

1 **[Cover page summary statement]** National parks belong to all Americans, and the National
2 Park Service will welcome all Americans to experience their parks. The Service will focus
3 special attention on visitor enjoyment of the parks while recognizing the NPS mission is to
4 conserve unimpaired each park’s natural and cultural resources and values for the enjoyment,
5 education, and inspiration of this and future generations. The NPS will also welcome
6 international visitors, in keeping with its commitment to extend the benefits of natural and
7 cultural resource conservation and outdoor recreation throughout the world.

8
9 **Chapter 8: Use of the Parks**

10 **8.1 General**

11
12 Many different types of uses take place in the hundreds of parks that make up the national park
13 system. Some of those uses are carried out by the National Park Service, but many more are
14 carried out by park visitors, permittees, lessees, and licensees. The 1916 Organic Act, which
15 created the National Park Service, directs the Service to conserve park resources “unimpaired”
16 for the enjoyment of future generations. The 1970 National Park System General Authorities
17 Act, as amended in 1978, prohibits the Service from allowing any activities that would cause
18 derogation of the values and purposes for which the parks have been established (except as
19 directly and specifically provided by Congress). Taken together, these two laws establish for
20 NPS managers a strict mandate to protect park resources and values, a responsibility to actively
21 manage all park uses and, when necessary, an obligation to regulate their amount, kind, time, and
22 place in such a way that future generations can enjoy, learn, and be inspired by park resources
23 and values and appreciate their national significance in as good or better condition than the
24 generation that preceded them. (Throughout Management Policies, the term “impairment” is
25 construed to also encompass “derogation.”)

26
27 **8.1.1 Appropriate Use**

28
29 The concept of appropriate use is especially important with regard to visitor enjoyment because,
30 in accordance with the Organic Act, the “fundamental purpose” of all parks also includes
31 providing for the enjoyment of park resources and values. The scope of “enjoyment”
32 contemplated by the Organic Act is described in section 1.4.3. Forms of visitor enjoyment
33 emphasize appropriate recreation consistent with the protection of the park. This includes
34 natural, cultural/historic interpretation, and contemplation and understanding of the purposes for
35 which a park unit’s resources are being preserved. Many of these forms of enjoyment support
36 the federal policy of promoting the health and personal fitness of the general public, as set forth
37 in Executive Order 13266 (Activities to Promote Personal Fitness).

38
39 Providing opportunities for appropriate public enjoyment is an important part of the Service’s
40 mission. Other park uses—unrelated to public enjoyment—may sometimes be allowed as a right
41 or a privilege if they are not otherwise prohibited by law or regulation. In exercising its
42 discretionary authority, the Service will allow only uses that are (1) appropriate to the purpose
43 for which the park was established, and (2) can be sustained without causing unacceptable

1 impacts. Recreational activities and other uses that would impair a park’s resources, values, or
2 purposes cannot be allowed. The only exception is when an activity that would cause impairment
3 is directly and specifically mandated by Congress.
4

5 The fact that a park use may have an impact does not necessarily mean it will be unacceptable or
6 impair park resources or values for the enjoyment of future generations. Impacts may affect park
7 resources or values and still be within the limits of the discretionary authority conferred by the
8 Organic Act. . In these situations, the Service will ensure that the impacts are unavoidable and
9 cannot be further mitigated. Even when they fall far short of impairment, unacceptable impacts
10 can rapidly lead to impairment, and must be avoided. For this reason, the Service will not
11 knowingly authorize a park use that would cause unacceptable impacts
12

13 When a use is mandated by law, but causes unacceptable impacts to park resources or values, the
14 Service will take appropriate management actions to avoid or mitigate the adverse effects. When
15 a use is authorized by law, but not mandated, and may cause unacceptable impacts to park
16 resources or values, the Service will avoid or mitigate the impacts to the point where there will
17 be no unacceptable impacts; or, if necessary, the Service will deny a proposed activity or
18 eliminate an existing activity.
19

20 *(See Park Management 1.4; Consumptive Uses 8.9. Also see Director’s Order #12; 36 CFR 2.1)*
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22 **8.1.2 Process for Determining New Appropriate Uses**

23

24 All proposals for park uses will be evaluated for their:

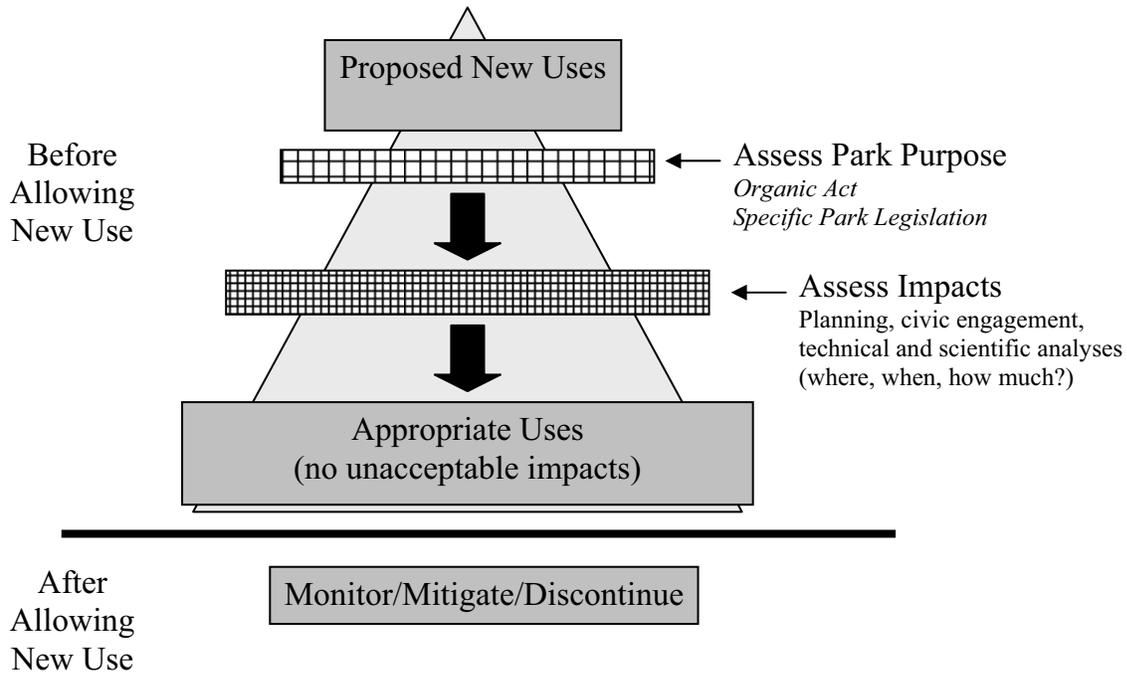
- 25 • consistency with applicable laws, Executive orders, regulations, and policies;
- 26 • consistency with existing plans for public use and resource management;
- 27 • actual and potential effects on park resources and values;
- 28 • total costs to the Service, and whether the public interest will be served.
29

30 Superintendents must continually monitor and examine all park uses to ensure that unanticipated
31 and unacceptable impacts do not occur. Unless otherwise mandated by statute, only uses that
32 meet the criteria listed in section 8.2 may be allowed.
33

34 Specific park uses will be guided by the following subsections of this chapter, and must comply
35 also with the other chapters of these *Management Policies*. The Service will coordinate with
36 appropriate state authorities regarding activities that are subject to state regulation, or to joint
37 federal/state regulation. The regulatory framework for implementing NPS policies governing use
38 of the parks, and for determining when and where activities may be allowed, is found in 36 CFR
39 Parts 2, 3, 4, 5, 7, 12, and 13. Procedures for implementing or terminating a restriction,
40 condition, public use limit, or closure within a park area are found in 36 CFR 1.5 (but see also 36
41 CFR 13.30 and 43 CFR 36.11(h) for procedures specific to park areas in Alaska). Some activities
42 may be allowed in parks only after park-specific regulations have been published, which requires
43 extensive analysis and opportunities for civic engagement.

44 The illustration below shows the process by which potential uses are evaluated for
45 “appropriateness.”

Process for Determining New Appropriate Uses



1

2 The National Park Service will always consider allowing activities that are appropriate to the
3 parks, although conditions may preclude certain activities or require that limitations be placed on
4 them. In all cases, impacts from park uses must be avoided, minimized, or mitigated through

- 5 ○ visitor education and civic engagement,
- 6 ○ temporal, spatial, or numerical limitations on the use,
- 7 ○ the application of best available technology, and/or
- 8 ○ the application of adaptive management techniques.

9 If, in monitoring a park use, unanticipated impacts become apparent, the superintendent must
10 further manage or constrain the use to minimize the impacts, or discontinue the use if the impacts
11 are unacceptable.

12 (See *Park Purposes and Legislatively Authorized Uses 1.4.3.1*; *Park System Planning Chapter 2*;
13 *Use of the Parks Chapter 8*. Also see 36 CFR 1.5)

14 **8.2 Visitor Use**

15
16 Enjoyment of park resources and values by the people of the United States is part of the
17 fundamental purpose of all parks. The Service is committed to providing appropriate, high
18 quality opportunities for visitors to enjoy the parks, and will maintain within the parks an
19 atmosphere that is open, inviting, and accessible to every segment of American society.

1 However, many forms of recreation enjoyed by the public do not require a national park setting,
2 and are more appropriate to other venues. The Service will therefore:

- 3 • Provide opportunities for forms of enjoyment that are uniquely suited and appropriate to the
4 superlative natural and cultural resources found in the parks.
- 5 • Defer to local, state, **tribal**, and other federal agencies; private industry; and non-
6 governmental organizations to meet the broader spectrum of recreational needs and demands.

7
8 To provide for enjoyment of the parks, the National Park Service will encourage visitor activities
9 that:

- 10 • Are appropriate to the purpose for which the park was established; and
- 11 • Are inspirational, educational, or healthful, and otherwise appropriate to the park
12 environment; and
- 13 • Will foster an understanding of, and appreciation for, park resources and values, or will
14 promote enjoyment through a direct association with, interaction with, or relation to park
15 resources; and
- 16 • Can be sustained without causing unacceptable impacts to park resources or values.

17
18 The primary means by which the Service will actively foster and provide activities that meet
19 these criteria will be through its interpretive and educational programs, which are described in
20 detail in chapter 7. The Service will also welcome the efforts of private-sector organizations to
21 provide structured activities that meet these criteria. In addition to structured activities, the
22 Service will, to the extent practicable, afford visitors ample opportunity for inspiration,
23 appreciation, and enjoyment through their own personalized experiences, without the formality
24 of program or structure.

25
26 The Service may allow other visitor uses that do not meet all the above criteria if they are
27 appropriate to the purpose for which the park was established and they can be sustained without
28 causing unacceptable impacts to park resources or values. **For the purposes of these policies,**
29 **unacceptable impacts are impacts that, individually or cumulatively, would**

- 30 • be inconsistent with a park's purposes or values, or
- 31 • **impede the attainment of a park's desired conditions for natural and cultural resources as**
32 **identified through the park's planning process, or**
- 33 • create an unsafe or unhealthy environment for visitors or employees, or
- 34 • **diminish opportunities for current or future generations to enjoy, learn about, or be inspired**
35 **by park resources or values, or**
- 36 • unreasonably interfere with
 - 37 ○ park programs or activities, or
 - 38 ○ an appropriate use, or
 - 39 ○ the atmosphere of peace and tranquility, or the natural soundscape maintained in
40 wilderness and natural, historic, or commemorative locations within the park

41
42 Management controls and conditions must be established for all park uses to ensure that park
43 resources and values are preserved and protected for the future. If and when a superintendent has
44 a reasonable basis for believing that an ongoing or proposed public use would cause
45 unacceptable impacts to park resources or values, the superintendent must make adjustments to
46 the way the activity is conducted, so as to eliminate the unacceptable impacts. If necessary, the

1 superintendent may (1) temporarily or permanently close a specific area; (2) prohibit a particular
2 use; or (3) otherwise place limitations on the use to ensure that impairment does not occur.

3
4 Any closures or restrictions—other than those imposed by law—must be consistent with
5 applicable laws, regulations, and policies, and (except in emergency situations) require a written
6 determination by the superintendent that such measures are needed to:

- 7 • protect public health and safety;
- 8 • prevent unacceptable impacts to park resources or values;
- 9 • carry out scientific research;
- 10 • minimize visitor use conflicts; or
- 11 • otherwise implement management responsibilities.

12
13 When practicable, restrictions will be based on the results of study or research, including (when
14 appropriate) research in the social sciences. Any restrictions imposed will be fully explained to
15 visitors and the public. Visitors will be given appropriate information on how to keep adverse
16 impacts to a minimum, and how to enjoy the safe and lawful use of the parks.

17
18 *(See Park Management 1.4; Management of Recreational Use 8.2.2.1. Also see 36 CFR 1.5:*
19 *“Closures and Public Use Limits”; Director’s Order #17: Tourism)*

20 **8.2.1 Visitor Carrying Capacity**

21 Visitor carrying capacity is the type and level of visitor use that can be accommodated while
22 sustaining the desired resource and visitor experience conditions in the park. By identifying and
23 staying within carrying capacities, superintendents can manage park uses that may unacceptably
24 impact the resources and values for which the parks were established. Superintendents will
25 identify visitor carrying capacities for managing public use. Superintendents will also identify
26 ways to monitor for, and address, unacceptable impacts to park resources and visitor experiences.

27 When making decisions about carrying capacity, superintendents must utilize the best available
28 natural and social science and other information, and maintain a comprehensive administrative
29 record relating to their decisions. The decision-making process should be based on desired
30 resource conditions and visitor experiences for the area; quality indicators and standards that
31 define the desired resource conditions and visitor experiences; and other factors that will lead to
32 logical conclusions and the protection of park resources and values. The level of analysis
33 necessary to make decisions about carrying capacities is commensurate with the potential
34 impacts or consequences of the decisions. The greater the potential for significant impacts or
35 consequences to park resources and values or the opportunities to enjoy them, the greater the
36 level of study and analysis and civic engagement needed to support the decisions.

37 The planning process will determine the desired resource and visitor experience conditions that
38 are the foundation for carrying capacity analysis and decision-making. If the time frame for
39 making decisions is insufficient to allow the application of a carrying capacity planning process,
40 superintendents must make decisions based on the best available science, public input, and other
41 information. In either case, such planning must be accompanied by appropriate environmental
42 impact analysis, in accordance with Director’s Order #12.

1 As use changes over time, superintendents must continue to decide if management actions are
 2 needed to keep use at sustainable levels and prevent unacceptable impacts on park resources or
 3 values. If indicators and standards have been prescribed for an impact, the acceptable level is the
 4 prescribed standard. If indicators and standards do not exist, the superintendent must determine
 5 how much impact is acceptable before management intervention is required.

6 If and when park uses reach a level at which they must be limited or curtailed, the preferred
 7 choice will be to continue uses that best meet the criteria listed in section 8.2 for preferred uses,
 8 and to limit or curtail those that least meet those criteria.

9 *(See Decision-making Requirements to Identify and Avoid Impairments 1.4.7; General*
 10 *Management Planning 2.3.1; Visitor Carrying Capacity 5.3.1.6; Management of Recreational*
 11 *Use 8.2.2.1. Also see Director's Order #2: Park Planning)*

12 **8.2.2 Recreational Activities**

13 The National Park Service will manage recreational activities according to the criteria listed in
 14 sections 8.1 and 8.2 (and 6.4 in wilderness areas). Examples of such recreational activities
 15 include, but are not limited to, boating, camping, bicycling, fishing, hiking, horseback riding and
 16 packing, outdoor sports, picnicking, scuba diving, cross-country skiing, caving, mountain and
 17 rock climbing, earth caching and swimming. However, not all of these activities will be
 18 appropriate or allowable in all parks; that determination must be made on the basis of park-
 19 specific planning. Service-wide regulations addressing aircraft use, off-road bicycling, hang
 20 gliding, off-road vehicle use, personal watercraft, and snowmobiling require that special, park-
 21 specific regulations be developed before these uses may be allowed in parks. (The ANILCA
 22 statutory provisions (e.g., section 1110(a) of ANILCA) and regulatory provisions in 36 CFR Part
 23 13 and 43 CFR 36.11(h) apply to snowmobile, motorboat, and aircraft, and other means of
 24 access in units of the national park system in Alaska.)

25 The Service will monitor new or changing patterns of use or trends in recreational activities, and
 26 assess their potential impacts on park resources. A new form of recreational activity will not be
 27 allowed within a park until a superintendent has made a determination that it will be appropriate
 28 and not cause unacceptable impacts to park resources. Restrictions placed on recreational uses
 29 that have been found to be appropriate will be limited to the minimum necessary to protect park
 30 resources and values, and promote visitor safety and enjoyment.

31 One particularly important factor that affects the recreational experience of park visitors is the
 32 sounds they encounter. Many park visitors have certain expectations regarding the sounds they
 33 will hear as part of their experience. The type of park unit (for example, national battlefield,
 34 national seashore, national recreation area, national park) and its specific features often help
 35 shape those expectations. In addition to expectations of muted to loud sounds (such as wind
 36 rustling leaves, elk bugling, waves crashing on a beach) associated with nature, park visitors also
 37 expect sounds (such as cannons firing, native drumming, music) reflecting our cultural and
 38 historic heritage, and sounds (such as children laughing, park interpretive talks, motors in cars
 39 and motorboats) associated with people visiting their parks.

1 Park managers will (1) identify what levels and types of sound contribute to or hinder visitor
 2 enjoyment, and (2) monitor, in and adjacent to parks, noise-generating human activities—
 3 including noise caused by mechanical or electronic devices—that adversely affect visitor
 4 opportunities to enjoy park soundscapes. Based on this information, the Service will take action
 5 to prevent or minimize those noises that adversely affect the visitor experience or that exceed
 6 levels that are acceptable to, or appropriate for, visitor uses of parks.

7 *(See Soundscape Management 4.9; Cultural Soundscape Management 5.3.1.7. Also see 36 CFR*
 8 *2.12: Audio Disturbances)*

9 **8.2.2.1 Management of Recreational Use**

10 Superintendents will develop and implement visitor use management plans and take management
 11 actions, as appropriate, to ensure that recreational uses and activities within the park are
 12 consistent with its authorizing legislation or proclamation and do not cause unacceptable impacts
 13 to park resources or values. Depending on local park needs and circumstances, these plans may
 14 be prepared as coordinated activity-specific documents (such as river use plan, backcountry use
 15 plan, wilderness management plan, off-road vehicle use plan, winter use plan); as action plan
 16 components of a resource management plan or general management plan; or as a single
 17 integrated plan that addresses a broad spectrum of recreational activities. Regardless of their
 18 format or complexity, visitor use management plans will (1) contain specific, measurable
 19 management objectives related to the activity or activities being addressed; (2) be periodically
 20 reviewed and updated; and (3) be consistent with the carrying capacity decisions made in the
 21 general management plan.

22 The Service will seek consistency in recreation management policies and procedures on both a
 23 Service-wide and interagency basis to the extent practicable. However, because of differences in
 24 the enabling legislation and resources of individual parks, and differences in the missions of the
 25 Service and other federal agencies, an activity that is entirely appropriate when conducted in one
 26 location may be inappropriate when conducted in another. The Service will consider a park's
 27 purposes and the effects on park resources and visitors when determining the appropriateness of
 28 a specific recreational activity.

29 Superintendents will consider a wide range of techniques in managing recreational use to avoid
 30 adverse impacts on park resources and values, or desired visitor experiences. Examples of
 31 appropriate techniques include visitor information and education programs; separation of
 32 conflicting uses by time or location; "hardening" sites; modifying maintenance practices; and
 33 permit and reservation systems. Superintendents may also use their discretionary authority to
 34 impose local restrictions, public use limits, and closures, and designate areas for a specific use or
 35 activity (see 36 CFR 1.5). Any restriction of appropriate recreational uses will be limited to what
 36 is necessary to protect park resources and values, to promote visitor safety and enjoyment, or to
 37 meet park management needs. To the extent practicable, public use limits established by the
 38 Service will be based on the results of scientific research and other available support data.
 39 However, an activity will be restricted or prohibited when, in the judgment of the superintendent,
 40 its occurrence, continuation, or expansion would (1) violate the criteria listed in section 8.2, or

1 (2) conflict with the findings of a carrying capacity analysis, and there is no reasonable
2 alternative that would avoid or satisfactorily mitigate the violation or conflict.

3 Recreational activities that are proposed as organized events or that involve commercialization,
4 advertising, or publicity on the part of participants or organizers are defined as “special events,”
5 and are managed in accordance with the policies in section 8.6.2; regulations in 36 CFR 2.50;
6 and criteria and procedures in Director’s Order #53: Special Park Uses.

7 *(See Levels of Park Planning 2.3; Wilderness Management Planning 6.3.4.2; General Policy*
8 *6.4.1; Visitor Carrying Capacity 8.2.1; Commercial Visitor Services 8.2.2.2; River Use 8.2.2.3,*
9 *Backcountry Use 8.2.2.4; Fishing 8.2.2.5; Hunting and Trapping 8.2.2.6; Off-road Vehicle Use*
10 *8.2.3.1; Snowmobiles 8.2.3.2; Visitor Safety 8.2.5.1; Native American Use 8.5; Special Park*
11 *Uses 8.6; Collecting Natural Products 8.8. Also see Director’s Order #2: Park Planning, and*
12 *#12: Conservation Planning and Environmental Impact Analysis)*

13 **8.2.2.2 Commercial Visitor Services**

14 For information on commercial visitor services, see Commercial Services 6.4.3, Commercial
15 Visitor Services Planning 10.2.2, and Commercial Use Authorizations 10.3.

16 **8.2.2.3 River Use**

17 A River Use Management Plan will be developed for each park having significant levels of river
18 use, unless the planning is accomplished through some other planning document. Appropriate
19 types and levels of public uses will be identified and managed to prevent unacceptable impacts,
20 particularly adverse impacts on aquatic resources, the riparian environment, and visitor
21 enjoyment. Each river management plan will include specific procedures for disposing of refuse
22 and human waste. Plans should be coordinated with interested tribal, state and/ or local
23 governments, using cooperating agency status where appropriate, and will include public
24 participation.

25 *(See Implementation Planning 2.3.4; National Wild and Scenic Rivers System 4.3.4; Water*
26 *Resource Management 4.6; Flood plains 4.6.4; Wetlands 4.6.5; Grazing by Domestic and Feral*
27 *Livestock 8.6.8)*

28 **8.2.2.4 Backcountry Use**

29 The Park Service uses the term “backcountry” to refer to primitive, undeveloped portions of
30 parks. This is not a specific management zone, but rather refers to a general condition of land
31 that may occur anywhere within a park. Back-country use will be managed in accordance with a
32 backcountry management plan (or other plan addressing backcountry uses) designed to avoid
33 unacceptable impacts on park resources or adverse effects on the visitor enjoyment of
34 appropriate recreational experiences. The Service will seek to identify acceptable limits of
35 impacts, monitor backcountry use levels and resource conditions, and take prompt corrective
36 action when unacceptable impacts occur. Strategies designed to guide the preservation,
37 management, and use of the backcountry and to achieve the park’s management objectives will

1 be integrated into the park's backcountry management plan. Backcountry under study, proposed,
2 or recommended for wilderness designation will be managed consistent with the wilderness
3 stewardship policies in chapter 6.

4 The number and types of facilities to support visitor use in backcountry areas, including sanitary
5 facilities, will be maintained at the minimum necessary to achieve a park's backcountry
6 management objectives and to provide for the health and safety of park visitors. To avoid the
7 need for sanitary facilities, public use levels will be managed, where practicable, in accordance
8 with the natural system's ability to absorb human waste. The Service will not provide refuse
9 containers in backcountry areas. All refuse must be carried out, except that combustible materials
10 may be burned when authorized by the superintendent.

11 *(See Water Resource Management 4.6, Management Facilities 6.3.10; Wilderness Use*
12 *Management 6.4; Visitor Carrying Capacity 8.2.1; Waste Management 9.1.6.1; Comfort Stations*
13 *9.3.3. Also see Director's Order #83: Public Health).*

14 **8.2.2.5 Fishing**

15 Recreational fishing will be allowed in parks when it is authorized, or not specifically prohibited,
16 by federal law, provided that it has been determined to be an appropriate use per section 8.1 of
17 these policies. When fishing is allowed, it will be conducted in accordance with applicable
18 federal laws and treaty rights, and non-conflicting state laws and regulations. The Service will
19 manage fishing activities to achieve management objectives. Before the Service issues
20 regulations or other restrictions, representatives of appropriate tribes and state and federal
21 agencies will be consulted to ensure that all available scientific data are considered in the
22 decision-making process. Any such regulations or other restrictions will be developed with
23 public involvement and in cooperation with fish and wildlife management agencies as
24 appropriate, consistent with Departmental policy at 43 CFR Part 24, and as described in section
25 4.4.3

26 For NPS units in Alaska, fishing will additionally be managed in accordance with the Alaska
27 National Interest Lands Conservation Act (ANILCA).

28 Commercial fishing will be allowed only when specifically authorized by federal law or treaty
29 right.

30 *(See Implementation Planning 2.3.4; Planning for Natural Resource Management 4.1.1; Harvest*
31 *of Plants and Animals by the Public 4.4.3; Facilities for Water Recreation 9.3.4.2)*

32 **8.2.2.6 Hunting and Trapping**

33 Hunting, trapping, or any other methods of harvesting wildlife by the public will be allowed
34 where it is specifically mandated by federal law. Where hunting activity is not mandated, but is
35 authorized on a discretionary basis under federal law, it may take place only after the Service has
36 determined that the activity is an appropriate use and can be managed consistent with sound
37 resource management principles.

1 Hunting and trapping, whether it takes place as a mandated or a discretionary activity, will be
 2 conducted in accordance with federal law and applicable laws of the state or states in which a
 3 park is located. However, except for Alaska park units (which are subject to the Alaska National
 4 Interest Lands Conservation Act and regulations published at 36 CFR Part 13), the park in which
 5 it occurs must also publish special regulations to govern the activity, and those regulations may
 6 be more restrictive than applicable state laws **when necessary to prevent unacceptable impacts.**
 7 Before the Service issues regulations or other restrictions, representatives of appropriate tribes
 8 and state and federal agencies will be consulted to ensure that all available scientific data are
 9 considered in the decision-making process. Any such regulations or other restrictions will be
 10 developed with public involvement.

11 **The Service's cooperative consultation concerning fish and wildlife management will be**
 12 **consistent with Departmental policy at 43 CFR Part 24. This Departmental policy recognizes the**
 13 **broad authorities and responsibilities of federal and state agencies with regard to the**
 14 **management of the nation's fish and wildlife resources, and promotes cooperative management**
 15 **relationships among these agencies. In particular, the policy calls on the Service to consult with**
 16 **state agencies on certain fish and wildlife management actions, and encourages the execution of**
 17 **memoranda of understanding as appropriate to ensure the conduct of programs that meet mutual**
 18 **objectives as long as they do not conflict with federal law or regulation.**

19
 20 *(See Harvest of Plants and Animals by the Public 4.4.3; Genetic Resource Management*
 21 *Principles 4.4.1.2. Also see Director's Order #75A: Civic Engagement and Public Involvement)*

22 **8.2.2.7 BASE Jumping**

23 BASE (Buildings, Antennae, Spans, Earth forms) jumping— also known as fixed object
 24 jumping— involves an individual wearing a parachute jumping from buildings, antennae, spans
 25 (bridges), and earth forms (cliffs). Generally this is not an appropriate public use activity within
 26 national park areas, and is prohibited by 36 CFR 2.17(a)(3), **unless determined to be appropriate**
 27 **through a park planning process, in which case a permit will be necessary.**

28 **8.2.2.8 Recreational Pack and Saddle Stock Use**

29 Equine species such as horses, mules, donkeys and burros, and other types of animals (including
 30 llamas, alpacas, goats, oxen, dogs and reindeer) may be employed when it is an appropriate use
 31 to support backcountry transport of people and materials, and will not result in unacceptable
 32 impacts. NPS regulations at 36 CFR 2.16 prohibit the use of animals other than those designated
 33 as “pack animals” for transporting equipment.

34 **Planning for recreational stock use should be conducted in the context of visitor use planning to**
 35 **address social, biological, and physical carrying capacity considerations, and to make allocation**
 36 **decisions that minimize potential conflicts between and among user groups. The plan should (1)**
 37 **establish routes, trails, and areas of travel, and (2) identify the need for supporting infrastructure**
 38 **such as designated horse camps, hitch rails, corrals, and appropriate trailhead facilities designed**

1 for vehicles towing horse trailers. The plan should also identify sensitive natural and cultural
2 resource areas, and develop management strategies to protect these resources.

3 In areas where demand for available grazing for recreational and administrative stock exceeds
4 allowable limits, alternative strategies must be developed. If available, and in order to prevent
5 the spread of invasive exotic plant species, certified “weed seed free” hay or pellet rations should
6 be considered as alternative feeding strategy to supplement grazing. Administrative stock use
7 should generally follow the same rules and guidelines that are established for recreational use.

8 *(See Domestic and Feral Livestock 8.6.8)*

9 **8.2.3 Use of Motorized Equipment**

10 The variety of motorized equipment—including visitor vehicles, concessioner equipment, and
11 Park Service administrative or staff vehicles and equipment—that operates in national parks has
12 the potential to adversely impact park resources, including the park’s natural soundscape and the
13 flow of natural chemical information and odors that are important to many living organisms. In
14 addition to their natural values, natural sounds, such as waves breaking on the shore, the roar of a
15 river, and the call of a loon, form a valued part of the visitor experience. Conversely, the sounds
16 of motor vehicle traffic, an electric generator, or loud music can greatly diminish the solemnity
17 of a visit to a national memorial, the effectiveness of a park interpretive program, or the ability of
18 a visitor to hear a bird singing its territorial song. Many parks that appear as they did in historical
19 context no longer sound the way they once did.

20 The Service will strive to preserve or restore the natural quiet and natural sounds associated with
21 the physical and biological resources of parks. To do this, superintendents will carefully evaluate
22 and manage how, when, and where motorized equipment is used by all those—including park
23 staff—who operate equipment in the parks. Uses and impacts associated with the use of
24 motorized equipment will be addressed in park planning processes. Where such use is necessary
25 and appropriate, the least impacting equipment, vehicles, and transportation systems should be
26 used, consistent with public and employee safety. The natural ambient sound level—that is, the
27 environment of sound that exists in the absence of human-caused noise—is the baseline
28 condition, and the standard against which current conditions in a soundscape will be measured
29 and evaluated.

30 To meet its responsibilities under Executive Order 13149 (Greening the Government Through
31 Federal Fleet and Transportation Efficiency), the Service will develop and implement a strategy
32 to reduce its vehicle fleet’s annual petroleum consumption.

33 *(See Soundscape Management 4.9; Chemical Information and Odors 4.11)*

34 **8.2.3.1 Motorized Off-road Vehicle Use**

35 Off-road motor vehicle use in national park units is governed by Executive Order 11644 (as
36 amended by Executive Order 11989), which defines off-road vehicles as “any motorized vehicle
37 designed for or capable of cross-country travel on or immediately over, land, water, sand, snow,

1 ice, marsh, swampland, or other natural terrain” (except any registered motorboat or any vehicle
2 used for emergency purposes). Unless otherwise provided by statute, any time there is a proposal
3 to allow a motor vehicle meeting this description to be used in a park, the provisions of the
4 Executive Order must be applied.

5 In accordance with 36 CFR 4.10(b), routes and areas may be designated only in national
6 recreation areas, national seashores, national lakeshores, and national preserves, and only by
7 special regulation. In accordance with the Executive Order, they may be allowed only in
8 locations in which there will be no adverse impacts on the area’s natural, cultural, scenic, and
9 esthetic values, and in consideration of other existing or proposed recreational uses. The criteria
10 for new uses, appropriate uses, and unacceptable impacts listed in sections 8.1 and 8.2 must also
11 be applied to determine whether off-road vehicle use may be allowed. As required by the
12 Executive Order and the Organic Act, superintendents must immediately close a designated off-
13 road vehicle route whenever the use is causing, or will cause, unacceptable impacts on the soil,
14 vegetation, wildlife, wildlife habitat, or cultural and historic resources.

15 NPS administrative off-road motor vehicle use will be limited to what is necessary to manage the
16 public use of designated off-road vehicle routes and areas; to conduct emergency operations; and
17 to accomplish essential maintenance, construction, and resource protection activities that cannot
18 be accomplished reasonably by other means.

19 *(See Park Management 1.4; Minimum Requirement 6.3.5. Also see 36 CFR 4.10)*

20 **8.2.3.2 Snowmobiles**

21 Snowmobile use is a form of off-road vehicle use governed by Executive Order 11644 (as
22 amended by Executive Order 11989) and, in Alaska, by provisions of ANILCA (16 USC 3121
23 and 3170). Implementing regulations are published at 36 CFR 2.18, 36 CFR Part 13, and 43 CFR
24 Part 36. Routes and areas may be designated for snowmobile and oversnow vehicle use only by
25 special regulation and when determined through park planning to be an appropriate use. Such
26 designations can occur only on routes and water surfaces that are used by motor vehicles or
27 motorboats during other seasons. Such routes or areas shall be designated only when determined
28 to be an appropriate use.

29 NPS administrative use of snowmobiles will be limited to what is necessary to manage public
30 use of snowmobile or oversnow vehicles routes and areas; to conduct emergency operations; and
31 to accomplish essential maintenance, construction, and resource protection activities that cannot
32 be accomplished reasonably by other means.

33 *(See Minimum Requirement 6.3.5; Management Facilities 6.3.10; General Policy 6.4.1)*

34 **8.2.3.3 Personal Watercraft Use**

35 Personal watercraft (PWC) may be designated using criteria and procedures in 36 CFR 1.5 and
36 1.7 for park areas listed in section 36 CFR 3.24 table 1, and only by special regulation for those
37 parks listed in table 2 when this use has been identified as appropriate for a specific park. PWC

1 use is prohibited in all other NPS areas. PWC use may be authorized if an evaluation of the
2 park’s enabling legislation, resources and values, other visitor uses, and overall management
3 objectives confirms that PWC use is an appropriate use as determined through park planning.

4 **8.2.4 Accessibility for Persons with Disabilities**

5 All reasonable efforts will be undertaken to make NPS facilities, programs, and services
6 accessible to and usable by all people, including those with disabilities. This policy reflects the
7 commitment to provide access to the widest cross-section of the public, and to ensure
8 compliance with the intent of the Architectural Barriers Act of 1968 and the Rehabilitation Act
9 of 1973. The Service will also comply with section 507 of the ADA (42 USC 12207), which
10 relates specifically to the operation and management of federal wilderness areas. Specific
11 guidance for implementing these laws is found in the Secretary of the Interior’s regulations
12 regarding enforcement of nondiscrimination on the basis of disability in Department of the
13 Interior programs (43 CFR Part 17, Subpart E), and General Service Administration regulations
14 adopting accessibility standards for the Architectural Barriers Act (41 CFR Part 102-76, Subpart
15 C).

16 One primary tenet of accessibility is that, to the highest degree reasonable, people with
17 disabilities should be able to participate in the same programs and activities available to
18 everyone else. In choosing among methods for providing accessibility, higher priority will be
19 given to those methods that offer programs and activities in the most integrated setting
20 appropriate. Special, separate, or alternative facilities, programs, or services will be provided
21 only when existing ones cannot reasonably be made accessible. The determination of what is
22 reasonable will be made only after careful consultation with persons with disabilities, or their
23 representatives. Any decision that would result in “less than equal opportunity” is subject to the
24 filing of an official disability rights complaint under the Departmental regulations cited above.

25 *(See Physical Access for Persons with Disabilities 5.3.2; Accessibility for Persons with*
26 *Disabilities 6.4.10; Accessibility for Persons with Disabilities 9.1.2. Also see Director’s Order*
27 *#16A: Reasonable Accommodation for Applicants and Employees with Disabilities; Director’s*
28 *Order #42: Accessibility for Visitors with Disabilities in National Park Service Programs and*
29 *Services)*

30 **8.2.5 Visitor Safety and Emergency Response**

31 **8.2.5.1 Visitor Safety**

32 The saving of human life will take precedence over all other management actions as the Park
33 Service strives to protect human life and provide for injury-free visits. The Service will do this
34 within the constraints of the 1916 Organic Act. The primary—and very substantial—constraint
35 imposed by the Organic Act is that discretionary management activities may be undertaken only
36 to the extent that they will not impair park resources and values.

37 While recognizing that there are limitations on its capability to totally eliminate all hazards, the
38 Service and its concessioners, contractors, and cooperators will seek to provide a safe and

1 healthful environment for visitors and employees. The Service will work cooperatively with
 2 other federal, tribal, state, and local agencies, organizations, and individuals to carry out this
 3 responsibility. The Service will strive to identify recognizable threats to the safety and health of
 4 persons and to the protection of property by applying nationally accepted codes, standards,
 5 engineering principles, and the guidance contained in Director's Orders #50, #58, and #83 and
 6 their associated reference manuals. When practicable, and consistent with congressionally
 7 designated purposes and mandates, the Service will reduce or remove known hazards and apply
 8 other appropriate measures, including closures, guarding, signing, or other forms of education. In
 9 doing so, the Service's preferred actions will be those that have the least impact on park
 10 resources and values.

11 The Service recognizes that the park resources it protects are not only visitor attractions, but that
 12 they may also be potentially hazardous. In addition, the recreational activities of some visitors
 13 may be of especially high-risk, high-adventure types, which pose a significant personal risk to
 14 participants, and which the Service cannot totally control. Park visitors must assume a substantial
 15 degree of risk and responsibility for their own safety when visiting areas that are managed and
 16 maintained as natural, cultural, or recreational environments.

17 These management policies do not impose park-specific visitor safety prescriptions. The means
 18 by which public safety concerns are to be addressed is left to the discretion of superintendents
 19 and other decision-makers at the park level, who must work within the limits of funding and
 20 staffing. Examples include decisions about whether to install warning signs or artificial lighting;
 21 distribute weather warnings or advisories; initiate search and rescue operations, or render
 22 emergency aid; eliminate potentially dangerous animals; close roads and trails, or install
 23 guardrails and fences; and grant or deny backcountry or climbing permits. Some forms of visitor
 24 safeguards—such as fences, railings, and paved walking surfaces—typically found in other
 25 public venues may not be appropriate or practicable in a national park setting.

26 *(See Air Quality 4.7.1; Lightscape Management 4.10; General Policy 6.4.1; Siting Facilities to*
 27 *Avoid Natural Hazards 9.1.1.5; Waste Management and Contaminant Issues 9.1.6; Risk*
 28 *Management Program 10.2.4.8; Food Service Sanitation Inspections 10.2.4.14)*

29 **8.2.5.2 Emergency Preparedness and Emergency Operations**

30 The National Park Service will develop a program of emergency preparedness in accordance
 31 with title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 USC
 32 5195-5197g); National Security Decision Directive 259 (February 4, 1987); Department of the
 33 Interior policy; and other considerations at the Washington headquarters, regional, and park
 34 levels. The Program will (1) provide guidance for incident management at the park level and
 35 management and relief for emergency incidents and events beyond park capabilities; (2) ensure
 36 the agency complies with the Presidential Homeland Security Directives (PHSD), the National
 37 Response Plan (NRP) and the National Incident Management System (NIMS) standards; and (3)
 38 support interagency and national response to major incidents. The purpose of the program will be
 39 to provide for visitor and employee safety and the protection of resources and property to the
 40 extent possible. This program will include a systematic method for alerting visitors about
 41 potential disasters and evacuation procedures.

1 Superintendents may assist other agencies with emergencies outside of parks, as authorized by
2 16 USC 1b(1). To the extent practicable, written agreements with other agencies, in accordance
3 with Director's Order #20, must first be in effect. NPS employees who are outside the area of
4 their jurisdiction, and who are directed by their supervisors to provide emergency assistance to
5 other agencies, will be considered to be acting within the scope of their employment.

6 Park Service emergency operations will be conducted utilizing the Incident Command System
7 (ICS) of the National Interagency Incident Management System. The Unified Command System
8 (within ICS) will be utilized when other agencies are involved. Each park superintendent will
9 develop and maintain an emergency operations plan to ensure an effective response to all types
10 of emergencies that can be reasonably anticipated.

11 As one element of the emergency operations plan, or as a separate document, each park must
12 have an oil and chemical spill response management plan for spills that result from NPS
13 activities or from activities that are beyond the NPS's control (such as commercial through-
14 traffic on roads that pass through a park). The plans will place first priority on responder and
15 public safety. Employees will not be permitted to respond to hazardous material spills unless
16 they are properly qualified and certified in accordance with Director's Order #30B: Hazardous
17 Spill Response. The Service will seek to recover all allowable direct and indirect costs for
18 responding to oil or hazardous materials spills.

19 Parks that have their own aircraft, or contract for the use of aircraft, must have an aircraft crash
20 rescue response plan, or other planning document, in place.

21 *(See Emergency Management 5.3.1.1. Also see Director's Order 60: Aviation Management)*

22 **8.2.5.3 Search and Rescue**

23 To provide for the protection and safety of park visitors, the Service will make reasonable efforts
24 to search for lost persons, and to rescue sick, injured, or stranded persons. This responsibility
25 may be fulfilled by Service staff or by qualified search-and-rescue organizations or agencies that
26 are capable of responding to life-threatening emergencies pursuant to the terms of a formal
27 agreement. Deceased persons will be evacuated unless the level of risk to the rescue party is
28 found to be unacceptably high. Search managers and superintendents will jointly determine when
29 to terminate a search. The NPS will not charge visitors for search-and-rescue operations. Search-
30 and-rescue operations will be conducted utilizing the ICS.

31 *(See Management Facilities 6.3.10; General Policy 6.4.1. Also see Director's Order #59: Search
32 and Rescue)*

33 **8.2.5.4 Emergency Medical Services**

34 The Service will make reasonable efforts to provide appropriate emergency medical services for
35 persons who become ill or injured. An emergency medical services program will be maintained,
36 where appropriate, to provide transportation and pre-hospital care of the sick and injured, which
37 may range from minor first aid to advanced life support in various environmental settings.

1 Transportation may include everything from patrol cars and ambulances to fixed-wing planes
2 and helicopter air ambulances, consistent with Departmental policies regarding aircraft use.

3 Qualified emergency medical services in local communities may be used if such services can
4 respond rapidly enough in life-threatening emergencies. When such services are not available,
5 the NPS will make a reasonable effort to provide a level of emergency medical service
6 commensurate with park needs, and in response to an emergency medical needs assessment.
7 Each superintendent will develop and implement a program to meet those needs, in accordance
8 with Director's Order #51: Emergency Medical Services. Extended emergency medical services
9 operations will be conducted utilizing the ICS.

10 **8.2.6 Recreation Fees and Reservations**

11 The National Park Service may charge a recreation entrance or expanded amenity recreation
12 (use) fee at parks when authorized by law. Although these fees may provide for the support of
13 the overall management and operation of parks, as set forth in the Federal Lands Recreation
14 Enhancement Act (FLREA) and other relevant statutes, they are not intended to offset the
15 operational costs associated with a park. Such services include protection; resource management;
16 information and orientation; maintenance of park facilities; and interpretation to foster an
17 understanding and appreciation of each park's resources, management procedures, regulations,
18 and programs. Fees may be instituted for secondary or special services that the NPS cannot, or
19 elects not to, offer because of economic constraints or the need for special skills or equipment, or
20 because they are purely supplemental programs. The Service may also contract or enter into an
21 agreement for the collection of recreational fees if there is a demonstrated benefit to the
22 collecting park unit. In all cases, fee programs will support park purposes and comply with
23 appropriate Service policies and standards and federal law.

24 *(See Commercial Use Authorizations 10.3. Also see Director's Order #22: Fee Collection)*

25 **8.2.6.1 Recreation Fees**

26 Visitors who use federal facilities and services for recreation may be required to pay a greater
27 share of the cost of providing those opportunities than the population as a whole. Under the
28 guidelines and criteria established by law and regulation, the Service will collect recreation fees
29 of the appropriate type for its parks, facilities, and programs. No fees will be collected in
30 circumstances in which the costs of collection would exceed revenue, or where prohibited by law
31 or regulation. Fees charged for recreational activities will be collected only in accordance with
32 the applicable authority, and recreation fee revenues will be managed according to law and
33 policy. Fee rates will be reasonable and equitable, and consistent with criteria and procedures
34 contained in law and NPS guidance documents. Those who lawfully enter or use a park for
35 activities not related to recreation will not be charged an entrance fee, expanded amenity
36 recreation use fee, or special recreation permit fee. Examples of non-recreation exemptions
37 include persons entering parks for

- 38 • First Amendment activities, which are exempt from all fees;

- 1 • Special park uses such as agricultural, grazing, and commercial filming activities (all of
- 2 which are subject to special park use fees);
- 3 • NPS-authorized research activities;
- 4 • Federal, state, tribal, and local government business;
- 5 • Hospital in-patients involved in medical treatment or therapy;
- 6 • A leaseholder or property owner accessing their property; and
- 7 • Outings conducted for non-commercial educational purposes by schools and other bona fide
- 8 academic institutions.

9 In Alaska, ANILCA prohibits charging entrance fees to all national parks except Denali National
10 Park. Current law (FLREA) prohibits charging entrance fees to persons 15 years of age and
11 younger.

12 *(See Fees 8.6.1.2; first Amendment Activities 8.6.3)*

13 **8.2.6.2 National Recreation Reservation Service**

14 Superintendents are encouraged to participate in a reservation service for campgrounds and other
15 facilities, and for tours or other services operated or provided by the Park Service for visitors
16 when doing so will:

- 17 • better serve park visitors, or
- 18 • ensure the protection of park resources, or
- 19 • increase public awareness of lesser-known parks, or
- 20 • improve the efficiency of park operations or administration.

21 To avoid duplicative costs and confusion, if a reservation service will be employed within a park,
22 the Service-wide recreation reservation vendor will be the preferred provider of that service. The
23 vendor's services may be expanded or new services may be developed based on NPS needs and
24 the vendor's capacity to accommodate the needs. If a superintendent wishes to participate in a
25 different reservation system, a determination must first be made that the Service-wide vendor
26 will not accommodate the park's reservation need. Authorization must be obtained from the
27 Director before participating in a different reservation system. Concessioners may use the NPS
28 reservation system or some other of their choosing.

29 *(See Chapter 7: Interpretation and Education)*

30 **8.3 Law Enforcement Program**

31 **8.3.1 General**

32 The law enforcement program is an important tool in carrying out the National Park Service
33 mission. The objectives of the NPS law enforcement program are (1) the prevention of criminal
34 activities through resource education, public safety efforts, and deterrence; and (2) the detection
35 and investigation of criminal activity and the apprehension and successful prosecution of
36 criminal violators. In carrying out the law enforcement program, the Service will make

1 reasonable efforts to provide for the protection, safety, and security of park visitors, employees,
2 concessioners, and public and private property, and to protect the natural and cultural resources
3 entrusted to its care.

4 Law enforcement is characterized by high risks and inherent dangers to enforcement officers,
5 and by high public expectations that law enforcement activities will be performed in a lawful and
6 professional manner. It is, therefore, essential that the Service issue clear policies and procedures
7 to guide the law enforcement program, and that commissioned employees receive the training
8 and equipment necessary to perform their duties successfully. The NPS law enforcement
9 program will be managed and supervised in accordance with all applicable laws and regulations;
10 Part 446 of the *Department of the Interior Manual*; all applicable Secretarial directives, these
11 Management Policies; and Director's Order #9: Law Enforcement Program and Reference
12 Manual #9 (or U. S. Park Police General Orders, as appropriate). To help sustain the high level
13 of public trust necessary for an effective law enforcement program, commissioned employees
14 will adhere to the Department of the Interior's law enforcement code of conduct, and the
15 standards of ethical conduct found in Reference Manual 9.

16 All necessary and appropriate steps will be taken to ensure that the Park Service maintains a
17 professional law enforcement program. The authority and responsibility to manage the NPS
18 Commissioned Park Ranger program and U.S. Park Police operations will flow in a logical order
19 from the Director and in accordance with Departmental policy.

20 **8.3.2 The Context for Law Enforcement**

21 Park law enforcement activities will be managed by superintendents as part of a comprehensive,
22 interdisciplinary effort to protect resources, manage public use, and promote public safety and
23 appropriate enjoyment. This is in keeping with guidance provided by Congress in 1976 when it
24 amended the General Authorities Act (16 USC 1a-6):

25 The Committee intends that the clear and specific enforcement authority contained in this
26 subsection, while necessary for the protection of the Federal employees so involved, will
27 be implemented by the Secretary to ensure that law enforcement activities in our National
28 Park System will continue to be viewed as one function of a broad program of visitor and
29 resource protection. (House Report No. 94-1569, September 16, 1976)

30 **8.3.3 Shared Responsibilities**

31 Congress has authorized the designation of certain employees as law enforcement officers, with
32 the responsibility to "... maintain law and order and protect persons and property within areas of
33 the National Park System" (16 USC 1a 6(b)). Only employees who meet the standards prescribed
34 by, and who are designated by, the Secretary of the Interior may perform law enforcement duties.
35 The duties of these commissioned employees will not be limited to just law enforcement; they
36 will also continue to incorporate a diversity of other protection concerns, as stipulated in House
37 Report No. 94- 1569.

1 The Service recognizes that effective enforcement requires a cooperative community effort.
2 Therefore, employees without law enforcement commissions will continue to share
3 responsibility for the protection of park resources and visitors, and they will be expected to
4 report any apparent violations or suspicious activities. All park employees will be trained to
5 recognize, observe, and record criminal acts and illegal activities. The Service will also
6 encourage and assist park neighbors in the development of cooperative crime prevention and
7 detection programs.

8 Extended law enforcement operations will be conducted using the NIIMS Incident Command
9 System.

10 **8.3.4 Enforcement Authority**

11 Within national park system boundaries, the Service will fulfill its law enforcement
12 responsibilities using NPS employees. However, the Park Service is authorized by 16 USC 1a-
13 6(c) to appoint (deputize) another agency's qualified law enforcement personnel as special police
14 when it will benefit the administration of a park area. Deputations may be issued for the purpose
15 of obtaining supplemental law enforcement assistance when deemed economical and in the
16 public interest, and with the concurrence of the other agency. All such appointments must be
17 approved by the Senior NPS Law Enforcement Official or his/her designee, and supported by a
18 written agreement with the other agency at the park or national level, except when there is
19 insufficient time because of an emergency law enforcement situation. **Deputations may not be**
20 **used to delegate NPS law enforcement responsibilities to state or local governments.**

21 The Service is authorized to use appropriated funds for "rendering of emergency rescue, fire
22 fighting, and [other] cooperative assistance to nearby law enforcement and fire prevention
23 agencies and for related purposes outside of the National Park System"(16 USC 1b(1)). **Further,**
24 **insofar as 16 USC 1b(1) does not confer arrest authority to NPS personnel who act outside park**
25 **boundaries, state arrest authority is first needed before NPS personnel can enforce state law or**
26 **engage in law enforcement activity outside national park system boundaries.**

27 This authority will be used in emergency situations, only after first determining that such actions
28 will facilitate the administration of the park or be an effective management tool for obtaining
29 mutual assistance from other agencies. Furthermore, the authority is intended for use only in
30 response to an unexpected occurrence that requires immediate action, which may include one or
31 more of the following:

- 32 • emergency responses such as life-or-death incidents, serious injury/fatality accident/incident
33 scenes, crime scenes involving the protection of human life, officer needs assistance, threats
34 to health or safety of the public;
- 35 • emergency or law enforcement incidents directly affecting visitor safety or resource
36 protection;
- 37 • probable-cause felonies and felonies committed in the presence of and observed by U.S. Park
38 Rangers, **Special Agents, or U.S. Park Police;** and/or
- 39 • **misdemeanors committed in the presence of U.S. Park Rangers, Special Agents, or U.S. Park**
40 **Police** that present an immediate threat to the health and safety of the public

1 Except where specifically provided by acts of Congress codified in the District of Columbia
2 Code, sections 5-201 to 5-208 (2001), the Service may not assume law enforcement
3 responsibility outside of a park in lieu of the legitimate responsibilities of nearby agencies.
4 Cooperative assistance rendered to nearby law enforcement agencies outside park boundaries
5 should be limited to only those actions or efforts that support or assist those agencies.

6 **8.3.5 Jurisdiction**

7 The term “jurisdiction” defines the sphere of authority and outlines the boundaries or territorial
8 limits within which any particular authority may be exercised. Jurisdiction may be either
9 “exclusive,” “partial,” “concurrent,” or “proprietary.” Insofar as is practicable, the Service will
10 seek to acquire concurrent legislative jurisdiction for all units of the national park system, as
11 required by the 1976 amendment to the General Authorities Act. Concurrent jurisdiction allows
12 the NPS to enforce federal criminal statutes and also to assimilate state law under 18 USC 13,
13 when no applicable federal law or regulation exists. Concurrent jurisdiction will allow for the
14 more efficient conduct of both state and federal law enforcement functions within the parks.

15 **8.3.6 Use of Force**

16 Commissioned employees may use a wide variety of defensive equipment and force options in
17 response to various threats and other enforcement situations. The primary consideration is the
18 timely and effective application of the appropriate level of force required to establish and
19 maintain lawful control.

20 **8.3.7 Law Enforcement Public Information and Media Relations**

21 The National Park Service will provide information to the public and the news media in
22 accordance with applicable laws, Departmental policy, and Director’s Order #75B: Media
23 Relations. Superintendents should identify appropriate opportunities to (1) enhance deterrence by
24 publicizing arrests, weapons seizures, and successful prosecutions; (2) highlight cooperation and
25 assistance activities; such as, e.g., Park Watch; and (3) educate the public about the full range of
26 threats to, and the difficulty in protecting, park resources.

27 The right of the public to obtain information about government operations and activities is
28 subject to the requirements of FOIA and the Privacy Act.

29 *(See Civic Engagement 1.7. Also see Director’s Order #66: FOIA and Protected Information;*
30 *Director’s Order #75A: Civic Engagement and Public Involvement)*

31 **8.3.8 Homeland Security**

32 The Park Service will work cooperatively with the Department of the Interior, Department of
33 Homeland Security, and other federal, state, and local agencies to prevent and respond to foreign
34 and domestic attacks on American soil. The Park Service will maintain a capacity to rapidly
35 move law enforcement personnel to critical asset and infrastructure, or other identified areas in
36 the event of a terrorist attack, elevated threat level, or other major emergency incident.

1 *(See National Emergency Response Plan)*

2 **8.4 Overflights and Aviation Uses**

3 A variety of aircraft, including military, commercial, general aviation, and aircraft used for
4 National Park Service administrative purposes, fly in the airspace over national parks. While
5 there are many legitimate aviation uses, overflights can adversely affect park resources and
6 values and interfere with visitor enjoyment. The Service will take all necessary steps to avoid or
7 to mitigate unacceptable impacts from aircraft overflights.

8 Because the nation's airspace is managed by the Federal Aviation Administration (FAA), the
9 Service will work constructively and cooperatively with the FAA, as well as with national
10 defense and other agencies, to ensure that authorized aviation activities affecting units of the
11 national park system occur in a safe manner and do not cause unacceptable impacts to park
12 resources and values and visitor experiences. The Service will build and maintain a cooperative
13 and problem solving relationship with national defense agencies to address the congressionally
14 mandated mission of each agency, and to prevent or mitigate unacceptable impacts of military
15 training or operational flights on park resources, values and the visitor experience. Cooperation
16 is essential because the other agencies involved have statutory authorities and responsibilities
17 that must be recognized by the Service.

18 *(See Soundscape Management 4.9. Also see Director's Orders #47: Soundscape Preservation*
19 *and Noise Management; #60: Aviation Management)*

20 **8.4.1 Alaska and Remote Areas**

21 Aviation can provide an important, and in some cases the preferred, means of access to remote
22 areas in certain parks, especially in Alaska. In such cases, access by aircraft may make an
23 important contribution to the protection and enjoyment of those areas. Dependence on aviation
24 will be fully considered and addressed in the planning process for those parks. Alaska parks have
25 specific regulations concerning fixed-wing aircraft, published at 36 CFR Part 13, and 43 CFR
26 36.11(f).

27 **8.4.2 Education**

28 The Service will develop educational materials for the general public and for aviation interests,
29 describing the importance of the natural soundscape and tranquility to park visitors, as well as
30 the need for cooperation from the aviation community.

31 *(See Chapter 7: Interpretation and Education; Soundscape Management 4.9)*

32 **8.4.3 General Aviation**

33 The Service will work closely with the FAA and with general aviation organizations to ensure
34 that general aviation operations over units of the national park system are conducted in
35 accordance with applicable FAA advisories and "fly-friendly" techniques and procedures

1 designed to help pilots minimize impacts on national parks. The Service will seek the assistance
2 of these organizations in problem resolution if general aviation concerns arise over national
3 parks.

4 **8.4.4 Administrative Use**

5 Aviation is a necessary and acceptable management tool in some parks when used in a manner
6 consistent with the NPS mission. Aviation activities will comply with all applicable policies and
7 regulations issued by the Department of the Interior, the FAA, and the NPS. In its administrative
8 use of aircraft, the Service will:

- 9 • Use, to the maximum extent practicable, the quietest aircraft available for its aviation
10 operations;
- 11 • Limit official use of flights over parks to those needed to support or carry out emergency
12 operations or essential management activities in cases where there are no practical
13 alternatives or when alternative methods would be unreasonable;
- 14 • Give full consideration to safety; wilderness management implications; impacts on resources,
15 values, opportunity for visitor enjoyment; impacts on other administrative activities; and
16 overall cost-effectiveness;
- 17 • Plan, schedule, and consolidate flights so as to avoid or minimize unacceptable impacts on
18 park resources and values and visitor enjoyment; and
- 19 • Work cooperatively with other agencies using aircraft and airspace over parks to adhere to
20 the above standards.

21 *(Also see Director's Order #60: Aviation Management)*

22 **8.4.5 Military Aviation**

23 The Service will work cooperatively with agencies of the Department of Defense in order to
24 address the congressionally mandated missions of all agencies. In addition, the Service will
25 prevent or strive to mitigate any unacceptable impacts of overflights related to military training
26 or operational low-level overflights. Superintendents are responsible for opening lines of
27 communication with base commanders controlling military training routes or military operations
28 areas that may affect their parks, and for developing formal agreements that mitigate identified
29 impacts.

30 **8.4.6 Commercial Air Tour Management**

31 The National Parks Air Tour Management Act of 2000 and implementing FAA regulations
32 provide for a joint FAA/ NPS planning process that will lead to the management by the FAA of
33 commercial air tours over national parks (with the exception of parks in Alaska and Rocky
34 Mountain National Park, which are specifically excluded from the process). The NPS, as a
35 cooperating agency, will assist the FAA in developing an air tour management plan (ATMP) for
36 each park with existing or proposed air tours. Superintendents will work cooperatively with the
37 FAA, air tour operators, and other stakeholders in the development of ATMPs, and will
38 determine the nature and extent of impacts on natural and cultural resources and visitor

1 experience opportunities inside park boundaries. The FAA, with responsibility for ensuring the
2 safe and efficient use of the nation's airspace and for protecting the public health and welfare
3 from aircraft noise, will implement the ATMP and regulate commercial air tours in accordance
4 with it.

5 **8.4.7 Permitted Overflights**

6 When issuing permits for activities such as filming or research in which the use of aircraft is
7 proposed, the superintendent **will determine whether use is appropriate** and apply conditions to
8 protect park resources and values from unacceptable impacts. Permit requests will be denied if
9 the activity will have unacceptable impacts on a park's resources, values, or desired visitor
10 experiences.

11 **8.4.8 Airports and Landing Sites**

12 Private or commercial aircraft may be operated in parks only on lands or water surfaces
13 designated by the Park Service as landing sites through special regulation. (See section 8.4.1
14 regarding Alaska and some remote areas.) The Service will evaluate and manage aircraft landing
15 sites under its jurisdiction to ensure that the use of the sites will have no unacceptable impacts on
16 park resources and values, public safety, or visitor enjoyment. Existing sites that meet these
17 criteria and that have been designated as a result of previously established use may be retained as
18 long as the administrative need for them continues. New sites will be designated only where
19 essential to provide administrative access to remote areas (other than wilderness), and only
20 where the site can be established, used, and maintained without the need for new construction or
21 major site improvements.

22 The National Park Service will also work with entities having jurisdiction over landing sites and
23 airports adjacent to parks for the purpose of preventing, reducing, or otherwise mitigating the
24 effects of aircraft operations. Whether landing sites or airports are situated within or adjacent to
25 parks, the objective will be to minimize noise and other impacts, and confine them to the
26 smallest and most appropriate portion of the park as possible, consistent with safe aircraft
27 operations.

28 *(Also see 36 CFR 2.17; 43 CFR 36.11(f);)*

29 **8.5 Native American Use**

30 The National Park Service will develop and implement its programs in a manner that reflects
31 knowledge of and respect for the cultures of Native American tribes or groups with demonstrated
32 ancestral ties to particular resources in parks. Evidence of such ties will be established through
33 systematic archeological or anthropological studies, including ethnographic oral history and
34 ethnohistory studies, or a combination of these sources. For purposes of these policies, the term
35 "Native American" means any tribe, band, nation, or other organized group or community of
36 Indians, including any Alaska Native Village, which is recognized as eligible for the special
37 programs and services provided by the United States to Indians because of their status as Indians.
38 Other groups of people with traditional associations to park lands or resources include native

1 peoples of the Caribbean, Native Hawaiians and other native Pacific islanders, state-recognized
2 tribes and other groups who are defined by themselves and known to others as members of a
3 named cultural unit that has historically shared a set of linguistic, kinship, political, or other
4 distinguishing cultural features.

5 The Service will regularly and actively consult with Native American governments and other
6 traditionally associated groups regarding planning, management, and operational decisions that
7 affect subsistence activities, sacred materials or places, or other resources with which they are
8 historically associated. Information about the outcome of these consultations will be made
9 available to those consulted.

10 In developing its plans and carrying out its programs, the Service will ensure the following:

- 11 • Park Service general regulations governing access to and use of natural and cultural
12 resources in parks will be applied in an informed and balanced manner consistent with park
13 purposes, does not unreasonably interfere with Native American use of traditional areas or
14 sacred resources, and does not violate the criteria listed in section 8.2 for use of the parks.
- 15 • Superintendents will establish and maintain consulting relationships with potentially affected
16 Native American tribes or traditionally associated groups.
- 17 • Management decisions will reflect knowledge about and understanding of potentially
18 affected Native American cultures and people, gained through research and consultations
19 with the potentially affected groups.

20 AIRFA (42 USC 1996) states that “henceforth it shall be the policy of the United States to
21 protect and preserve for American Indians their inherent right to freedom to believe, express, and
22 exercise the traditional religions of the American Indians, Eskimo, Aleut, and Native Hawaiians,
23 including but not limited to access to sites, use and possession of sacred objects, and the freedom
24 to worship through ceremonials and traditional rites.” The National Park Service recognizes that
25 site-specific worship is vital to Native American religious practices. As a matter of policy, and in
26 keeping with the spirit of the law, the Service will be as unrestrictive as possible in permitting
27 Native American tribes access to park areas to perform traditional religious, ceremonial, or other
28 customary activities at places that have been used historically for such purposes, provided the
29 criteria listed in section 8.2 for use of the parks are not violated. In allowing religious access by
30 other entities, including non-recognized Indian groups, the NPS will consider requests
31 individually, being mindful to not take actions which will either advance or inhibit religion. The
32 Service will not direct visitor attention to the performance of religious observances unless the
33 Native American group so wishes.

34 With regard to consumptive use of park resources, current NPS policy is reflected in regulations
35 published at 36 CFR 2.1 and 36 CFR Part 13. These regulations allow superintendents to
36 designate certain fruits, berries, nuts, or unoccupied seashells which may be gathered by hand for
37 personal use or consumption if it will not adversely affect park wildlife or the reproductive
38 potential of a plant species, or otherwise adversely affect park resources. The regulations do not
39 authorize the taking, use, or possession of fish, wildlife, or plants for ceremonial or religious
40 purposes, except where specifically authorized by Federal statute or treaty rights, or where

1 hunting, trapping, or fishing are otherwise allowed. These regulations are under review, and
2 NPS policy is evolving in this area.

3 The Service will protect sacred resources to the extent practicable and in a manner consistent
4 with the goals of Native American tribes or traditionally associated groups, when authorized
5 under NHPA. The location and character of sacred sites will be withheld from public disclosure,
6 if disclosure will cause significant invasion of privacy, risk harm to the historic resource, or
7 impede the use of a traditional religious site by practitioners.

8 Members of Native American tribes or groups may enter parks for traditional non-recreational
9 activities without paying an entrance fee.

10 The ceremonial use of peyote will be limited to members of the Native American Church during
11 religious ceremonies, in accordance with regulations of the Department of Justice, Drug
12 Enforcement Administration (“Special Exempt Persons, Native American Church,” 21 CFR
13 1307. 31).

14 *(See Relationship with Native Americans 1.11; Consultation 5.2.1; Ethnographic Resources*
15 *5.3.5.3; first Amendment Activities 8.6.3; Consumptive Uses 8.9. Also see Executive Order*
16 *13007; Director’s Orders #71A: Relationships with Indian Tribes, and #71B: Indian Sacred*
17 *Sites)*

18 **8.6 Special Park Uses**

19 **8.6.1 General**

20 A special park use is defined as an activity that takes place in a park area, and that:

- 21 • Provides a benefit to an individual, group, or organization rather than the public at large;
- 22 • Requires written authorization and some degree of management control from the Service in
23 order to protect park resources and the public interest;
- 24 • Is not prohibited by law or regulation;
- 25 • Is not initiated, sponsored, or conducted by the Service; and
- 26 • Is not managed under a concession contract (see chapter 10), a recreation activity for which
27 the NPS charges a fee, or a lease (see chapter 5).

28 **8.6.1.1 Requests for Permits**

29 Each request to permit a special park use or to renew authorization of an existing use will be
30 reviewed and evaluated by the superintendent according to the terms of applicable legislation,
31 regulations, and management planning documents, using criteria and procedures outlined in
32 Director’s Order #53: Special Park Uses. When considering permit requests, superintendents will
33 take into account the Service-wide implications of their decisions. A superintendent must deny
34 initial requests, or requests for renewal, upon finding that the proposed activity would cause
35 unacceptable impacts. The superintendent likewise must terminate previously authorized special
36 park uses based on such a finding.

1 *(See Appropriate Use of the Parks 1.5; Unacceptable Impacts 1.4.7.1; Process for Determining*
2 *New Appropriate Uses 8.1.2)*

3 **8.6.1.2 Fees**

4 Appropriate fees for cost recovery, as well as performance bond and liability insurance
5 requirements, will be imposed, consistent with applicable statutory authorities and regulations.
6 All costs incurred by the Service in writing the permit, monitoring, providing protection services,
7 restoring park areas, or otherwise supporting a special park use will be reimbursed by the
8 permittee. When appropriate, the Service will also include a fair charge for the use of the land or
9 facility.

10 *(See Park Management 1.4; Recreation Fees and Reservations 8.2.6.; Special Events 8.6.2)*

11 **8.6.2 Special Events**

12 **8.6.2.1 General**

13 Special events—such as sports, pageants, regattas, public spectator attractions, entertainment,
14 ceremonies, and encampments—may be permitted by the superintendent when (1) there is a
15 meaningful association between the park area and the event, and (2) the event will contribute to
16 visitor understanding of the significance of the park area. However, a permit must be denied if
17 the event would be disallowed under the criteria listed for unacceptable impacts in sections
18 1.4.7.1 and 8.2. The superintendent must ensure that appropriate permit conditions are imposed
19 for special events.

20 The Park Service will not permit the public staging of special events that are conducted primarily
21 for the material or financial benefit of organizers or participants; or are commercial in nature; or
22 that demand in-park advertising or publicity; or for which a separate public admission fee is to be
23 charged. However, park buildings or specially designated locations that are suitable and
24 appropriate may be made available for private, “by-invitation-only” events. Admission fees for,
25 or any other monies associated with, the “by-invitation-only” event, may not be collected by the
26 permittee on park premises.

27 Large-scale events will be managed utilizing the ICS.

28 *(See Special Events 6.4.5; Personal Services 7.3.1; Cultural Demonstrators 7.5.6; Facilities for*
29 *Arts and Culture 9.3.1.7. Also see 36 CFR 2.50 and 36 CFR 7.96)*

30 **8.6.2.2 Helium-filled Balloons**

31 Helium-filled balloons pose a danger to the health and safety of marine wildlife (such as sea
32 turtles and sperm whales) and create a litter problem. Therefore, no releases of helium-filled
33 balloons into the atmosphere within a park will be authorized, except for research or planning
34 purposes. Releasing balloons indoors where they can be retrieved may be authorized under
35 permit.

1 **8.6.2.3 Fireworks Displays**

2 Fireworks displays will be considered unless they pose an unacceptable risk of wildland or
3 structural fire or will cause unacceptable impacts to park resources or values or jeopardize public
4 safety. In all instances, the decision to approve or deny a request will be made by the
5 superintendent, following consultation with the regional safety officer. Fireworks displays will
6 be conducted in compliance with the National Fire Protection Association Code for the Display
7 of Fireworks (NFPA 1123).

8 **8.6.2.4 Sale of Food or Merchandise**

9 The sale of food in the parks is allowed when managed under a permit which does not conflict
10 with a concession contract, and complies with applicable public health codes and Director's
11 Order #83: Public Health. The sale of printed material as defined in 36 CFR 2.52, 36 CFR 7.96(
12 k), and Reference Manual 53, is allowed; but the sale of all other merchandise, including, but not
13 limited to, T- shirts, clothing, and arts and crafts, is prohibited. These restrictions do not apply to
14 sales operations managed under concession contracts or under agreements with cooperating
15 associations operating within their designated sales areas. (For the sale of products produced in
16 the conduct of living exhibits, interpretive demonstrations, or park programs, see section 7.5.6 of
17 chapter 7.)

18 *(Also see 60 FR 17639, April 7, 1995)*

19 **8.6.3 First Amendment Activities**

20 The National Park Service will authorize the use of park land for public assemblies, meetings,
21 demonstrations, religious activities, and other public expressions of views protected under the
22 First Amendment of the U. S. Constitution, in accordance with 36 CFR 2.51 or 36 CFR 7.96. To
23 ensure public safety and the protection of park resources and values, and to avoid assigning the
24 same location and time to two or more activities, the Service may manage these activities by
25 issuing a permit to regulate the time, location, number of participants, use of the facilities, and
26 number and type of equipment used, but not the content of the message presented.

27 For all parks except those within designated portions of the National Capital Region, locations
28 that are available for public assemblies and other First Amendment activities, including the sale
29 and distribution of printed matter, will be so designated by the superintendent on a map in
30 accordance with procedures and criteria found in NPS regulations (36 CFR 1.5, 1.7, 2.51, and
31 2.52), unless the sites are otherwise protected from public disclosure, such as sites sacred to
32 Native Americans or sites with vulnerable natural and cultural resources. **Selected** National
33 Capital Region parks are subject to special demonstration regulations found at 36 CFR
34 7.96(g)(4)(iii), and do not have such areas designated by the superintendent.

35 When the Service allows one group to use an area or facility for expressing views, it must
36 provide other groups with a similar opportunity, if requested. No group wishing to assemble
37 lawfully may be discriminated against or denied the right of assembly, provided that all permit
38 conditions are met. Whenever religious activities are conducted in parks, any Park Service

1 actions pertaining to them must reflect a clearly secular purpose, must have a primary effect that
2 neither advances nor inhibits religion, and must avoid “excessive governmental entanglement
3 with religion.”

4 NPS staff on duty in an area in which a First Amendment activity is being conducted will be
5 neutral toward the activity, but will remain responsible for the protection of participants,
6 spectators, private property, public property, and park resources. On-duty staff may not
7 participate in a First Amendment activity. NPS employees exercising their First Amendment
8 rights when off-duty must not, in any way, imply any official Park Service endorsement of the
9 activity.

10 When a permit is requested for the exercise of First Amendment rights, including freedom of
11 assembly, speech, religion, and the press, the superintendent will issue the permit without any
12 requirement for fees, cost recovery, bonding, or insurance. The superintendent will issue or deny
13 a First Amendment permit request under 36 CFR 2.51 within two (2) business days after
14 receiving a proper application. In National Capital Parks subject to special demonstration
15 regulations found at 36 CFR 7.96(g)(3), permits are deemed granted subject to all applicable
16 limitations and restrictions, unless denied within 24 hours of receipt.

17 *(See Confidentiality 5.2.3. Also see Reference Manual 53)*

18 **8.6.4 Rights-of-Way for Utilities and Roads**

19 **8.6.4.1 General**

20 A right-of-way is a special park use allowing a utility to pass over, under, or through NPS
21 property. It may be issued only pursuant to specific statutory authority, and generally only if
22 there is no practicable alternative to such use of Park Service lands. The criteria listed in section
23 8.2 must also be met. **New roads may not be permitted with a right-of-way permit, but require
24 specific statutory authority. Procedures for roads are addressed in section 8.6.4.4.**

25 **Before a written application is submitted to the park, potential applicants for a right-of-way
26 permit should meet with the staff to discuss the proposed project.** Once an application for a right-
27 of-way is submitted, a compliance analysis must be conducted according to NEPA, NHPA, and
28 other statutory compliance requirements as appropriate. Due to the potentially high costs and
29 values associated with rights-of-way, special attention will be paid to charges and a fair market
30 value for use of the land. Permits will be drafted by park staff, and should include terms and
31 conditions necessary to protect park resources and values. New rights-of-way permits will be
32 executed by the regional director; conversions from other authorizing documents, amendments,
33 and renewals of existing permits may be signed by the superintendent. A right-of-way permit
34 issued by the Park Service is considered a temporary document and does not convey an interest
35 in the land. **The permit is subject to termination for cause or at the discretion of the regional
36 director.**

37 National Park Service regulations pertaining to the issuance of rights-of-way are in 36 CFR Part
38 14; Department of the Interior regulations pertaining to rights-of-way in Alaska are found in 43

1 CFR Part 36. Additional guidance can be found in Director's Order #53, and Reference Manual
2 53: Special Park Uses. A utility or road right-of-way proposed for a park in Alaska is subject to
3 the authorities and procedural requirements of title XI of ANILCA.
4 (*See Park Management 1.4, Rights-of-Way 6.4.8. Also see Director's Order #53*)

5 **8.6.4.2 Utilities**

6 Utility rights-of-way over lands administered by the NPS are governed by statutory authorities in
7 16 USC 5 (electrical power transmission and distribution, radio and TV, and other forms of
8 communication facilities), and 16 USC 79 (electrical power, telephone, and water conduits).
9 Rights- of- way issued under 16 USC 5 or 79 are discretionary, and conditional upon a finding
10 by the Service that the proposed use will not cause unacceptable impacts to park resources,
11 values, or purposes, and is not incompatible with the public interest.

12 **8.6.4.3 Telecommunication Antenna Sites**

13 Requests to site non-NPS telecommunication antennas and related facilities on Park Service
14 lands will be considered in accordance with the Telecommunications Act of 1996 (47 USC 332
15 note), which authorizes the NPS to issue rights-of-way permits for telecommunications services
16 **absent unavoidable conflict with the agency mission**. Superintendents will accept an application
17 for a telecommunications antenna site only from a Federal Communications Commission
18 licensee authorized to provide these services.

19 As with other special park uses, telecommunication proposals must meet the criteria listed in
20 section 8.2 to prevent unacceptable impacts. In addition:

- 21
- 22 • Superintendents will **hold** preliminary meetings with telecommunication facility applicants to
23 discuss the pending applications and address NPS concerns. Similar meetings should be held
24 during the decision-making process, as necessary, particularly if the superintendent is
25 considering denying the application.
 - 26 • Reviews under NEPA and NHPA will be conducted expeditiously and consistent with all
27 applicable statutes, and within timetables established pursuant to Director's Order #53.
 - 28 • Superintendents will consider the safety of the visiting public when reviewing
29 telecommunication antenna applications, including the potential benefit of having telephone
30 access to emergency law enforcement and public safety services.
 - 31 • **When approving or renewing permits, superintendents will consider whether the proposal**
32 **would cause unacceptable impacts to the scenic resources and the physical context for**
33 **historic resources affected by the facilities. Superintendents will avoid or minimize potential**
34 **impacts of current and future telecommunications facilities by ensuring that the facilities and**
35 **their supporting infrastructure:**
 - 36 ○ **Include maximum potential for future co-location**
 - 37 ○ **Are located where they would have the least impact on park resources and values**
 - 38 ○ **Incorporate stringent visual and other mitigating measures**
 - 39 ○ **Incorporate the best practices of other federal, state, and local agencies.**
- 40

1 (See *Decision-making Requirements to Identify and Avoid Impairments 1.4.7. Also see*
2 *additional guidance issued by the General Services Administration in GSA Bulletin FPMR D-*
3 *242; Federal Register June 16, 1997)*

4 **8.6.4.4 Roads and Highways**

5 Rights-of-way permits are not issued for roads and highways within the federal aid highway
6 system. These highways require specific statutory authority. A request for lands for highway
7 purposes under 23 USC 107(d) or 317 is subject to compliance with 23 USC 138—commonly
8 referred to as 4(f). The 4(f) evaluation is to be completed by the Secretary of Transportation and
9 concurred in by the Secretary of the Interior. There are no general NPS statutory authorities for
10 non-NPS roads or for gas pipelines; however, individual park enabling legislation may provide
11 such authorizations. If park specific enabling legislation is absent, the Service will generally
12 object to proposals for the use of park lands for highway purposes that do not directly benefit a
13 park.

14 *(See Fees 8.6.1.2; Non-NPS Roads 9.2.1.2, Construction and Expansion Proposals 9.2.1.2.2.*
15 *Also see Director’s Order #87D: Non-NPS Roads)*

16 **8.6.5 Access to Private Property**

17 The Park Service will allow access to the private property of adjacent landowners, as well as the
18 property of landowners within park boundaries, when

- 19 • It would contribute in a material way to the park’s mission, without causing unacceptable
20 impacts to park resources or values, or the purposes for which the park was established; or
21 • Access is the landowner’s right by law or by deed reservation.

22 When one of these circumstances exists, commercial vehicles will be allowed access to private
23 property only in accordance with 36 CFR 5.6, “Commercial Vehicles.” **Access to nonfederal**
24 **lands in Alaska that requires access across NPS-administered lands will be provided in**
25 **accordance with the applicable regulations implementing title 11 of ANILCA.**

26 **8.6.6 Filming and Photography**

27 **8.6.6.1 General**

28 The National Park Service will encourage filming and photography when it will promote the
29 protection and public enjoyment of park resources, provided that the activity does not violate the
30 criteria listed in section 1.4.7.1.

31 Filming and photography activities that do not necessarily promote the protection and public
32 enjoyment of parks, but which meet the section 1.4.7.1 criteria, will also be permitted. For the
33 purposes of this policy, “filming” is defined as any technology that may be used for recording
34 images or the sound tracks associated with them, including still, motion, and video filming.

1 **8.6.6.2 Permits and Fees**

2 A permit will not be required for a visitor using a camera and/or a recording device for his/her
3 own personal use within normal visitation areas and hours. Media coverage of breaking news
4 never requires a permit; however, it is subject to the restrictions and conditions necessary to
5 protect park resources and public health and safety, and to prevent impairment of park resources
6 and values.

7 All commercial filming activities require a permit. The term “commercial filming” means the
8 digital or film recording of a visual image or sound recording by a person, business, or other
9 entity for a market audience, such as for a documentary, television or feature film, advertisement,
10 or similar project. This definition does not include the taking of still photographs for commercial
11 purposes, which is subject to the provisions of the following paragraph.

12
13 Still photography will require a permit when it takes place at a location(s) where or when
14 members of the public are generally not allowed; when it uses model(s), sets(s), or prop(s) that
15 are not a part of the location’s natural or cultural resources or administrative facilities; or when
16 the NPS would need to provide management and oversight to:

- 17 (i) Avoid impairment of, or unacceptable impacts to, the resources and values of the site; or
18 (ii) Limit resource damage; or
19 (iii) Minimize health or safety risks to the visiting public.

20 Appropriate fees for cost recovery and use of Park Service lands and/ or facilities, as well as
21 performance bond and liability insurance requirements, will be imposed. All costs incurred by
22 the Service in writing the permit, monitoring, providing protection services, or otherwise
23 supporting filming or photography activities will be reimbursed by the permittee as a condition
24 of the permit.

25 **8.6.6.3 NPS Participation**

26 The Service’s participation is governed by the following:

- 27 • The NPS may actively assist filming and photography activities that promote public
28 understanding and appreciation of the national park system, and the Director may authorize
29 use of the arrowhead symbol for such filming projects.
- 30 • A superintendent may request a credit line, provided that the content or subject matter of the
31 filming project would not reflect adversely on the National Park Service.
- 32 • Park Service employees, while on duty or in uniform, will not be employed by filming
33 permittees.
- 34 • Identifiable NPS equipment, uniforms, or insignia must not be portrayed in any way that
35 would imply Service endorsement of a product or service.
- 36 • The NPS will not censor the content of any filming project, or require finished film products
37 for review, files, or documentation purposes. However, a superintendent may review a story
38 board or other material offered by the applicant to help determine whether (1) a credit line
39 would be appropriate, or (2) it would be appropriate for the NPS to actively assist a filming
40 activity or authorize use of the arrowhead symbol.

1 Additional guidance is provided by Director's Order #53: Special Park Uses; and by Reference
2 Manual 53.

3 *(Also see Director's Order #52D: Arrowhead Symbol)*

4 **8.6.7 Agricultural Uses**

5 Agricultural uses and activities are authorized in parks in accordance with the direction provided
6 by a park's enabling legislation and general management plan. Agricultural practices and
7 techniques, including the use of pesticides and other biocontrol agents such as genetically
8 modified or engineered organisms, should be specified in an approved resource management
9 plan, and are subject to review and approval by the NPS integrated pest management (IPM)
10 program manager. These practices and techniques are also subject to the provisions of federal
11 and state laws, NPS regulations and policies, and Director's Orders #53 and #77-7. In general,
12 agricultural activities should be conducted in accordance with accepted, best management
13 practices.

14 Agricultural activities, including demonstration farms, prescribed to meet a park's management
15 objectives, will be allowed if (1) they do not result in unacceptable impacts to park resources,
16 values, or purposes; (2) they conform to activities that occurred during the historic period; and
17 (3) they support the park's interpretive themes. Agricultural uses that do not conform to those in
18 practice during the historic period may be allowed if (1) they are authorized by the park's
19 enabling legislation; (2) they are retained as a right subsequent to NPS land acquisition; (3) they
20 contribute to the maintenance of a cultural landscape; or (4) they are carried out as part of a
21 living exhibit or interpretive demonstration.

22 The Service may issue leases or special use permits to individuals or organizations to conduct
23 agricultural activities that are allowed on park lands under the criteria listed in the preceding
24 paragraph. The use of a lease (versus a special use permit) is appropriate only when (1)
25 specifically authorized by the park's enabling legislation; or (2) it is part of an historic
26 preservation program authorized by 16 USC 470h-3; or (3) it is associated with a building that is
27 leased pursuant to 16 USC 1a- 2(k). NPS and concession employees living in parks may
28 cultivate gardens for personal use under terms and conditions established by the superintendent.
29 Such use will not be permitted if it would have unacceptable impacts on park resources, values,
30 or purposes, or visitor enjoyment thereof. In urban parks, areas may be designated for
31 community recreational gardening under the same conditions.

32 *(See Levels of Park Planning 2.3; Biological Resource Management 4.4; Pest Management*
33 *4.4.5; Cultural Landscapes 5.3.5.2; Personal Services 7.3.1; Process for Determining New*
34 *Appropriate Uses 8.1.2. Also see Director's Order #77-7: Integrated Pest Management)*

35 **8.6.8 Domestic and Feral Livestock**

36 **8.6.8.1 General**

1 Livestock uses in parks fall into four categories: (1) recreational pack and saddle stock use, (2)
2 administrative stock use, (3) agricultural (commercial and administrative) grazing, and (4)
3 trespass and feral stock. Grazing that is incidental to the recreational use of stock is regulated by
4 the horse and pack stock regulations at 36 CFR 2.16, and the policy direction for such use is
5 discussed in Section 8.2.2.7. Agricultural stock use regulations are found at 36 CFR 2.60.

6 **8.6.8.2 Managing Agricultural Grazing**

7 Agricultural (commercial and administrative) grazing occurs in some parks. The Park Service
8 will only allow agricultural grazing in parks where it is

- 9 • specifically authorized by federal law, or
- 10 • required under a reserved right of use arising from the acquisition of a tract of land, or
- 11 • required to maintain an historic scene, or
- 12 • carried out as part of a living exhibitor interpretive demonstration; and
- 13 • does not cause unacceptable impacts to park resources and values.

14 The National Park Service must manage its resources in a manner that conserves them for future
15 generations. Parks with agricultural livestock use, including parks where such use is
16 administered by another agency, must address this use in an appropriate planning document.
17 Agricultural livestock grazing will use best management practices to protect park resources, with
18 particular attention being given to protecting wetland and riparian areas, sensitive species and
19 their habitats, water quality, and cultural resources. Managers must regulate livestock so that
20 ecosystem dynamics, and the composition, condition, and distribution of native plants and
21 animal communities are not significantly altered or otherwise threatened, and cultural values are
22 protected. A comprehensive monitoring program must be implemented, and adaptive
23 management practices must be used to protect park resources.

24 Integrated pest management methods must conform to NPS pest management policy in Section
25 4.4.5. Other forms of administrative stock use, such as using grazing animals to achieve resource
26 conditions (e.g., using sheep to remove leafy spurge) may also be allowed as part of an
27 integrated pest management plan.

28 **8.6.8.2.1 Permitting Agricultural Grazing**

29 Agricultural livestock activities by parties other than the Park Service will be conducted only
30 pursuant to the terms and conditions of a special use permit or lease. The use of a lease is
31 appropriate only when (1) specifically authorized by the park's enabling legislation; or (2) it is
32 part of an historic preservation program authorized by 16 USC 470h-3; or (3) the livestock use is
33 associated with a building that is leased pursuant to 16 USC 1a-2(k).

34 In addition to any other penalty provisions, violation of the terms and conditions of the
35 permitting instrument may result in revocation of the livestock use privilege. In parks where the
36 Park Service shares livestock allotment management with another government agency, or where
37 another government agency, through legislation, administers the use, a general agreement
38 between agencies is necessary to describe the relationship and responsibilities.

1 **8.6.8.2.2 Structures for Agricultural Grazing**

2 Appropriate structures may be approved by the National Park Service and may be allowed in
3 parks when the structures

- 4 • are consistent with a livestock management plan or another appropriate management plan,
- 5 • are consistent with park purposes and other applicable laws, regulations, or policies, and
- 6 • will not cause unacceptable impacts to park resources and values.

7 The Service will not expend funds to construct or maintain livestock structures unless there is a
8 direct benefit to the protection of park resources. The permittee will generally be required to
9 remove structures when livestock activities are no longer authorized.

10 *(See Management of Exotic Species 4.4.4; Water Resource Management 4.6; The Wilderness*
11 *Review Process 6.2; Grazing and Livestock Driveways 6.4.7; Equestrian Trails 9.2.2.3;*
12 *Miscellaneous Management Facilities 9.4.5. Also see Director's Order #77-3: Domestic and*
13 *Feral Livestock, and Reference Manual 77-3; Director's Order #53: Special Park Uses, and*
14 *Reference Manual 53; Director's Order #77-7: Integrated Pest Management)*

15 *(See chapter 2 Park System Planning)*

16 **8.6.8.3 Trespass and Feral Livestock**

17 Livestock trespassing on park lands may be impounded and disposed of pursuant to the
18 provisions of 36 CFR 2.60, with the owner charged for expenses incurred. Wild living or feral
19 livestock having no known owner may also be disposed of in accordance with 36 CFR 2.60.

20 Parks having shared jurisdiction with state fish and wildlife agencies should coordinate with their
21 counterparts in the determination of how a particular animal is classified in that state. Good
22 communication with state and other officials will be fostered to minimize conflicts.

23 **8.6.9 Military Operations**

24 In general, military activities are discouraged in parks, except for study of military history at
25 related NPS sites. Periodically, an armed services unit may request the use of park areas for non-
26 combat exercises such as search-and-rescue and outdoor survival. Determining when and where
27 military units may conduct such activities is a discretionary decision of the superintendent. A
28 permitted military activity must conform to the following conditions:

- 29 • A permit will be issued that clearly states all necessary conditions or stipulations to protect
30 park resources and visitor safety;
- 31 • All applicable park rules and regulations will be followed;
- 32 • No weaponry will be carried, displayed, or used, except for ceremonial purposes or
33 authorized public demonstrations;
- 34 • The activity will be conducted away from visitor use locations and out of public view (except
35 where a public demonstration is specifically authorized);

- 1 • The military organization will designate a liaison officer who will be available to the
- 2 superintendent throughout the exercise; and
- 3 • Permittees will be educated about how the purpose, mission, and regulations of the park
- 4 differ from their own missions, especially in regard to resource protection and visitor use and
- 5 enjoyment.

6 National security and law enforcement agencies, such as the CIA, FBI, **Secret Service**,

7 **Department of Homeland Security**, and state police, may wish to conduct similar exercises.

8 These requests should be evaluated in the same way as military special use requests.

9 **8.6.10 Cemeteries and Burials**

10 **8.6.10.1 National Cemeteries**

11 All national cemeteries administered by the National Park Service will be managed as

12 historically significant resources, and as integral parts of larger historical parks. Burials in

13 national cemeteries will be permitted, pursuant to applicable regulations, until available space

14 has been filled. The management and preservation of national cemeteries are subject to the

15 provisions of the National Cemeteries Act of 1973; NPS “National Cemetery Regulations” (36

16 CFR Part 12); and Director’s Order #61: National Cemeteries.

17 The enlargement of a national cemetery for additional burials constitutes a modern intrusion,

18 compromising the historical character of both the cemetery and the historical park, and will not

19 be permitted.

20 **8.6.10.2 Family Cemeteries**

21 The burial of family members in family cemeteries that have been acquired by the Park Service

22 in the course of establishment of parks will be permitted to the extent practicable, pursuant to

23 applicable regulations, until space allotted to the cemeteries has been filled. Family members (or

24 their designees) will be allowed access for purposes of upkeep and commemoration (such as

25 wreath-laying and religious rituals) that do not jeopardize safety or resource protection.

26 Whenever applicable, park managers will keep active files on cemeteries for the purpose of

27 responding to requests and inquiries.

28 *(Also see Director’s Order #19: Records Management)*

29 **8.6.10.3 Other Burials and the Scattering of Ashes**

30 Other burials or re-interments outside established cemeteries in parks will be prohibited except

31 where permitted by cultural resource policies. The scattering of ashes from cremation may be

32 permitted by a superintendent, in accordance with NPS general regulations in 36 CFR 2.62, and

33 applicable state laws. Authorization to scatter ashes must take into account potential conflicts

34 with the spiritual or cultural practices of the indigenous people associated with the area.

1 *(See Stewardship of Human Remains and Burials 5.3.4; Cultural Resources 6.3.8, Consultation*
2 *7.5.5)*

3 **8.6.11 Other Special Park Uses**

4 Other special park uses that may be allowed under permit or special regulations include the use
5 of explosives, and the use of portable power equipment. Specific guidance is provided in 36 CFR
6 Part 2; Director's Order #53: Special Park Uses; and Reference Manual 53.

7 **8.7 Mineral Exploration and Development**

8 Mineral exploration and development include exploration, extraction, production, storage, and
9 transportation of minerals. Mineral exploration or development may be allowed in parks only
10 when prospective operators demonstrate that they hold rights to valid mining claims, federal
11 mineral leases, or non-federally-owned minerals. If this right is not clearly demonstrated, the
12 National Park Service will inform the prospective operator that, until proof of a property right is
13 documented, the Service will not further consider the proposed activity. If the Service determines
14 that the proposed mineral development would impair park resources or values, or is not
15 consistent with park purposes, or does not meet approval standards under applicable NPS
16 regulations and cannot be sufficiently modified to meet those standards, the Service will seek to
17 extinguish the associated mineral right through acquisition, unless otherwise directed by
18 Congress. In some parks, all or certain types of mineral development are specifically prohibited
19 by law.

20 All persons who conduct mineral development within parks will do so only in conformance with
21 applicable statutes, regulations, and NPS policies. These statutes include the Mining in the Parks
22 Act; the Mineral Leasing Act; the Acquired Lands Mineral Leasing Act; the Surface Mining
23 Control and Reclamation Act of 1977; the National Park System General Authorities Act;
24 ANILCA; and enabling statutes for individual parks. Applicable regulations include 36 CFR Part
25 9, Subpart A and Subpart B; 43 CFR Parts 3100-3500; and special use regulations.

26 Persons may not use or occupy surface lands in a park for purposes of removing minerals outside
27 the park unless provided for in law. General management plans, land protection plans, and other
28 planning documents for parks with mining claims, federal mineral leases, or non-federally-
29 owned mineral interests will address these non-federal property interests as appropriate. Lands
30 with mineral interests will be zoned according to their anticipated management and use, based on
31 their resource values, park management objectives, and park-specific legislative provisions
32 relating to mineral interests.

33 *(See Levels of Park Planning 2.3; Land Protection Plans 3.3; The Wilderness Review Process*
34 *6.2; Mineral Development 6.4.9)*

35 **8.7.1 Mining Claims**

36 The location of new mining claims pursuant to the General Mining Act of 1872 is prohibited in
37 all park areas. **Under the Mining in the Parks Act**, the National Park Service may permit mineral

1 development only on existing patented and valid unpatented mining claims in conformance with
2 the park's enabling legislation and the regulations for mining claims in 36 CFR Part 9, Subpart
3 A. The Service may initiate a validity examination on unpatented mining claims at any time. The
4 Service will require a validity examination of all unpatented mining claims before approving any
5 operations on such claims in accordance with 36 CFR Part 9, Subpart A. However, a validity
6 examination is not required prior to NPS authorization of activities that are conducted only to re-
7 claim a site. All mineral development and use of resources in connection with a claim will be
8 confined to the boundaries of the claim itself, except for the access and transport that are
9 permitted under 36 CFR Part 9, Subpart A; or, for Alaska, 43 CFR Part 36.

10 **8.7.2 Federal Mineral Leases**

11 All parks are closed to new federal mineral leasing except for three national recreation areas
12 (Lake Mead, Whiskeytown, and Glen Canyon), in which Congress has explicitly authorized
13 federal mineral leasing in each area's enabling legislation. Through park planning documents,
14 the National Park Service has closed portions of these areas to federal mineral leasing because of
15 the presence of sensitive resources. No person may explore for federal minerals in any of these
16 areas except under a lease issued pursuant to regulations in 43 CFR Part 3100, or under a
17 prospecting permit pursuant to 43 CFR 3500. Before consenting to a federal mineral lease or
18 subsequent mineral development connected with a lease, the regional director must find, in
19 writing, that leasing and subsequent mineral development will not result in a significant adverse
20 effect on park resources or administration.

21 Some park areas contain leases that existed at the time the park was created or expanded. These
22 leases are valid existing rights, and will continue to exist until such time as they expire under the
23 regulations that govern federal mineral leasing (43 CFR Parts 3100 and 3500).

24 **8.7.3 Non-federally-owned Minerals**

25 Non-federal mineral interests in park units consist of oil and gas interests, or rights to mineral
26 interests other than oil and gas (such as private outstanding mineral rights, mineral rights through
27 general land grant patents, homestead patents, or other private mineral rights that did not derive
28 from the General Mining Act). The Park Service governs activities associated with these two
29 categories of non-federal mineral rights under separate regulatory schemes.

30 The Park Service may approve operations associated with non-federal oil and gas interests under
31 the standards and procedures in 36 CFR Part 9, Subpart B. If an operator's plan fails to meet the
32 approved standards of these regulations, the NPS generally has authority to deny the operation,
33 and may initiate acquisition. Absent a decision to acquire the property, application of the
34 regulations is not intended to result in a taking of the property interest, but rather to impose
35 reasonable regulation of the activity.

36 Operations associated with non-federal mineral interests, other than oil and gas, are subject to the
37 requirements of 36 CFR Part 5, "Commercial and Private Operations," and 36 CFR 1.6.

1 The Service must determine that operations associated with these mineral interests would not
 2 adversely impact “public health and safety, environmental, or scenic values, natural or cultural
 3 resources, scientific research, implementation or management responsibilities, proper allocation
 4 and use of facilities, or the avoidance of conflict among visitor use activities” If the impacts
 5 from the operation on the resource cannot be sufficiently mitigated to meet this standard, the
 6 NPS may seek to acquire the mineral interest.

7 **8.8 Collecting Natural Products**

8 The collection of natural products for personal use or consumption is governed by NPS general
 9 regulations contained in 36 CFR 2.1 and 36 CFR Part 13. A superintendent may designate
 10 certain fruits, berries, nuts, or unoccupied seashells that can be gathered by hand for personal use
 11 or consumption upon a written determination by the superintendent that such an activity will not
 12 adversely affect park wildlife or the reproductive potential of a plant species or otherwise
 13 adversely affect park resources. In some cases, peer-reviewed scientific information may be
 14 needed to support the determination. The regulations do not authorize the taking, use, or
 15 possession of fish, wildlife, or plants for ceremonial or religious purposes, except where
 16 specifically authorized by federal statute or treaty rights, or where hunting, trapping, or fishing
 17 are otherwise allowed. The collection of minerals or rocks for personal use will be allowed only
 18 when specifically authorized by federal law or treaty rights.

19 The gathering of firewood will be allowed only where subsistence use is authorized by federal
 20 law, or in specific areas designated by a superintendent in which dead and down wood may be
 21 collected for campfires or in small quantities for other uses within the park. Natural resource
 22 products that accumulate as a result of site clearing for development, hazard tree removal, vista
 23 clearing, or other management actions will be recycled through the ecosystem when practicable.
 24 When recycling is not practicable, the products may be disposed of by other means. Disposal
 25 may be accomplished by contract, if the result of the work done under contract and the value are
 26 calculated in the contract cost, or by sale at fair market value in accordance with applicable laws
 27 and regulations. Wood that accumulates as a result of the management actions described above
 28 may also be used for park purposes, such as heating public buildings or offices, or for
 29 interpretive campfire programs.

30 *(See Consumptive Uses 8.9, Natural and Cultural Studies, Research, and Collection Activities*
 31 *8.10. Also see Director’s Order #18: Wildland Fire Management)*

32 **8.9 Consumptive Uses**

33 Consumptive uses of park resources may be allowed only when they are:

- 34 • Specifically authorized by federal law or treaty rights (such as hunting, trapping, or mining,
 35 or subsistence use in specifically identified parks);
- 36 • Specifically authorized pursuant to other existing rights (such as a right retained by a donor
 37 of the land on which the use would occur);
- 38 • Grazing activities authorized in accordance with section 8.6.8.1; or

- 1 • Traditional visitor activities, such as fishing or berry picking, that are authorized in
2 accordance with NPS general regulations.

3 As a matter of policy, the Service generally supports the limited and controlled consumption of
4 natural resources for traditional religious and ceremonial purposes, and is moving toward a goal
5 of greater access and accommodation. As a general matter, a superintendent may not allow
6 consumptive use of park resources by any particular group to the exclusion of others.

7 Current NPS policy is reflected in regulations published at 36 CFR Part 13. The general
8 regulations at 36 CFR 2.1 allow superintendents to designate certain fruits, berries, nuts, or
9 unoccupied seashells which may be gathered by hand for personal use or consumption if it will
10 not adversely affect park wildlife or the reproductive potential of a plant species, or otherwise
11 adversely affect park resources. The regulations do not authorize the taking, use, or possession
12 of fish, wildlife, or plants for ceremonial or religious purposes, except where specifically
13 authorized by federal statute or treaty rights, or where hunting, trapping, or fishing are otherwise
14 allowed.

15 The 36 CFR Part 13 regulations address the consumptive use of park resources for subsistence
16 purposes in Alaska, where it is allowed in the 10 parks and “expanded areas” established by
17 ANILCA. Some park-specific enabling acts (e.g., Big Cypress National Preserve and Kaloko-
18 Honokohau National Historical Park) also allow subsistence or other traditional uses of park
19 resources.

20 *(See Park Management 1.4; Harvest of Plants and Animals by the Public 4.4.3; Resource Issue*
21 *Interpretation and Education 7.5.3; General 8.1, Native American Use 8.5. Also see 36 CFR*
22 *Part 13, Subpart B)*

23 **8.10 Natural and Cultural Studies Research and Collection Activities**

24 Studies, research, and collection activities by non-NPS personnel involving natural and cultural
25 resources will be encouraged and facilitated when they otherwise comport with NPS policies.
26 Scientific activities that involve field work or specimen collection, or have the potential to
27 disturb resources, the visitor experience, or park operations, require a permit issued by the
28 superintendent that prescribes appropriate conditions for protecting park resources, visitors, and
29 operations. **Such studies may require additional permits from other jurisdictions.**

30 *(See Studies and Collections 4.2; Independent Research 5.1.2; Independent and Commercial*
31 *Studies 8.11.3)*

32 **8.11 Social Science Studies**

33 **8.11.1 General**

34 **Understanding the changing demographics of our Nation is critical to the future of the National**
35 **Park Service. The NPS will actively seek to better understand the values and connections the**
36 **changing U.S. population has, or does not have, for our natural and cultural heritage so that the**

1 Service can be responsive and relevant to public needs and desires. This includes understanding
2 why people do, or do not, visit national parks.

3 The National Park Service will facilitate social science studies that support the NPS mission by
4 providing an understanding of park visitors, the non-visiting public, gateway communities and
5 regions, as well as human interactions with park resources. This approach will provide a
6 scientific basis for park planning, development, operations, management, education, and
7 interpretive activities. Investigators will be encouraged to use the parks for scientific studies
8 whenever such use is consistent with Service policies that recognize the scientific value of parks
9 as laboratories. Specific guidance is provided in Director's Orders #75A: Civic Engagement and
10 Public Involvement, and #78: Social Science.

11 Studies include short- or long-term scientific investigations in NPS areas that may involve social
12 science surveys and research. The data and information acquired through scientific activities
13 conducted in the parks will be made broadly available to park managers, the scientific
14 community, and the public, except where legal restrictions apply. Studies may include both
15 internally and externally conducted projects by researchers and scholars with universities,
16 foundations and other non-governmental organizations, federal, state and local agencies
17 (including state tourism boards), chambers of commerce, industry organizations and NPS staff.
18 The NPS will promote cooperative relationships with educational and scientific institutions and
19 qualified individuals when specialized expertise exists that can be of significant assistance to the
20 Service in obtaining information, and when the opportunity for research and study in the parks
21 offers institutions a significant benefit to their programs. NPS facilities and assistance may be
22 made available to qualified researchers conducting NPS-authorized studies. NPS or other
23 federally funded studies that rely on survey instruments or focus groups are strictly regulated and
24 must be approved by the NPS, the Department of the Interior, and the Office of Management and
25 Budget before they can be used to gather information directly from visitors or the general public.

26 *(See Information Resources Management 1.9.2; Studies and Collections 4.2; Research 5.1,*
27 *Planning 5.2; Appropriate Use 8.1.1; Special Park Uses 8.6; NPS- supported Studies 8.11.2;*
28 *Independent and Commercial Studies 8.11.3; Department of the Interior Interim Guidelines for*
29 *Collection of Information from the Public)*

30 **8.11.2 NPS-supported Studies**

31 The National Park Service is responsible for the identification and acquisition of needed
32 inventory, monitoring, and research, as well as for the interpretation of the management and
33 operational implications of such studies. The Service will use the best available science to assist
34 park managers in addressing management needs and objectives that have been identified in
35 legislation and planning documents.

36 The Service will support studies to:

- 37 • Reach a level of understanding that will minimize “crisis” management;
- 38 • Ensure a systematic and fully adequate park information base;
- 39 • Provide a sound basis for policy, planning, and decision-making;

- 1 • Develop effective strategies, methods, and technologies to predict, avoid, or minimize
- 2 unacceptable impacts on resources, visitors, and related activities;
- 3 • Determine causes of resource management problems;
- 4 • Further understand park ecosystems and related human social systems, and document their
- 5 components, condition, and significance;
- 6 • Evaluate visitor satisfaction with services, facilities, and recreational opportunities;
- 7 • Ensure that the interpretation of park resources and issues reflects current standards of
- 8 scholarship for the history, science, and condition of the resources;
- 9 • Evaluate performance measures in support of strategic plan goals;
- 10 • Establish economic measures and impact indicators of interest or importance;
- 11 • Improve understanding of local, regional, and national demographics and trends.

12 Superintendents may authorize park staff to carry out routine duties without requiring a
13 research/collecting permit. NPS-supported research will rely on high-quality methods, and
14 undergo peer review. NPS-supported scientists will be expected to publish their findings in
15 refereed journals, among other outlets.

16 **8.11.3 Independent and Commercial Studies**

17 Non-NPS social science studies conducted in parks are not required to address specifically
18 identified NPS management issues or information needs. However, these studies (excluding
19 research in museum collections) require an NPS research/collecting permit. The studies must
20 conform to NPS policies and other guidance regarding activities such as the collection and
21 publication of data, conduct of studies, and wilderness restrictions, pursuant to the terms and
22 conditions of the permit. NPS research/collecting permits may also include requirements that
23 permittees provide parks, within reasonable time-frames, with the appropriate field notes (subject
24 to ethical guidelines of the appropriate discipline), data, information about the data, catalog data,
25 progress reports, interim and final reports, and publications derived from the permitted activities.
26 Projects will be administered and conducted only by fully qualified personnel, and will conform
27 to current standards of scholarship.

28 The collection of data from the public and employees to support the research, development, and
29 marketing of commercial products or services may be permitted only in limited circumstances.
30 Such activity will not be permitted when the superintendent determines that it would impose an
31 undue burden on visitors and/ or employees, and/ or when it has the potential to adversely impact
32 park resources or detract from visitors' experiences in the park. All necessary data collection
33 permits must be obtained, including a Scientific Research and Collecting Permit, as well as the
34 permission of the superintendent. Names and addresses and any other unique identifying
35 information collected from park visitors and/ or employees cannot be distributed, shared, or sold
36 for commercial purposes.

37 *(Also see Director's Order #84: Library Resources)*

38 **8.11.4 Management and Conduct of Studies**

1 All studies in parks will employ non-destructive methods to the maximum extent possible, so as
2 to avoid the irretrievable commitment of park resources. Studies will be preceded by an
3 approved scope of work, proposal, or other detailed written description of the work to be
4 performed.

5 *(See Studies and Collections 4.2. Also see Director's Order #74: Studies and Collecting)*

6 **8.12 Leases**

7 The National Park Service may enter into a lease, in accordance with 36 CFR Part 18, for the use
8 of any park property—historic or non-historic (except non-historic land)—if the following
9 determinations are first made by the appropriate regional director (who may re-delegate this
10 authority to superintendents):

- 11
- 12 (1) The lease will not result in degradation of the purposes and values of the park area;
- 13
- 14 (2) The lease will not deprive the park area of property necessary for appropriate park protection,
15 interpretation, visitor enjoyment, or administration of the park area;
- 16
- 17 (3) The lease contains such terms and conditions as will assure the leased property will be used
18 for activity and in a manner that are consistent with the purposes established by law for the park
19 area in which the property is located;
- 20
- 21 (4) The lease is compatible with the programs of the NPS;
- 22
- 23 (5) The lease is for rent at least equal to the fair market value rent of the leased property;
- 24
- 25 (6) The proposed activities under the lease are not subject to authorization through a concession
26 contract, commercial use authorization or similar instrument;
- 27
- 28 (7) If the lease is to include historic property, the lease will adequately ensure the preservation of
29 the historic property. (In addition, a lease that includes historic property may be executed by
30 NPS only after compliance with the CFR Part 800, the commenting procedures of the Advisory
31 Council on Historic Preservation).
- 32

33 It is likely that lease uses will be permissible under paragraph (6) if:

- 34 • the leased property where the proposed services are to be provided is not near a particular
35 visitor destination of the park area, and
- 36 • the patrons of the lessee are expected to be primarily persons who come to the park area only
37 to utilize the lessee's services.
- 38

39 **8.12.1 Additional Criteria.**

- 40 • All leases must be at fair market value.

- 1 • The term of the lease will be the shortest time needed for the proposed use, taking into
2 account required lessee investments and other factors related to determining an appropriate
3 lease term.
- 4 • No lease will exceed 60 years.
- 5 • Lease terms may not be extended except that leases with a term of one (1) year or more may
6 be extended once for a period not to exceed one (1) additional year if it is determined that an
7 extension is necessary because of circumstances beyond NPS control.

8 **8.12.2 Prior Approval.** No lease instrument may be awarded or amended without prior written
9 approval by the Solicitor's Office.

10
11 Prior to their execution by a regional director or superintendent, the Director must approve—

- 12 • Proposed leases with terms of more than ten (10) years;
- 13 • Proposed leases or lease amendments that provide for a leasehold mortgage or similar
14 encumbrance; and
- 15 • Proposed amendments of existing leases that required the Director's approval prior to
16 execution.

17
18 **8.12.3 Noncompetitive Awards.** The NPS generally may not enter into a Part 18 lease
19 without issuing a Request for Bids or a Request for Proposals. The NPS may, however, enter
20 into Part 18 leases on a non-competitive basis in two circumstances:

21
22 (1) The Part 18 lease is with a non-profit organization or a unit of government and the NPS
23 determines that the non-profit or governmental use of the property will contribute to the
24 purposes and programs of the park area; or

25
26 (2) The lease is short-term (sixty (60) continuous days or less) and NPS determines that to
27 award the lease non-competitively is in the best interests of the administration of the park area.
28 This authority is not limited to nonprofit organizations or units of government; any qualified
29 person or entity may be awarded a lease with a term of sixty (60) days or less. These leases
30 cannot require any rehabilitation or improvements to the applicable property.

31 Noncompetitive leases must in all other ways meet the requirements of 36 CFR Part 18 and
32 Director's Order #38.

33 **8.12.4 Historic Properties.** If a lease agreement requires or allows the lessee to maintain,
34 repair, rehabilitate, restore, or build upon historic property, it will require the work be done in
35 accordance with applicable Secretary of the Interior's standards and guidelines and other NPS
36 policies, guidelines, and standards.

37 *(See Chapter 10: Commercial Visitor Services. Also see Director's Order #38: Real Property*
38 *Leasing and 36 CFR Part 18)*

39

40

1 **2001 Language – Sections 8.6.8.1, 8.6.8.2, 8.6.8.3**

2 **8.6.8.1 General**

3 The NPS will allow livestock use only when the use is consistent with the criteria listed in
4 section 8. 2, and the use is either:

- 5 • Specifically authorized by a park’s enabling legislation;
- 6 • Required under a reserved right of use arising from the acquisition of a tract of land;
- 7 • Required in order to maintain a historic scene; or
- 8 • Conducted as a necessary and an integral part of a recreational activity appropriate to a
9 park. Where livestock use (including cattle, sheep, goats, horses, mules, burros, reindeer,
10 llamas, and alpacas) occurs in parks, it will be categorized as (1) livestock operations, (2)
11 recreational stock, (3) trespass animals, or (4) feral herds. No livestock use or activity,
12 regardless of how authorized, will be allowed that would cause unacceptable impacts to a
13 park’s resources, values, or purposes. In particular, livestock use that depletes or degrades
14 non- renewable resources, or whose effects cannot be satisfactorily mitigated, will not be
15 allowed.

16 **8.6.8.2 Managing the Use**

17 Where domestic or feral livestock use occurs, the National Park Service will foster “best
18 management practices” that protect vegetation, and wildlife and its habitat; safeguard sensitive
19 species; control proliferation of exotic species; conserve soil; protect riparian areas and ground
20 water; avoid toxic contamination; and preserve cultural sites. Integrated pest management
21 methods and pesticide use on and around livestock must comply with NPS pest management
22 policy in section 4. 4. 11. Livestock may be used as part of an integrated program to control
23 exotic plants.

24 The National Park Service must manage its resources in a manner that conserves them for future
25 generations. Park uses, including domestic and feral livestock, that may jeopardize the
26 sustainability of a park’s natural and cultural resources must be evaluated continuously.
27 Livestock, including trail stock, will be kept within the carrying capacity of the area to be used.
28 Managers must regulate livestock so that ecosystem dynamics, and the composition, condition,
29 and distribution of native plants and animal communities, are not significantly altered or
30 otherwise threatened, and cultural values are protected. Conflicts with public use and enjoyment
31 must be kept to a minimum.

32 The use of pack- in feed, preferably pellets, is encouraged for all recreational stock while on the
33 trail, and is required whenever grazing would have unacceptable impacts on a park’s resources.
34 When not being actively used for recreation in a park, livestock will either be removed from the
35 park or be confined within an appropriate corral or other structure, and it will be fed pelletized
36 feed or hay that is free of weed seeds. Livestock activities must be discontinued whenever they
37 would be disallowed by the criteria listed in section 8.2.

1 In parks with legislation that states that livestock use is administered by another agency, the
2 superintendent will work closely with the other agency to manage the amounts and types of use,
3 and to ensure that the best management practices are followed. Administration by another agency
4 does not release the NPS from its responsibility to ensure that the activity is managed in
5 compliance with the NPS mission and all applicable laws and policies.

6 **8.6.8.3 Management Plans**

7 Each park that allows domestic or feral livestock, including parks where the livestock use is
8 administered by another agency, will prepare a livestock management plan designed to sustain
9 and protect park resources and values. Restrictions will be placed on the amount and type of use
10 to protect resources and values, and to minimize conflicts with visitors. Particular attention will
11 be given to protecting wetland and riparian areas, sensitive species and their habitats, water
12 quality, and cultural resources. Natural and cultural resource protection will be given first
13 priority when determining livestock management priorities. A monitoring program must be
14 implemented, and will be used to detect change and adjust management to protect resources.

15 Plans will include an evaluation of impacts as directed by NEPA and NHPA. Benefits and
16 impacts must be carefully weighed. A rigorous assessment is especially important for areas with
17 unique natural and cultural resources, low precipitation, limited vegetation cover, water quality
18 concerns, highly erodable soils, or sensitive species. Areas that have been continuously grazed
19 for long periods, or that are in poor ecological health, will require special emphasis in the plan.
20 Until a plan is completed for livestock operations or recreational stock, environmental impact
21 analysis will be done when the permitting document is issued or renewed.

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