

Introduction

Law, Policy, and Other Guidance

This volume is the basic Service-wide policy document of the National Park Service. Adherence by NPS employees to policy is mandatory unless specifically waived or modified by the Secretary, the Assistant Secretary for Fish and Wildlife and Parks, or the Director.

In carrying out their responsibilities under the 1916 National Park Service¹ Organic Act and other pertinent statutes, all NPS officials and employees must be knowledgeable about the laws, regulations, and policies that pertain to their work. The property clause of the U.S. Constitution, which is the supreme law of the United States, gives Congress the authority to develop laws governing the management of the national park system. The property clause specifically directs that “The Congress will have the Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States” (article IV, section 3). Once laws are enacted, authority for interpreting and implementing them is delegated to appropriate levels of government. In carrying out this function, the National Park Service, like other federal agencies, develops policy to interpret the ambiguities of the law and to fill in the details left unaddressed by Congress in the statutes.

Hierarchy of Authorities

The management of the national park system and NPS programs is guided by the Constitution, public laws, treaties, proclamations, Executive orders, regulations, and directives of the Secretary of the Interior and the Assistant Secretary for Fish and Wildlife and Parks. NPS policy must be consistent with these higher authorities, and with appropriate delegations of authority. Many of the public laws and other guidance affecting the various facets of NPS administration and management are cited for reference purposes throughout these Management Policies. Other laws, regulations, and policies related to the administration of federal programs, although not cited, may also apply. For example, many, but not all, of the legislative requirements of the Alaska National Interest Lands Conservation Act (ANILCA) are cited at different places throughout these *Management Policies*. The additional legislative requirements of ANILCA, although not cited, must also be considered in the interpretation and application of these policies, as must all other applicable legislative requirements. It is especially important that superintendents and other park staff review their park’s enabling legislation to determine whether it contains explicit guidance that would prevail over Service-wide policy.

Policy Development

Policy sets the framework and provides direction for all management decisions. This direction may be general or specific; it may prescribe the process through which decisions are made, how an action is to be accomplished, or the results to be achieved. Policy initiatives may originate as

¹ The terms “National Park Service,” “Park Service,” “Service,” and “NPS” are used interchangeably in this document.

1 a sudden, urgent response to an unanticipated problem or issue, or through a slow, evolutionary
2 process as the Service gains increased experience or insight regarding a problem or issue.
3 Sometimes the initiative does not originate within the Service, but rather with persons or
4 organizations outside the Service who have a strong interest in how the Service manages the
5 parks. However, NPS policy is usually developed through a concerted workgroup and consensus-
6 building team effort involving extensive field review, consultation with NPS senior managers,
7 and review and comment by affected parties and the general public.

8 All policy must be articulated in writing and must be approved by an NPS official who has been
9 delegated authority to issue the policy. Policy must be published or otherwise made available to
10 the public—particularly those whom it affects—and those who must implement it in the
11 Washington office, regional offices, and parks. Unwritten or informal “policy,” and various
12 understandings of NPS traditional practices, will not be recognized as official policy.

13 **Compliance, Accountability and Enforceability**

14 Service-wide policy is articulated by the Director of the National Park Service. NPS employees
15 must follow these policies unless specifically waived or modified in writing by the Secretary, the
16 Assistant Secretary, or the Director. Waivers and modifications will be considered on a case-by-
17 case basis, and previous waivers or modifications will not necessarily be regarded as precedents
18 for future waivers or modifications. A request for a waiver or modification of policy must
19 include a written justification and be submitted to the Director through the Office of Policy,
20 which will coordinate with appropriate program offices.

21 The policies contained within this document are intended only to improve the internal
22 management of the National Park Service, and are not intended to, and do not, create any right or
23 benefit, substantive or procedural, enforceable at law or equity by a party against the United
24 States, its departments, agencies, instrumentalities or entities, its officers or employees, or any
25 other person. Park superintendents will be held accountable for their and their staff's, adherence
26 to Service-wide policy.

27 **The Directives System**

28 This volume of NPS *Management Policies* is the basic Service-wide policy document of the
29 National Park Service, superseding the 2001 edition. It is the highest of three levels of guidance
30 documents in the NPS Directives System. The Directives System is designed to provide NPS
31 management and staff with clear and continuously updated information on NPS policy and
32 required and/or recommended actions, as well as any other information that will help them
33 manage parks and programs effectively.

34 Management Policies will be revised at appropriate intervals to consolidate Service-wide policy
35 decisions, or to respond to new laws and technologies, new understandings of park resources and
36 the factors that affect them, or changes in American society. Interim updates or amendments may
37 be accomplished through Director's Orders (the second level of the Directives System), which
38 also serve as a vehicle to clarify or supplement the Management Policies to meet the needs of

NPS managers. Any previously dated statement of policy not consistent with these Management Policies, or with a Director's Order that updates, amends, or clarifies policy, is to be disregarded.

Under the Directives System, the most detailed and comprehensive guidance on implementing Service-wide policy is found in "level 3" documents, which are usually in the form of handbooks or reference manuals issued by associate directors. These documents provide NPS field employees with compilations of legal references, operating policies, standards, procedures, general information, recommendations, and examples to assist them in carrying out Management Policies and Director's Orders. Level 3 documents may not impose any new Service-wide requirements unless the Director has specifically authorized them to do so, but may reiterate or compile requirements (for example, laws, regulations, and policies) that have been imposed by higher authorities.

This document is intended to be read in its entirety. While certain chapters or sections provide important guidance by themselves, that guidance must be supplemented by the overriding principles listed below, which provide insight into the reading of this document. In addition there is an interrelationship among the chapters that provides for clarity and continuity for the management of the national park system. Also, the glossary contains important terms that apply throughout the document and should be incorporated into the reading of the document.

Whenever Management Policies are revised they should:

- comply with current laws, regulations and Executive orders,
- prevent impairment of park resources and values,
- assure that conservation will be predominant when there is a conflict between the protection of resources and their use,
- maintain NPS responsibility for making decisions and for exercising key authorities,
- emphasize consultation and cooperation with local/state/tribal/federal entities,
- support pursuit of the best contemporary business practices and sustainability,
- encourage consistency across the system —"one" National Park System,
- reflect NPS goals and a commitment to cooperative conservation and civic engagement,
- employ a tone that leaves no room for misunderstanding the NPS's commitment to the public's appropriate use and enjoyment, including education and interpretation, of park resources, while preventing unacceptable impacts,
- pass on to future generations natural, cultural and physical resources that meet desired conditions better than they do today, along with improved opportunities for enjoyment.

Other Sources of Guidance

Instructions, guidance, and directives of regional or otherwise-limited application supplementary to, and in conformance with, Service-wide policies may be issued by regional directors or associate directors within formal delegations of authority. Superintendents may issue, within formal delegations of authority, park-specific instructions, procedures, directives, and other supplementary guidance (such as hours of operation or dates for seasonal openings), provided the guidance does not conflict with Service-wide policy.

National Park Service Program Policies

This volume addresses only those policies applicable to management of the national park system. It does not address policies applicable to NPS-administered programs that serve the conservation and recreation needs of the nation, but are not directly related to the national park system. Examples include the National Register of Historic Places; the Land and Water Conservation Grants Program; the Historic American Buildings Survey; the American Battlefield Protection Program; the National Maritime Heritage Grants Program; the Rivers, Trails and Conservation Assistance Program; and the Tribal Heritage Preservation Grants Program.