, submission, and approval of state programs to control mining and reclamation; and development and implementation of a federal program for any state that does not develop an acceptable program.

http://www.access.gpo.gov/uscode/title30/chapter25_.html

Surface Resources Use Act of 1955, PL Chapter 375, 69 Stat. 367, 30 USC 601 et seq.

Prohibits persons from using the surface of unpatented mining claims for anything but mining. Provides that claimants of patented mining claims may use the surface of the claim only for purposes related to mining activity. Claimants may occupy and use resources on the claim only for prospecting and mining. Claimants also may not sell the surface resources (timber, sand, gravel, etc.) for an unpatented claim.

http://www.access.gpo.gov/uscode/title30/chapter15_subchapteri_.html

Surface Transportation Assistance Act of 1982, PL 97-424, 96 Stat. 2115, 2135, 23 USC 101 et seq. and many others

Establishes a Federal Lands Highway Program, placing upon the Secretary of Transportation the oversight and coordinating responsibility for federal lands highways to ensure that such highways are treated under similar uniform policies, including conformity to highway design, construction, maintenance, and safety standards adopted for park roads and parkways.

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+23USC101

http://www.access.gpo.gov/uscode/title23/chapter1_subchapteri_.html

Tax Reform Act of 1976, PL 94-455, 90 Stat. 1916, 26 USC 191, Repealed by PL 97-34, 95 Stat. 239

Provided tax incentives to encourage the preservation of commercial historic structures, including those operated by park concessioners. World Heritage Convention, 1980, PL 96-515, 94 Stat. 3000 Title IV of National Historic Preservation Act Amendments directs the Secretary of the Interior to nominate properties of international significance to the World Heritage List; requires federal agencies to consider the effects of their undertakings on

properties outside the United States on the World Heritage List or on the applicable countries' equivalents of the National Register of Historic Places. See also "Historic Preservation Certifications Pursuant to the Tax Act of 1976" in section M.3.

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+26USC191

Toxic Substances Control Act, PL 94-469, 90 Stat. 2003, 15 USC 2601 et seq.

Governs the manufacture, transport, and distribution of chemical substances that may be potentially harmful. Directs the Environmental Protection Agency to inventory all chemical substances in commerce, to require pre-manufacture notice of all new chemical substances, to gather available information about the toxicities of particular chemical and exposures, to require industry testing under certain circumstances where data are insufficient, and to assess whether unreasonable risks to human health or the environment are involved.

http://www.access.gpo.gov/uscode/title15/chapter53_subchapteri_.html

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, PL 91-646, 84 Stat. 1894, 42 USC 4601 et seq.

Establishes policies for the treatment of persons displaced as a result of federal and federally assisted programs, especially those concerning land acquisition. Requires the responsible agency to reimburse displaced persons for moving and other expenses, as well as providing additional funds for other related expenses and establishes a policy on the acquisition of real property by federal government.

http://www.access.gpo.gov/uscode/title42/chapter61_subchapteri_.html

Urban Park and Recreation Recovery Act of 1978, PL 95-625, 92 Stat. 3538, 16 USC 2501 et seq.

Authorizes the Secretary of the Interior to establish an urban park and recreation recovery program to provide federal grants to economically hard-pressed communities specifically for the rehabilitation of critically needed recreation areas, facilities, and the development of improved recreation programs. Intended to complement existing federal programs such as the Land and Water Conservation Fund and Community Development Grant Programs. Improves and expands recreation facilities and services in urban areas with high incidences of crime and helps deter crime through expansion of recreation opportunities for at-risk youth.

http://www.access.gpo.gov/uscode/title16/chapter45_.html

Water Resources Planning Act of 1965 (PL 89-80, 79 Stat. 244, 42 USC 1962 et seq.) and Water Resource Council's Principles and Standards, 44 FR 723977

States a national policy "to encourage the conservation, development, and utilization of water and related land resources on a comprehensive and coordinated basis by the federal government, states, localities, and private enterprises with the cooperation of all affected federal agencies, states, local governments, individuals, corporations, business enterprises, and others concerned." Establishes the Water Resources Council, which has the responsibility to assess the adequacy of water supplies, study the administration of water resources, and

develop principles, standards, and procedures for federal participants in the preparation of comprehensive regional or river basin plans. Establishes the framework for state and federal cooperation through a series of river basin commissions. (WRC principles and standards for planning water and related land resources have been revised to achieve national economic development and environmental quality objectives.)

http://www.access.gpo.gov/uscode/title42/chapter19b_.html

Watershed Protection and Flood Prevention Act, 68 Stat. 666, as amended by PL 92-419, 86 Stat. 667, 16 USC 1001 et seq.

Authorizes the Secretary of the Interior to cooperate with state and local governments, including soil and water conservation districts and flood control districts, in planning and analyzing trends in flood protection and watershed conservation activities and facilities. The Secretary is to be consulted about such proposed “works of improvement,” with regard to activities or facilities that may affect DOI lands.

http://www.access.gpo.gov/uscode/title16/chapter18_.html

Wild and Scenic Rivers Act, as amended, PL 90-542, 82 Stat. 906, 16 USC 1271 et seq.

Establishes a system of areas distinct from the traditional park concept to ensure the protection of the river’s environment. Preserves certain selected rivers that possess outstanding scenic, recreational, geological, cultural, or historic values, and maintains their free-flowing condition for future generations.

http://www.access.gpo.gov/uscode/title16/chapter28_.html

Wilderness Act, PL 88-577, 78 Stat. 890, 16 USC 1131 et seq.

Establishes a policy for the enduring protection of wilderness resources for public use and enjoyment. Establishes a national wilderness preservation system to be composed of federally owned areas designated as wilderness areas. Directs Secretaries of the Interior and Agriculture to study all roadless areas of 5,000 or more acres and every roadless island (regardless of size) as to suitability for inclusion in the wilderness system.

http://www.access.gpo.gov/uscode/title16/chapter23_.html

Wildfire Disaster Recovery Act of 1989, PL 101-286, 104 Stat. 171, 16 USC 18i, 551, 551c, 558c, and 43 USC 1737

Establishes a National Commission on Wildfire Disasters; requires the study of wildfire effects; requires recommendation for smooth/timely transition; requires recommendations for future NPS, BLM, FS redevelopment activities/programs. Requires a report on rehabilitation needs from fire damage; requires the Departments of the Interior and Agriculture to offer annual forest fire suppression training programs to volunteers if needed; requires mobilization plans and pre-suppression needs information; amends Volunteers in Forest, Volunteers in Park, and Federal Land Management Policy Acts (BLM) to protect volunteers from damage claims.

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+16USC18i

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+16USC551

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+16USC551c

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+16USC558c

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+43USC1737

M.2 EXECUTIVE ORDERS

Executive Order 11514: Protection and Enhancement of Environmental Quality, 35 FR 4247, as amended by EO 11991, 42 FR 26967

Declares that the federal government “will provide leadership in protecting and enhancing the quality of the Nation’s environment to sustain and enrich human life. Federal agencies shall initiate measures needed to direct their policies, plans, and programs so as to meet environmental goals.” Requires CEQ to issue regulations to federal agencies concerning the implementation of the procedural as well as substantive provisions of NEPA. Strengthens CEQ’s power by requiring agencies to comply with their regulations.

<http://www.archives.gov/federal-register/codification/executive-order/11514.html>

http://www.fema.gov/regions/v/env/eo_0108.shtm

Executive Order 11593: Protection and Enhancement of the Cultural Environment (May 13, 1971), 36 FR 8921

Instructs all Federal agencies to support the preservation of cultural properties; directs them to identify and nominate to the National Register of Historic Places cultural properties under their jurisdiction and to "exercise caution... to assure that any federally owned property that might qualify for nomination is not inadvertently transferred, sold, demolished, or substantially altered." Much of EO 11593 has been codified in section 110 of the National Historic Preservation Act, as amended (see M.1. Federal Laws).

http://www.cr.nps.gov/history/online_books/anps/anps_7b.htm

Executive Order 11644: Use of Off-Road Vehicles on the Public Lands

States that such vehicles, while often used for legitimate purposes are frequently in conflict with wise land use and resource management practices, environmental values, and other types of recreation activities. The order establishes a uniform federal policy to ensure that use of off-road vehicles on public lands are controlled and directed to protect resources, promote safety of all users of those lands and to minimize conflicts among users. Areas and trails shall be located in units of the national park system only if the agency head determines that such use in those areas will not adversely affect their natural, aesthetic or scenic values.

<http://www.nplnews.com/toolbox/eo/eo-nixon-11644.htm>

Executive Order 11987: Exotic Organisms, 42 FR 26949, Revoked by Executive Order 13112

Restricted the introduction of organisms into the United States that are not part of its natural ecosystem.

http://www.fema.gov/regions/v/env/eo_0105.shtm

Executive Order 11988: Floodplain Management, 42 FR 26951, 3 CFR 121 (Supp. 1977)

Requires federal agencies to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modifications of floodplains, and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. Floodplains that are subject to regulation by the executive order and NPS *DO #77-2: Floodplain Management* and accompanying *Procedural Manual 77-2* include the 100-year, 500-year and extreme floodplains. Directs all federal agencies to avoid, if possible, development and other activities in the 100-year (or base) floodplain. Requires that existing structures or facilities in such areas and needing rehabilitation, restoration, or replacement be subject to the same scrutiny as new facilities or structures. (In the case of historic structures, this scrutiny will be but one factor in determining their preservation.) Prohibits locating highly significant and irreplaceable records, historic objects, structures, or other cultural resources in the 500-year floodplain. Also prohibits any critical actions (actions for which even a slight risk is too great, such as clinics, hazardous materials storage, major fuel storage facilities, and 40,000 gpd or larger sewage treatment facilities) from occurring in the 500-year floodplain.

<http://www.archives.gov/federal-register/codification/executive-order/11988.html>

Executive Order 11990: Protection of Wetlands, 42 FR 26961, 3 CFR 121 (Supp. 1977)

Requires federal agencies to avoid, to the extent possible, the long- and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative.

<http://www.archives.gov/federal-register/codification/executive-order/11990.html>

Executive Order 12003: Energy Policy and Conservation, 3 CFR 134 (Supp. 1977), 42 USC 6201

Requires all agencies to submit an overall energy conservation plan, with a goal of 20% savings in 1985 compared to 1975. For new buildings, the goal is 45% savings. Applies to government-owned buildings assigned to the concessioners and “concession-owned” buildings if they are office buildings, hospitals, schools, prison facilities, multi-family dwellings, or storage facilities.

<http://www.wbdg.org/media/pdf/eo12003.pdf>

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+42USC6201

Executive Order 12088: Federal Compliance with Pollution Control Standards

Establishes procedures and responsibilities to ensure that all necessary actions are taken to prevent, control, and abate environmental pollution from federal facilities and activities.

<http://www.archives.gov/federal-register/codification/executive-order/12088.html>

Executive Order 12372: Intergovernmental Review of Federal Programs, 47 FR 30959

Requires federal agencies to communicate with state and local officials as early in the planning process as is feasible to explain plans and actions (sec. 2(b)).

<http://policy.fws.gov/library/rgeo12372.pdf>

Executive Order 12898: General Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

Requires all federal agencies to incorporate environmental justice into their missions by identifying and addressing disproportionately high and adverse human health or environmental effects of their programs and policies on minorities and low income populations and communities.

<http://www.archives.gov/federal-register/executive-order/pdf/12898.pdf>

Executive Order 13006: Locating Federal Facilities on Historic Properties in our Nation's Central Cities (1996)

Encourages federal agencies, where operationally appropriate and economically prudent, to give consideration to historic properties and historic districts when locating federal facilities in central cities.

<http://www.cr.nps.gov/local-law/eo13006.htm>

Executive Order 13007: Indian Sacred Sites, 61 FR 26771 (1996)

Accommodates access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoids adversely affecting the physical integrity of such sacred sites to the extent practicable, permitted, and consistent with essential agency functions. If a federal action may affect the physical integrity of, the ceremonial use of, or the access to these sites by Native American religious practitioners in federally recognized tribes, then requires the superintendent to consult with the tribe as part of the planning and approval process.

<http://www.cr.nps.gov/local-law/eo13007.htm>

Executive Order 13089: Coral Reef Protection, 63 FR 32701

Seeks to preserve and protect the biodiversity, health, heritage, and social and economic value of U.S. coral reef ecosystems and the marine environment. Directs federal agencies to identify actions that may affect coral reef ecosystems, utilize programs and authorities to protect and enhance the conditions of ecosystems, and ensure that actions will not degrade the conditions of such ecosystems. Provides further agency duties if the agency's actions affect the coral reef ecosystems. Creates the U.S. Coral Reef Task Force and outlines the duties of the task force.

http://www.gsa.gov/Portal/gsa/ep/contentView.do?pageTypeld=8199&channelld=-13339&P=PLAE&contentId=16567&contentType=GSA_BASIC

Executive Order 13112: Invasive Species, 64 FR 6183

Seeks to prevent the introduction of invasive species, to provide for their control, and to minimize the economic, ecological, and human health impacts they cause. Outlines federal agency duties, creates a new Invasive Species Council, defines the council's duties, and authorizes the creation an Invasive Species Management Plan. Creates a framework for planning and for coordination involving all stakeholders, which it defines as states, tribal entities, local government agencies, academic institutions, scientific communities, and non-governmental entities such as environmental groups, agricultural groups, conservation organizations, trade groups, commercial interests, and private landowners.

Federal agencies should use the programs and authorities to prevent the introduction of invasive species; detect and respond rapidly to control populations of such species in a cost-effective and an environmentally sound manner; monitor invasive species populations accurately and reliably; provide for restoration of native species and habitat conditions in invaded ecosystems; conduct research on invasive species and develop technologies to prevent their introduction; provide environmentally sound control of invasive species; promote public education on invasive species and means to address them.

The order directs agencies not to authorize, fund, or carry out any action likely to cause or promote the introduction or the spread of invasive species in the United States or elsewhere. However, agencies can determine that the benefits outweigh the potential harm and ensure that they take prudent measures to minimize harm. Federal agencies should consult with the Invasive Species Council and undertake actions consistent with the Invasive Species Management Plan with the cooperation of stakeholders.

http://www.gsa.gov/Portal/gsa/ep/contentView.do?pageTypeld=8199&channelld=-13339&P=PLAE&contentId=16914&contentType=GSA_BASIC

Executive Order 13158: Marine Protected Areas, 65 FR 34909

Consistent with domestic and international law: (a) strengthens the management, protection, and conservation of existing marine protected areas and establish new or expanded marine protected areas (MPAs); (b) develops a scientifically based, comprehensive national system of MPAs representing diverse U.S. marine ecosystems, and the Nation's natural and cultural resources; and (c) avoids causing harm to MPAs through federally conducted, approved, or funded activities.

http://www.gsa.gov/Portal/gsa/ep/contentView.do?pageTypeld=8199&channelld=-13339&P=PLAE&contentId=16570&contentType=GSA_BASIC

Executive Order 13175: Consultation and Coordination with Indian Tribal Governments (2000)

Emphasizes the necessity for federal agencies to establish regular and meaningful collaboration with tribal officials in the development of federal policies with tribal implications, and to work with Indian tribes on a government-to-government basis in ways that are consistent with fundamental principles of tribal sovereignty. See also EO 13007.

http://www.gsa.gov/Portal/gsa/ep/contentView.do?pageTypeld=8199&channelld=-13339&P=PLAE&contentId=16571&contentType=GSA_BASIC

Executive Order 13186: Responsibilities of Federal Agencies to Protect Migratory Birds, 66 FR 3853

Defines federal agency responsibilities to protect migratory bird populations, in furtherance of the purposes of the migratory bird conventions, the Migratory Bird Treaty Act (16 USC 703-711), the Bald and Golden Eagle Protection Acts (16 USC 668-668d), the Fish and Wildlife Coordination Act (16 USC 661-666c), the Endangered Species Act of 1973 (16 USC 1531-1544), the National Environmental Policy Act of 1969 (42 USC 4321-4347), and other pertinent statutes. Directs each federal agency taking actions that have, or are likely to have, a measurable negative effect on migratory bird populations to develop and implement, within two years, a memorandum of understanding with the Fish and Wildlife Service that shall promote the conservation of migratory bird populations.

http://www.gsa.gov/Portal/gsa/ep/contentView.do?pageTypeld=8199&channelld=-13339&P=PLAE&contentId=16572&contentType=GSA_BASIC

Executive Order 13352: Facilitation of Cooperative Conservation, 69 FR 52989

Seeks to ensure that laws relating to the environment and natural resources are implemented “in a manner that promotes cooperative conservation, with an emphasis on appropriate inclusion of local participation in Federal decision making.” Directs the Secretary of the Interior to implement laws in a way that: “(i) facilitates cooperative conservation; (ii) takes appropriate account of and respects the interests of persons with ownership or other legally recognized interests in land and other natural resources; (iii) properly accommodates local participation in Federal decision making; and (iv) provides that the programs, projects, and activities are consistent with protecting public health and safety.”

<http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/pdf/04-19909.pdf>

Executive Orders 11989 (42 FR 26959) and 11644 (37 FR 2877): Offroad Vehicles on Public Lands

Promulgates guidelines for the controlled use of off-road vehicles on public lands. The executive orders define off-road vehicles as: “ any motorized vehicle that is capable of cross country travel over snow, ice or other natural terrain ...the widespread use of such vehicles has demonstrated the need for a unified federal policy...that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of these lands, to promote the safety of all users and to minimize the conflicts among the various users of those lands.”

<http://www.mt.blm.gov/ea/ohv/AppendixA.pdf>

M.3 POLICIES AND PROCEDURES

Analysis of Impacts on Prime or Unique Agricultural Lands in Implementing the National Environmental Policy Act, E.S. 80-3, 08/11/80, 45 FR 59189

Requires a determination of the effects of a proposed federal agency action on prime or unique agricultural lands as integral to the EIS process; requires such lands to be considered as a factor in deciding whether or not to prepare an EIS. (Prime and unique farmlands are identified by the Natural Resources Conservation Service.)

Historic Preservation Certifications Pursuant to the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, and the Economic Recovery Tax Act of 1981, 36 CFR 67

Establishes procedures whereby owners or holders of long-term leases for old and/or historic buildings may obtain certifications to gain federal tax credits for rehabilitation; describes tax deductions for owners who donate interests in cultural resources for preservation purposes.

http://www.access.gpo.gov/nara/cfr/waisidx_04/36cfr67_04.html

Policies on Construction of Family Housing for Government Personnel, OMB A-18

Allows housing to be provided only where service cannot be rendered without onsite employees and at remote areas (reasonable 2-hour commuting distance). Specifies that insufficiency or inadequacy of housing can be shown by establishing unavailability, substandard design, construction or location, or high cost.

Procedures for Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the Nationwide Inventory, E.S. 80-2, 08/15/80, 45 FR 59191

Establishes required procedures and consultation in order to avoid adverse effects on potential wild and scenic rivers.

<http://www.nps.gov/ncrc/programs/rtca/nri/hist.html>

GLOSSARY

Accessibility: Occurs when individuals with disabilities are able to reach, use, understand, or appreciate NPS programs, facilities, and services, or to enjoy the same benefits that are available to persons without disabilities. See also, “universal design.”

Adaptive management: A system of management practices based on clearly identified outcomes, monitoring to determine if management actions are meeting outcomes, and, if not, facilitating management changes that will best ensure that outcomes are met or to re-evaluate the outcomes. Adaptive management recognizes that knowledge about natural resource systems is sometimes uncertain and is the preferred method of management in these cases. (Source: *Departmental Manual 516 DM 4.16*)

Administrative record: The “paper trail” that documents an agency’s decision-making process and the basis for the agency’s decision. It includes all materials directly or indirectly considered by persons involved in the decision-making process, including opinions or information considered but rejected. These are the documents that a judge will review to determine whether the process and the resulting agency decision were proper, and that future managers will use to understand the evolution of the issue(s) and how decisions were reached and made.

American Indian tribe: Any band, nation, or other organized group or community of Indians, including any Alaska Native Village, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Appropriate use: A use that is suitable, proper, or fitting for a particular park, or to a particular location within a park.

Archeology: The scientific study, interpretation, and reconstruction of past human cultures from an anthropological perspective

based on the investigation of the surviving physical evidence of human activity and the reconstruction of related past environments. Historic archeology uses historic documents as additional sources of information.

Archeological resource: Any material remains or physical evidence of past human life or activities which are of archeological interest, including the record of the effects of human activities on the environment. They are capable of revealing scientific or humanistic information through archeological research.

Area-specific desired condition (also called area-specific management direction and area-specific management prescription): Based on management zones, area-specific guidance about the desired resource conditions, visitor experience opportunities, and appropriate kinds and levels of management, development, and access (modes of transportation) for each particular area of the park; also the kinds of changes needed to move from the existing to the desired conditions

Asset: A physical structure or grouping of structures, land features, or other tangible property which has a specific service or function.

Asset management: A systematic process of maintaining, upgrading, and operating assets cost-effectively by combining engineering principles with sound business practices and economic theory.

Backcountry: Primitive, undeveloped portions of parks, some of which may be managed as “wilderness.”

Best management practices (BMPs): Practices that apply the most current means and technologies available to not only comply with mandatory environmental regulations, but also maintain a superior level of environmental performance. See also, “sustainable practices/principles.”

Civic Engagement: As a philosophy, a discipline, and a practice, it can be viewed as a continuous, dynamic conversation with the public on many levels that reinforces the commitment of the NPS and the public to the preservation of park resources and strengthens understanding of the full meaning and contemporary relevance of these resources. Civic engagement is the philosophy of welcoming people into the parks and building relationships around a shared stewardship mission, whereas public involvement (also called public participation) is the specific, active involvement of the public in NPS planning and other decision-making processes.

Conserve: To protect from loss or harm; preserve. Historically, the terms conserve, protect, and preserve have come collectively to embody the fundamental purpose of the NPS—preserving, protecting and conserving the national park system.

Consultation (cultural resources): A discussion, conference, or forum in which advice or information is sought or given, or information or ideas are exchanged. Consultation generally takes place on an informal basis; formal consultation requirements for compliance with section 106 of the NHPA are published in 36 CFR Part 800. Consultation with recognized tribes is done on a government-to-government basis.

Cultural landscape: A geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. There are four general kinds of cultural landscape, not mutually exclusive: historic site, historic designed landscape, historic vernacular landscape, ethnographic landscape.

Cultural resource: An aspect of a cultural system that is valued by or significantly representative of a culture or that contains significant information about a culture. A cultural resource may be a tangible entity or a cultural practice. Tangible cultural resources

are categorized as districts, sites, buildings, structures, and objects for the National Register of Historic Places and as archeological resources, cultural landscapes, structures, museum objects, and ethnographic resources for NPS management purposes.

Cumulative actions: Actions that, when viewed with other actions in the past, the present, or the reasonably foreseeable future regardless of who has undertaken or will undertake them, have an additive impact on the resource the proposal would affect.

Decision maker: The managerial-level employee who has been delegated authority to make decisions or to otherwise take an action that would affect park resources or values. Most often it refers to the park superintendent or regional director, but may at times include, for example, a resource manager, facility manager, or chief ranger to whom authority has been re-delegated.

Desired condition (also called management direction and management prescription): A park's natural and cultural resource conditions that the National Park Service aspires to achieve and maintain over time, and the conditions necessary for visitors to understand, enjoy, and appreciate those resources.

Developed area: An area managed to provide and maintain facilities (e.g., roads, campgrounds, housing) serving visitors and park management functions. Includes areas where park development or intensive use may have substantially altered the natural environment or the setting for culturally significant resources.

Ecosystem: A system formed by the interaction of a community of organisms with their physical and biological environment, considered as a unit.

Ecosystem management: A collaborative approach to natural and cultural resource management that integrates scientific knowledge of ecological relationships with resource stewardship practices for the goal of sustainable ecological, cultural, and socio-economic systems.

Enabling legislation: The law(s) that establish a park as a unit within the national park system.

Environmental assessment (EA): A brief NEPA document that is prepared, with public involvement, (a) to help determine whether the impact of a proposed action or its alternatives could be significant; (b) to aid the NPS in compliance with NEPA by evaluating a proposal that will have no significant impacts, but may have measurable adverse impacts; or (c) as an evaluation of a proposal that is either not described on the list of categorically excluded actions, or is on the list, but exceptional circumstances apply.

Environmental impact statement (EIS): A detailed NEPA analysis document that is prepared, with extensive public involvement, when a proposed action or alternatives have the potential for significant impact on the human environment.

Environmentally preferred alternative (or environmentally preferable alternative): Of the action alternatives analyzed, the one that would best promote the policies in NEPA section 101. This is usually selected by the IDT members. CEQ encourages agencies to identify an environmentally preferable alternative in the draft EIS or EA, but only requires that it be named in the ROD.

Ethnographic resource: A site, structure, object, landscape, or natural resource feature assigned traditional legendary, religious, subsistence, or other significance in the cultural system of a group traditionally associated with it.

Existing infrastructure: The systems, services, and facilities currently in a park unit, including buildings, roads, trails, power equipment, water supply, etc.

Final plan: A final plan, or final GMP, is a document that usually includes a discussion of the purpose and need for the GMP, a description of NPS mandates and policies that affect the park, a description of the preferred alternative (the actual plan), a description of appropriate mitigation measures, and relevant

appendixes (e.g., references, preparers, index). A final GMP is prepared after the ROD or FONSI is approved and a notice is published in the *Federal Register*. It describes only the selected alternative without all the accompanying compliance parts included in the EIS or EA.

Finding of No Significant Impact (FONSI): A determination based on an EA and other factors in the public planning record for a proposal that, if implemented, would have no significant impact on the human environment.

Foundation statement: A statement that begins a park's planning process and sets the stage for all future planning and decision-making by identifying the park's mission, purpose, significance, special mandates and the broad, park-wide mission goals. Incorporated into a park's GMP, but may also be produced as a stand-alone document for a park.

Fundamental resources and values: Those features, systems, processes, experiences, stories, scenes, sounds, smells, or other attributes determined to warrant primary consideration during planning and management because they are critical to achieving the park's purpose and maintaining its significance. A fundamental value, unlike a tangible resource, refers to a process, force, story or experience, such as such as an island experience, the ancestral homeland, wilderness values, or oral histories.

Gateway community: A community that exists in close proximity to a unit of the national park system whose residents and elected officials are often affected by the decisions made in the course of managing the park, and whose decisions may effect the resources of the park. Because of this, there are shared interests and concerns regarding decisions. Gateway communities usually offer food, lodging, and other services to park visitors. They also provide opportunities for employee housing, and a convenient location to purchase goods and services essential to park administration.

General management plan (GMP): A plan which clearly defines direction for resource preservation and visitor use in a park, and serves as the basic foundation for decision making. GMPs are developed with broad public involvement.

Geologic resources: Features produced from the physical history of the earth, or processes such as exfoliation, erosion and sedimentation, glaciation, karst or shoreline processes, seismic, and volcanic activities.

Historic property: A district, site, structure, or landscape significant in American history, architecture, engineering, archeology, or culture; an umbrella term for all entries eligible for or included in the National Register of Historic Places

Human environment: Defined by CEQ as the natural and physical environment, and the relationship of people with that environment (1508.14). Although the socioeconomic environment receives less emphasis than the physical or natural environment in the CEQ regulations, NPS considers it to be an integral part of the human environment.

Impact: The likely effect of an action or proposed action upon specific natural, cultural or socioeconomic resources. Impacts may be direct, indirect, individual, cumulative, beneficial, or adverse. (Also see Unacceptable impacts.)

Impact topics: Specific natural, cultural, or socioeconomic resources that would be affected by the proposed action or alternatives (including no action). The magnitude, duration, and timing of the effect to each of these resources is evaluated in the impact section of an EA or an EIS.

Impairment: An impact that, in the professional judgment of a responsible NPS manager, would harm the integrity of park resources or values and violate the 1916 NPS Organic Act's mandate that park resources and values remain unimpaired.

Implementation plan: A plan that focuses on how to implement an activity or project

needed to achieve a long-term goal. An implementation plan may direct a specific project or an ongoing activity.

Indicators of user capacity: Specific, measurable physical, ecological, or social variables that can be measured to track changes in conditions caused by public use, so that progress toward attaining the desired conditions can be assessed

Issue: Some point of debate that needs to be decided. For GMP planning purposes issues can be divided into "major questions to be answered by the GMP" (also referred to as the decision points of the GMP) and the "NEPA issues" (usually environmental problems related to one or more of the planning alternatives).

Life cycle costing (analysis): An accounting method that analyzes the total costs of a product or service, including construction, maintenance, manufacturing, marketing, distribution, useful life, salvage, and disposal.

Management concept: A brief, statement of the kind of place the park should be (a "vision" statement)

Management zone: A geographical area for which management directions have been developed to determine what can and cannot occur in terms of resource management, visitor use, access, facilities or development, and park operations. Each zone has a unique combination of resource and social conditions and a consistent management direction. Different actions are taken by the NPS in different zones.

Management zoning: The application of management zones to a park unit. The application of different type of zones and/or size of zones will likely vary in different alternatives.

Management direction (also called desired condition and management prescription): A planning term referring to statements about desired resource conditions and visitor experiences, along with appropriate kinds and levels of management, use, and development for each park area.

Mitigation: A modification of a proposal to lessen the intensity of its impact on a particular resource. Actions can be taken to avoid, reduce, or compensate for the effects of environmental damage.

Manager: The managerial-level employee who has authority to make decisions or to otherwise take an action that would affect park resources or values. Most often it refers to the park superintendent or regional director, but may at times include, for example, a resource manager, facility manager, or chief ranger to whom authority has been re-delegated.

Museum object: A material thing possessing functional, aesthetic, cultural, symbolic, and/or scientific value, usually movable by nature or design. Museum objects include prehistoric and historic objects, artifacts, works of art, archival material, and natural history specimens that are part of a museum collection. Structural components may be designated museum objects when removed from their associated structures.

National Park Service Organic Act: The 1916 law (and subsequent amendments) that created the National Park Service and assigned it responsibility to manage the national parks.

National park system: The sum total of the land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational or other purposes.

Native American: Pertaining to American Indian tribes or groups, Eskimos and Aleuts, and Native Hawaiians, Samoans, Chamorros, and Carolinians of the Pacific Islands. Groups recognized by the federal and state governments and named groups with long-term social and political identities who are defined by themselves and others as Indian are included.

NEPA process: The objective analysis of a proposed action to determine the degree of its impact on the natural, physical, and human

environment; alternatives and mitigation that reduce that impact; and the full and candid presentation of the analysis to, and involvement of, the interested and affected public—as required of federal agencies by the National Environmental Policy Act of 1969.

New use: A use that has not previously taken place within a particular park, or that has taken place previously and been discontinued due to public disinterest or as a result of a management action.

Notice of availability: The notice submitted to the *Federal Register* stating that a draft EIS or final EIS is ready for distribution to the public.

Notice of intent: The notice submitted by the NPS to the *Federal Register* that an EIS will be prepared. For a GMP it notes that the NPS is beginning work on developing a GMP/EIS, identifies a contact person in the NPS, and describes the agency's scoping process.

Other important resources and values: Those attributes that are determined to be particularly important to park management and planning, although they are not related to the park's purpose and significance

Paleontological / paleoecological resources: Resources such as fossilized plants, animals, or their traces, including both organic and mineralized remains in body or trace form. Paleontological resources are studied and managed in their paleoecological context (that is, the geologic data associated with the fossil that provides information about the ancient environment).

Park: Any one of the hundreds of areas of land and water administered as part of the national park system. The term is used interchangeably with “unit,” “park unit,” and “park area.”

Planning, Environment, and Public Comment (PEPC) System: An online database designed to facilitate the project management process in conservation planning and environmental impact analysis. It assists NPS employees in making informed decisions with

regard to a number of compliance issues throughout the planning, design, and construction process.

Policy level issues: The potential for some resources or values to be detrimentally affected by discretionary management decisions intended to achieve conditions consistent with the park's purpose

Potential boundary modifications: The description of areas or resources that meet criteria for boundary adjustments, along with the rationale for an adjustment

Potential management zone: General guidance about an integrated set of resource conditions and associated visitor experiences that could be applied to various locations throughout a park

Preferred alternative: The alternative an NPS decision-maker has identified as preferred at the draft EIS stage. It is identified to show the public which alternative is likely to be selected to help focus its comments.

Preserve: To protect from loss or harm; conserve. Historically, the terms preserve, protect and conserve have come collectively to embody the fundamental purpose of the NPS—preserving, protecting and conserving the national park system.

Preservation (cultural resources): The act or process of applying measures to sustain the existing form, integrity, and material of a historic structure, landscape or object. Work may include preliminary measures to protect and stabilize the property, but generally focuses upon the ongoing preservation maintenance and repair of historic materials and features rather than extensive replacement and new work.

Primary interpretive themes: The most important ideas or concepts to be communicated to the public about a park

Professional judgment: A decision or opinion that is shaped by study and analysis and full consideration of all the relevant facts, and that takes into account

- the decision-maker's education, training, and experience
- advice or insights offered by subject matter experts and others who have relevant knowledge and experience
- good science and scholarship; and, whenever appropriate,
- the results of civic engagement and public involvement activities relating to the decision.

Public involvement (also called public participation): The active involvement of the public in NPS planning and decision-making processes. Public involvement occurs on a continuum that ranges from providing information and building awareness, to partnering in decision making.

Projected implementation costs: A projection of the probable range of recurring annual costs, initial one-time costs, and life-cycle costs of plan implementation

Purpose: The specific reason(s) for establishing a particular park

Record of decision (ROD): The document that is prepared to substantiate a decision based on an EIS. It includes a statement of the decision made, a detailed discussion of decision rationale, and the reasons for not adopting all mitigation measures analyzed, if applicable.

Sacred Sites: Certain natural and cultural resources treated by American Indian tribes and Alaska Natives, and Native Hawaiians as sacred places having established religious meaning, and as locales of private ceremonial activities.

Scoping: Internal NPS decision-making on issues, alternatives, mitigation measures, the analysis boundary, appropriate level of documentation, lead and cooperating agency roles, available references and guidance, defining purpose and need, and so forth. External scoping is the early involvement of the interested and affected public.

Significance: Statements of why, within a national, regional, and systemwide context,

the park's resources and values are important enough to warrant national park designation.

Significantly: A subjective interpretation of the intensity of impact, in several contexts, of the proposed action or alternatives.

Soundscape (natural): The aggregate of all the natural, nonhuman-caused sounds that occur in parks, together with the physical capacity for transmitting natural sounds.

Special mandates: Legal mandates specific to the park that expand upon or contradict a park's legislated purpose

Stakeholders: Individuals and organizations that are actively involved in the project, or whose interests may be positively or negatively affected as a result of the project execution /completion. They may also exert influence over the project and its results. For GMP planning purposes, the term stakeholder includes NPS offices/staff as well as public and private sector partners and the public, which may have varying levels of involvement.

Standards: The minimum acceptable condition for an indicator of a desired condition

Stewardship: The cultural and natural resource protection ethic of employing the most effective concepts, techniques, equipment, and technology to prevent, avoid, or mitigate unacceptable impacts.

Strategic plan: A Service-wide, 5-year plan required by GPRA (5 USC 306) in which the NPS states (1) how it plans to accomplish its mission during that time, and (2) the value it expects to produce for the tax dollars expended. Strategic plans serve as "performance agreements" with the American people.

Superintendent: The senior onsite NPS official in a park. Used interchangeably with "park superintendent," "park manager," or "unit manager."

Sustainable design: Design that applies the principles of ecology, economics, and ethics to the business of creating necessary and appropriate places for people to visit, live in,

and work. Development that has a sustainable design sits lightly upon the land, demonstrates resource efficiency, and promotes ecological restoration and integrity, thus improving the environment, the economy, and society.

Sustainable practices/principles: Those choices, decisions, actions and ethics that will best achieve ecological/ biological integrity; protect qualities and functions of air, water, soil, and other aspects of the natural environment; and preserve human cultures. Sustainable practices allow for use and enjoyment by the current generation, while ensuring that future generations will have the same opportunities.

Traditionally associated peoples: Social cultural entities such as tribes, communities, and kinship units exhibiting a continued identity and associated with a specific park, area, or resource

Traditional cultural property (TCP): A property associated with cultural practices, beliefs, the sense of purpose, or existence of a living community that is rooted in that community's history or is important in maintaining its cultural identity and development as an ethnically distinctive people. Traditional cultural properties are ethnographic resources eligible for listing in the National Register.

Unacceptable impacts: Impacts that, individually or cumulatively, would

- be inconsistent with a park's purposes or values, or
- impede the attainment of a park's desired future conditions for natural and cultural resources as identified through the park's planning process, or
- create an unsafe or unhealthful environment for visitors or employees, or
- diminish opportunities for current or future generations to enjoy, learn about, or be inspired by park resources or values, or
- unreasonably interfere with
 - park programs or activities, or

- an appropriate use, or
- the atmosphere of peace and tranquility, or the natural soundscape maintained in wilderness and natural, historic, or commemorative locations within the park, or
- NPS concessioner or contractor operations or services.

Unit: See “park.”

Universal design: The design of products and environments to be usable by all people to the greatest extent possible, without the need for adaptation or specialized design.

Value analysis/value engineering: An organized, multi-disciplined team effort that analyzes the functions of facilities, processes, systems, equipment, services, and supplies for the purpose of achieving essential functions at the lowest lifecycle cost consistent with required performance, reliability, quality, and safety.

Visitor: Anyone who physically visits a park for recreational, educational or scientific purposes, or who otherwise uses a park’s interpretive and educational services, regardless of where such use occurs (e.g., via Internet access, library, etc.).

User capacity (also called carrying capacity): The types and levels of visitor and other public use that can be accommodated while sustaining the desired resource conditions and visitor experiences that complement the purpose of the park. The NPS has adopted this term in preference of the term *visitor capacity*, which does not include all public use.

Visitor experience: The perceptions, feelings, and reactions a person has while visiting a park. Examples of visitor experiences include: a sense of being immersed in a natural landscape; a feeling of being crowded; a feeling of

being in an area where the sights and sounds of people and vehicles are predominant; having a sense of challenge and adventure; or a perception of solitude and privacy.

Waiver (of policy): An exemption from a particular policy provision. A waiver may be granted only by the director of the National Park Service or a higher authority (e.g., the Secretary of the Interior).

Wilderness (designated): Federal land that has been designated by Congress as a component of the national wilderness preservation system.

Wilderness (eligible, study, proposed and recommended): Federal lands that have been found to possess wilderness character based on the criteria specified in the Wilderness Act. The four categories reflect different stages of the wilderness review process, and all are managed to preserve the wilderness resources and values that make them eligible for wilderness designation. Differences in the management of these categories are specified in Chapter 6.

Wilderness (potential): Federal lands that are surrounded by, or adjacent to, lands proposed for wilderness designation but that do not themselves qualify for designation due to temporary, nonconforming uses or incompatible conditions. Potential wilderness is a subset of the other wilderness categories (it can be eligible, study, proposed, recommended or designated potential wilderness).

Zone: See “management zone.”

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NOTE: The bibliography is organized according to the following reference topics: general, cultural resource, natural resource, public involvement, and visitor experience.

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