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.

Direct links to the Internet for most of the laws and executive orders listed in this appendix are not provided. However, several search engines and web pages are available to find the text of the statutes and executive orders on the Internet. Planners can find most of the laws in this appendix using the tools listed below. But keep in mind these links change over time and may not all be current.

- In NPS.gov, many of the laws are listed on this web page: <http://home.nps.gov/applications/npspolicy/getlaws.cfm>. Clicking on an individual law takes one to the Cornell University Law Library, and the U.S. Code.
- The NPS Legislative and Congressional Affairs web page has links to all NPS related laws from 1933 to the present. (However, it can take a very long time to download the information, which is grouped into various years.)
- All federal laws and their various amendments can be found within the U.S. Code. For NPS laws, go to Title 16 (Conservation). The link to this title is <http://frwebgate.access.gpo.gov/cgi-bin/usc.cgi?ACTION=BROWSE&TITLE=16USCC1>. Then find the appropriate section from the U.S. Code citation. Other useful titles include Title 5 (Government Organization and Employees), Title 42 (Public Health and Welfare), Title 43 (Public Lands), and Title 46 (Transportation). To browse all of the U.S. Code titles, go to <http://www.gpoaccess.gov/uscode/browse.html>.
- For laws on cultural and historic resources, the NPS Cultural Resource Program has a web page with links to the laws. The web page is: http://www.nps.gov/history/laws.htm. The NPS Archeology Program also has descriptions of laws pertaining to this subject. Go to http://www.nps.gov/archeology/tools/Laws/arpa.htm
- Laws and executive orders on natural resources can be found at: <http://www.nature.nps.gov/RefDesk/index.cfm>. Another useful site is: <http://www.nature.nps.gov/lawsregulations/index.cfm>.
- Laws regarding access (disabilities) can be found at: http://www.access-board.gov/about/laws/index.htm.
- Laws and regulations on commercial services and concessions in parks can be found on < http://www.concessions.nps.gov/policy2.cfm> and <http://inside.nps.gov/waso/custommenu.cfm?lv=2&prg=40&id=3044. (*NPS intranet site*)
- All NPS employees have access to the Department of Interior library. The link is http://library.doi.gov/. Click on "*Electronic Resources*." From there one can access the U.S. Congressional Serial Set database, the Hein Online database (which includes the U.S. Statutes at Large library, the U.S. Congressional Documents library), the LexisNexis Congressional Hearings Digital Collection and the Congressional Research Digital Collection.

- The Library of Congress Thomas web page provides information on current legislation. Full text for all bills and laws passed from the 101st Congress (1989) to date is available. The web page is http://thomas.loc.gov/.
- Presidential executive orders can be found on http://www.archives.gov/federal-register/executive-orders/index.html.

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

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

Federal Laws (cont.)	
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

Federal Laws (cont.)	
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.

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.

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.archives.gov/federal-register/laws/administrative-procedure/

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.

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.

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 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.

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.

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/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.

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/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.

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.

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://epw.senate.gov/envlaws/cleanair.pdf

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.

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.

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.

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)).

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.

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.

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.

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.

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.

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.

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.

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.epa.gov/lawsregs/laws/index.html#cwa

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

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.

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.

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."

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.)

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.

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.

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.

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

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.nmfs.noaa.gov/pr/pdfs/laws/mmpa.pdf

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.

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).

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.

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.

http://www.nepa.gov/nepa/regs/nepa/nepaeqia.htm

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*.

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 (sec. 110) 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 (as 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.

Section 106 of the Act requires federal agencies to consider the effects of their undertakings on historic properties that are included in or eligible for inclusion in the National Register of Historic Places. The Advisory Council on Historic Preservation has prepared regulations to implement section 106.

Section 110 of the Act outlines the historic preservation responsibilities of federal agencies. These standards and guidelines for federal preservation programs are designed to help federal agencies meet their responsibilities to integrate historic preservation into their ongoing programs, in keeping with the broad section 110 mandate.

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_HistPrsrvt.pdf

36 CFR 800: www.achp.gov/regs-rev04.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:* www.nps.gov/history/hps/fapa_110.htm

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.

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.

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."

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.

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.

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.nps.gov/legal/laws/PL%2095-625.pdf

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://www.nps.gov/grca/naturescience/upload/PL100-91.pdf
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.

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.

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.

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.

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.

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.)

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.

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.

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.nps.gov/rigr/parkmgmt/upload/wsr-act.pdf

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://wilderness.nps.gov/document/WildernessAct.pdf

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.archives.gov/federal-register/codification/executive-order/11593.html

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.archives.gov/federal-register/codification/executive-order/11987.html

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 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.presidency.ucsb.edu/ws/index.php?pid=7576
http://www.presidency.ucsb.edu/ws/index.php?pid=59104

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.presidency.ucsb.edu/ws/index.php?pid=7842

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://www.archives.gov/federal-register/codification/executive-order/12372.html

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 / communities.

http://www.archives.gov/federal-register/executive-orders/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://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=1996_register&docid=fr24my96-154.pdf

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://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=1996_register&docid=fr29my96-149.pdf

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?pageTypeId=8199&channelId=-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?pageTypeId=8199&channelId=-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?pageTypeId=8199&channelId=-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?pageTypeId=8199&channelId=-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?pageTypeId=8199&channelId=-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://edocket.access.gpo.gov/2004/pdf/04-19909.pdf

Executive Order 13423 (72 FR 3919): Strengthening Federal Environmental, Energy, and Transportation Management

The order sets goals in the areas of energy efficiency, acquisition, renewable energy, toxics reductions, recycling, renewable energy, sustainable buildings, electronics stewardship, fleets, and water conservation. In addition, the order requires more widespread use of environmental management systems as the framework in which to manage and continually improve these sustainable practices.

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