



REFERENCES GLOSSARY, & INDEX



This page intentionally left blank.

## REFERENCES

Butterfliesandmoths.org

- N.D. Butterflies and Moths of North America, Collecting and Sharing Data About Lepidoptera. Hosted by the Big Sky Institute at Montana State University. Available on the internet at: <http://www.butterfliesandmoths.org/species/Callophrys-hesseli>.

Cely, John

- N.D. Black-throated Green Warbler (Wayne's race), *Dendroica virens waynei*. South Carolina Department of Natural Resources Fact Sheet. Available on the internet at: <http://www.dnr.sc.gov/cwcs/pdf/Blackthroatedgreenwarbler.pdf>.

Cook, Will

- 2011 Moundlily Yucca (*Yucca gloriosa*). Duke University. Updated March 5, 2011. Available on the internet at: <http://www.duke.edu/~cwcook/trees/yugl.html>.

Cowardin, L.M., V. Carter, F. C. Golet, and E. T. LaRoe

- 1979 Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior Fish and Wildlife Service Office of Biological Services. Washington, D.C. 20240.

Crumley, Brian T.

- 2005 Roanoke Island, 1865 to 1940, Special History Study. Prepared for the National Park Service, Southeast Regional Office, Atlanta, GA.

Culver S.F., C.A.G. Pre, D.J. Mallinson, S.R. Riggs, D.R. Corbett, J. Foley, M. Hale, L. Metger, J. Ricardo, C.G. Smith, C.W. Smith, S.W. Snyder, and D. Twamley

- 2007 "Late Holocene Barrier Island Collapse: Outer Banks, North Carolina, USA." *Sedimentary Record* 5:4–8.

Dare County, North Carolina

- 2010a Dare County Land Use Plan Update 2009. Adopted by the Dare County Board of Commissioners December 6, 2010. Certified by the NC Coastal Resources Commission on February 24, 2011 Available on the internet at: <http://www.darenc.com/Forms/LUSE/LUP.pdf>

- 2010b Dare County Community Transportation Service Plan, Final Plan. April 2010. Available on the Internet at: <http://www.ncdot.org/nctransit/download/CTSP/Dare.pdf>.

- 2011 Roanoke Island Water System Expansion Project. Dare County Water Department. Updated July 1, 2011. Available on the internet at: <http://www.darenc.com/water/RIWaterExpansionProject/RIWSEPInformation.htm>

Dodd , Kenneth C.

- 1992 Loggerhead sea turtle *Caretta caretta*. In *Rare and Endangered Biota of Florida*, Vol. III. Amphibians and Reptiles. Paul E. Moler, ed. Ray E. Ashton, series ed. University Press of Florida. Gainesville, FL.

Federal Emergency Management Agency

- 2006 Flood Insurance Rate Map, Panels 9860, 9870 and 9871.

- September 20, 2006. Available on the Internet at: [www.ncfloodmaps.com](http://www.ncfloodmaps.com).
- First Colony Foundation
- 2011 The First Colony Foundation. Accessed June, 2011. Available on the internet at: [www.firstcolonyfoundation.org](http://www.firstcolonyfoundation.org).
- Fussell, John
- 1997a Survey for Special Status Birds within Fort Raleigh National Historic Site, Final Report. October 15, 1997. Conducted by John Fussell, Contract Biologist for the U.S. Park Service.
- 1997b Survey for Special Status Plants within Fort Raleigh National Historic Site, Final Report. October 18, 1997. Conducted by John Fussell, Contract Biologist for the U.S. Park Service.
- Intergovernmental Panel on Climate Change
- 2007 Climate Change 2007: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change, M.L. Parry, O.F. Canziani, J.P. Palutikof, P.J. van der Linden and C.E. Hanson, Eds., Cambridge University Press, Cambridge, UK.
- Karl, T. R., J.M. Melillo, and T.C. Peterson
- 2009 Global Climate Change Impacts in the United States. US Climate Change Science Program and NOAA. Cambridge University Press, Cambridge, England. <http://www.globalchange.gov/publications/reports/scientificassessments/us-impacts>.
- Keel, Bennie C., John E. Cornelison, Jr., and David M. Brewer
- 1996 Regionwide Archeological Survey Plan: Southeast Field Area, National Park Service. Southeast Archeological Center, National Park Service, Tallahassee.
- Loehman, Rachel and Greer Anderson
- 2009 Understanding the Science of Climate Change Talking Points: Impacts to the Atlantic Coast. Available on the internet at: <http://www.nature.nps.gov/climatechange/docs/AtlanticCoastTP.pdf>
- Lopazanski, Michael J., Jonathan P. Evans, and Richard E. Shaw
- 1988 An Assessment of Maritime Forest Resources on the North Carolina Coast. NC Division of Coastal Management.
- Meehl, G. A., T. F. Stocker, W. D. Collins, P. Friedlingstein, A. T. Gaye, J. M. Gregory, A. Kitoh, R. Knutti, J. M. Murphy, A. Noda, S. C. B. Raper, I. G. Watterson, and Z. -C. Zhao.
- 2007 Global Climate Projections. in Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K. B. Averyt, M. Tignor, and H. L. VIOS Geologic Resources Inventory Report 29 Miller, editors. Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change. Cambridge University Press, Cambridge, United Kingdom and New York, New York, USA. <http://www.ipccwg1.unibe.ch/publications/wg1-ar4/wg1-ar4.html> (accessed July 12, 2010.).
- National Centers for Coastal Ocean Science
- 2011 North Carolina Sea Level Rise, Introduction to the North Carolina Project. National

## References

- Centers for Coastal Ocean Science. Updated February 16, 2011. Available on the internet at <http://www.cop.noaa.gov/stressors/climatechange/current/slr/overview.aspx>.
- National Marine Fisheries Service
- 1998 Recovery Plan for the Shortnose Sturgeon (*Acipenser brevirostrum*). Prepared by the Shortnose Sturgeon Recovery Team for the National Marine Fisheries Service, Silver Spring, Maryland. 104 pages. Available on the internet at: [http://www.fws.gov/ecos/ajax/docs/recovery\\_plan/sturgeon\\_shortnose\\_1.pdf](http://www.fws.gov/ecos/ajax/docs/recovery_plan/sturgeon_shortnose_1.pdf).
- 2005 Loggerhead sea turtle, *Caretta caretta*, species account. Available on the internet at [http://www.nmfs.noaa.gov/prot\\_res/species/turtles/loggerhead.html](http://www.nmfs.noaa.gov/prot_res/species/turtles/loggerhead.html).
- National Park Service
- 1978 National Register of Historic Places Inventory - Nomination Form: Lane's New Fort In Virginia / Cittie of Raleigh. Prepared by Ronald G. Warfield for the National Park Service, Cape Hatteras National Seashore. Available on the Internet at: <http://pdfhost.focus.nps.gov/docs/NRHP/Text/66000102.pdf>
- 1992 Fort Raleigh National Historic Site Nomination to the National Register of Historic Places. National Park Service, Washington, D.C., Ms on file National Park Service, Southeast Archeological Center, Tallahassee. 1994 Revised Statement for Management: Basic Operations Statement for Fort Raleigh National Historic Site, North Carolina.
- 1999 National Register of Historic Places Registration Form: Fort Raleigh National Historic Site. Prepared by Christine Trebellas and William Chapman for the National Park Service, Southeast Support Office. Available on the Internet at: <http://pdfhost.focus.nps.gov/docs/NRHP/Text/66000102.pdf>
- 2000 Fort Raleigh National Historic Site Resource Management Plan. On file, Southeast Archeological Center, National Park Service, Tallahassee.
- 2001 NPS Outer Banks Group Fire Management Plan, Including: Cape Hatteras National Seashore, Fort Raleigh National Historic Site, and Wright Brothers National Memorial. April 2001.
- 2002 Outer Banks Group Parks Visitor Study, Summer 2002. Prepared by the University of Idaho, Park Studies Unit and the National Park Service. Published December 2003. On file at Fort Raleigh National Historic Site, Manteo, NC.
- 2003a Wetlands in the National Parks. Available on the Internet at: <http://www.nature.nps.gov/water/wetlbro.cfm>
- 2003b Press Release: A Weekend of Freedmen's History. Issued by the National Park Service, Outer Banks Group. February 10, 2003.
- 2003c Fort Raleigh National Historic Site Visitor Study Summer 2002, Report 136b conducted by the University of Ohio Park Studies Unit.
- 2006a Management Policies, 2006. Washington, D.C.: National Park Service.

*Fort Raleigh National Historic Site  
Final General Management Plan / Environmental Impact Statement*

2006b	Strategic Plan for Fort Raleigh National Historic Site, October 1, 2006 – September 30, 2011.	Statement. United States Department of The Interior, National Park Service.
2007	Fort Raleigh National Historic Site Project Management Information System - record number 16702.	2011a Shoreline Erosion at Culturally Significant Sites Fort Raleigh National Historic Site Report for 2010 TAR # 119.
2008a	Fort Raleigh NHS, 2008 Visitor Survey Card Data Report. Prepared by the University of Idaho Park Studies Unit for the National Park Service, Department of the Interior.	2011b Ethnographic Resources. Available on the Internet at: <a href="http://www.nps.gov/ethnography/parks/resources/index.htm">http://www.nps.gov/ethnography/parks/resources/index.htm</a> .
2008b	Nationwide Survey of Acoustical Environments in Parks. Fall 2008. Outer Banks Group Survey Response.	2011c Preservation Brief 36: Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes. Available on the Internet at: <a href="http://www.nps.gov/hps/tps/briefs/brief36.htm">http://www.nps.gov/hps/tps/briefs/brief36.htm</a> .
2010a	Fort Raleigh National Historic Site Long Range Interpretive Plan. Prepared by Fort Raleigh National Historic Site, Harpers Ferry Center Interpretive Planning, and Ecos Environmental Design, Inc. May 2010.	2011d The Freedmen's Colony on Roanoke Island. Available on the Internet at: <a href="http://www.nps.gov/fora/historyculture/freedmenscolony.htm">http://www.nps.gov/fora/historyculture/freedmenscolony.htm</a> .
2010b	Species of Management Concern, Fort Raleigh National Historic Site, FY10 Species Data. GPR A Goal Ia2B.	2011e Fort Raleigh National Historic Site, Visitor Statistics. National Park Service Public Use Statistics Office. Available on the internet at: <a href="http://www.nature.nps.gov/stats/viewReport.cfm">http://www.nature.nps.gov/stats/viewReport.cfm</a> .
2010c	National Park Service Cultural Landscape Inventory, Fort Raleigh National Historic Site. May 2010. National Park Service, United States Department of the Interior.	2011f News Release – NPS Establishes Fire Breaks Adjacent to Fort Raleigh National Historic Site, May 24, 2011.
2010d	Southeast Coast Exotic Plant Management Team Summary (Calendar Year 2010). Cape Hatteras National Seashore, Fort Raleigh National Historic Site, and Wright Brothers National Memorial. United States Department of the Interior, National Park Service.	NatureServe
		2010 NatureServe Explorer, An Encyclopedia of Life. Updated August 2010. Available on the internet at: <a href="http://www.natureserve.org/explorer/index.htm">http://www.natureserve.org/explorer/index.htm</a> .
2010e	Final Cape Hatteras National Seashore Off-Road Vehicle Management Plan / Environmental Impact	North Carolina Coastal Resources Commission
		2010 North Carolina Sea-Level



## References

- Rise Assessment Report, March 2010. Prepared by the N.C. Coastal Resources Commission's Science Panel on Coastal Hazards.
- North Carolina Department of Crime Control and Public Safety
- 2008 North Carolina Floodplain Management: 2008 Quick Guide. Available on the Internet at: <http://www.nccrimecontrol.org>.
- North Carolina Division of Coastal Management
- 2006 Recommendations for Appropriate Shoreline Stabilization Methods for the Different North Carolina Estuarine Shoreline Types. Prepared by North Carolina Estuarine Biological and Physical Processes Work Group and North Carolina Division of Coastal Management, August 2006.
- 2009 Estuarine Shoreline Stabilization: Stabilization Options. August 6, 2009. Available on the Internet at: <http://www.nccoastalmanagement.net/estuarineshoreline/options.html>.
- North Carolina Natural Heritage Program
- N.D. North Carolina Natural Heritage Program. North Carolina Department of Environment and Natural Resources. Available on the internet at: <http://www.ncnhp.org/index.html>.
- 2001 Guide to Federally Listed Endangered and Threatened Species of North Carolina. North Carolina natural Heritage Program, Division of Parks and Recreation, North Carolina department of Environment and Natural Resources. Available on the internet at: <http://www.ncnhp.org/Images/Federal%20E&T%20NC-5.pdf>.
- 2011 2-mile Radius Search, NC Natural Heritage Program Virtual Workroom. GIS Data Sources: NCNHP, CGIA, NCDOT, USGS. Updated March 30, 2011. Available on the internet at: [http://nhpweb.enr.state.nc.us/public/forms/eo/eo\\_py\\_eo\\_select.phtml?showOnMap=1&srId=32119&X=906042.2954510034&Y=247301.0382938&scaleX=17.016687298333273&scaleY=17.007217800000024&mapID=&select\\_type=point\\_info&which\\_layer=grp\\_eo\\_py&browse\\_target\\_window=&browse\\_source\\_window=&browse\\_field0=&browse\\_field1=&browse\\_field2=&browse\\_field3=&browse\\_db\\_column0=&browse\\_db\\_column1=&browse\\_db\\_column2=&browse\\_db\\_column3=](http://nhpweb.enr.state.nc.us/public/forms/eo/eo_py_eo_select.phtml?showOnMap=1&srId=32119&X=906042.2954510034&Y=247301.0382938&scaleX=17.016687298333273&scaleY=17.007217800000024&mapID=&select_type=point_info&which_layer=grp_eo_py&browse_target_window=&browse_source_window=&browse_field0=&browse_field1=&browse_field2=&browse_field3=&browse_db_column0=&browse_db_column1=&browse_db_column2=&browse_db_column3=).
- Prentice, G., and L. Groh
- 2010 Fort Raleigh National Historic Site Archeological Overview and Assessment. Prepared for the National Park Service, Southeast Archeological Center, Tallahassee, FL.
- Riggs, S.R., and D.V. Ames
- 2003 Drowning the North Carolina Coast: Sea-Level Rise and Estuarine Dynamics. North Carolina Sea Grant College Program Pub. No. UNC-SG-03-04. 152 pp.
- Riggs, S.R., D.V. Ames, S.J. Culver, D.J. Mallinson, D.R. Corbett, and J.P. Walsh
- 2009 "Eye of a Human Hurricane:

Pea Island, Oregon Inlet, and Bodie Island, Northern Outer Banks, North Carolina.” In *America’s Most Vulnerable Coastal Communities: Geological Society of America Special Paper 460*, ed. F.T. Kelley, O.H. Pilkey, and J.A.G. Cooper, 43–72. DOI: 10.1130/2009.2460(04).

Schafale, Mike

- 2010 Site Survey Report, Fort Raleigh Maritime Forest and Vicinity. September 24, 2010.

Snakes and Spiders

- 2011 Timber Rattlesnakes – Facts and Snake Identification. Accessed July 25, 2011. Available on the internet at: <http://www.snakesandspiders.com/timber-rattlesnake-facts-and-snake-identification/>.

Trebellas, Christine and William Chapman

- 1999 Fort Raleigh National Historic Site, Historic Resource Study. Prepared for the National Park Service, Southeast Regional Office, Atlanta, GA.

United States Army Corps of Engineers

- 1979 US Army Corps of Engineers Wetlands Delineation Manual. Available on the Internet at: <http://www.wetlands.com/regs/tlpge02e.htm>.

United States Department of Agriculture

- 2003 Gypsy Moth: Slow the Spread Program, Factsheet. April 2003. Available on the internet at: [http://www.aphis.usda.gov/publications/plant\\_health/content/printable\\_version/fs\\_phgmprogress.pdf](http://www.aphis.usda.gov/publications/plant_health/content/printable_version/fs_phgmprogress.pdf).

United States Department of Interior

- 2010 Cooperative Agreement between National Park Service, Outer Banks Group Fort Raleigh National Historic Site and Roanoke Island Historical Association, Inc. Agreement No. H5191100020.

United States Fish and Wildlife Service

- 2010 Endangered Species, Threatened Species, Federal Species of Concern, and Candidate Species, Dare County, North Carolina. Updated: 09-22-2010. Available on the internet at: <http://www.fws.gov/nc-es/es/cntylist/dare.html>.
- 2011a National Wetland Inventory Maps. Available on the Internet at: <http://fws.gov/nwi>.
- 2011b Species of Concern. U.S. Fish and Wildlife Service, Ecological Services Midwest Region. Available on the internet at: [http://www.fws.gov/midwest/eco\\_serv/soc/index.html](http://www.fws.gov/midwest/eco_serv/soc/index.html).

United States Office of Coast Survey

- 2011 Sea Level Rise Modeling. Accessed August 4, 2011. Available on the internet at: <http://www.nauticalcharts.noaa.gov/csdl/sealevelrise.html>.

Vorhees, Philip H. and Lindsay Krey

- 1999 Prevalence and severity of overflights on U.S. National Parks: Results of the 1998 survey of national park superintendents. *Institute of Noise Control Engineering. Noise Control Engineering Journal* 47 (3), 1999 May-June.



## GLOSSARY OF TERMS

The controlling definitions for terms under the President's Council on Environmental Quality National Environmental Policy Act regulations are contained at 40 Code of Federal Regulations; the numbers in parentheses refer to the appropriate section. These definitions are provided as a supplement to those regulatory definitions.

**Access** — a way or means of approaching. Access may or may not be a road.

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

**Archeological resource** — any material remains or physical evidence of past human life or activities which are of archeological interest, including the record of the effects of human activities on the environment. An archeological resource is capable of revealing scientific or humanistic information through archeological research.

**Carrying capacity** — the maximum population of a particular species that a particular region can support without hindering future generations' ability to maintain the same population. A visitor, or user, carrying capacity is the type and level of use that can be accommodated while sustaining the desired resource and visitor experience conditions.

**Categorical exclusion** (1508.4)—an action with no measurable environmental impact which is described in one of the categorical exclusion lists in section 3-3 or 3-4 and for which no exceptional circumstances (section 3-5) exist.

**Climate** — in a narrow sense is usually defined as the "average weather," or more rigorously, as the statistical description in terms of the mean and variability of 13 relevant quantities over a period of time ranging from months to thousands or 14 millions of years. The classical period is 30 years, as defined by the World 15 Meteorological Organization. These quantities are most often surface variables such 16 as temperature, precipitation, and wind. Climate in a wider sense is the state, 17 including a statistical description, of the

climate system.

**Climate change** — refers to a statistically significant variation in either the mean state of 20 the climate or in its variability, persisting for an extended period (typically decades or 21 longer). Climate change may be due to natural internal processes or external 22 forcings, or to persistent anthropogenic changes in the composition of the atmosphere 23 or in land use.

**Connected actions** (1508.25) — actions that are closely related. They automatically trigger other actions that have environmental impacts, they cannot or will not proceed unless other actions have been taken previously or simultaneously, or they are interdependent parts of a larger action and/or depend on the larger action for their justification.

**Conservation planning and impact assessment** — within the National Park Service, this process is synonymous with the National Environmental Policy Act process. This process evaluates alternative courses of action and impacts so that decisions are made in accord with the conservation and preservation mandate of the NPS Organic Act.

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

**Cooperating agency** (1508.5) — a federal agency other than the one preparing the National Environmental Policy Act document (lead agency) that has jurisdiction over the proposal by virtue of law or special expertise and that has been deemed a cooperating agency by the lead agency. State or local governments, and/or Indian tribes, may be designated cooperating agencies as appropriate (see 1508.5 and 1502.6).

**Critical habitat** — specific areas within a geographical area occupied by a threatened or endangered species which contain those physical or biological features essential to the conservation of the species, and

which may require special management considerations or protection; and specific areas outside the geographical area occupied by the species at the time of its listing, upon a determination by the Secretary of the Interior that such areas are essential for the conservation of the species. (See 16 USC 1342)

**Cultural resources** (NPS-28, appendix A) — aspects of a cultural system that are valued by or significantly representative of a culture or that contain significant information about a culture. A cultural resource may be a tangible entity or a cultural practice. Tangible cultural resources are categorized as districts, sites, buildings, structures, and objects for the National Register of Historic Places, and as archeological resources, cultural landscapes, prehistoric and historic structures, museum objects, and ethnographic resources for NPS management purposes.

**Cultural landscape** — a geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person, or exhibiting other cultural or esthetic values. There are four non-mutually exclusive types of cultural landscapes: historic sites, historic designed landscapes, historic vernacular landscapes, and ethnographic landscapes.

**Cumulative actions** (1508.25) — actions that, when viewed with other actions in the past, the present, or the reasonably foreseeable future, regardless of who has undertaken or will undertake them, have an additive impact on the resource the proposal would affect.

**Cumulative impact** (1508.7) — the impacts of cumulative actions.

**Desired conditions** — a park's natural and cultural resource conditions that the NPS aspires to achieve and maintain over time, and the conditions necessary for visitors to understand, enjoy, and appreciate those resources. These conditions are identified through a park's planning process.

**Developed area** — an area managed to provide and maintain facilities (e.g., roads, campgrounds, housing) serving visitors and

park management functions. Includes areas where park development or intensive use may have substantially altered the natural environment or the setting for culturally significant resources.

**Direct effect** (1508.8) — an impact that occurs as a result of the proposal or alternative in the same place and at the same time as the action.

**Environmental assessment (EA)** (1508.9) — a brief National Environmental Policy Act document that is prepared to (a) help determine whether the impact of a proposal or alternatives could be significant; (b) aid the National Park Service in compliance with the National Environmental Policy Act by evaluating a proposal that will have no significant impacts, but that may have measurable adverse impacts; or (c) evaluate a proposal that either is not described on the list of categorically excluded actions, or is on the list but exceptional circumstances (section 3-5) apply.

**Environmental impact statement** (1508.11) — a detailed National Environmental Policy Act document that is prepared when a proposal or alternatives have the potential for significant impact on the human environment.

**Environmental screening process** — the analysis that precedes a determination of the appropriate level of National Environmental Policy Act documentation. The minimum requirements of the environmental screening process are a site visit, consultation with any agency that has jurisdiction by law or special expertise, and the completion of a screening checklist. The process must be complete for all NPS actions that have the potential for environmental impact and are not described in section 3-3.

**Environmentally preferable alternative** (1505.2, Q6a) — of the alternatives analyzed, the one that would best promote the policies in the National Environmental Policy Act section 101. This is usually selected by the interdisciplinary team members. It is presented in the NPS National Environmental Policy Act document (draft and final environmental assessment or

environmental impact statement) for public review and comment.

**Ethnographic landscape** — an area containing a variety of natural and cultural resources that traditionally associated people define as heritage resources. The area may include plant and animal communities, structures, and geographic features, each with their own special local names.

**Ethnographic resources** — objects and places, including sites, structures, landscapes, and natural resources, with traditional cultural meaning and value to associated peoples. Research and consultation with associated people identifies and explains the places and things they find culturally meaningful. Ethnographic resources eligible for the National Register of Historic Places are called traditional cultural properties.

**Exceptional circumstances** — circumstances that, if they apply to a project described in the NPS categorical exclusion lists (sections 3-3 and 3-4), mean a categorical exclusion is inappropriate and an environmental assessment or an environmental impact statement must be prepared because the action may have measurable or significant impacts. Exceptional circumstances are described in section 3-5.

**Finding of no significant impact (FONSI)** (1508.13) — a determination based on an environmental assessment and other factors in the public planning record for a proposal that, if implemented, would have no significant impact on the human environment.

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

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

**Greenhouse gases** — gaseous constituents of the atmosphere, both natural and 3

anthropogenic, that absorb and emit radiation at specific wavelengths within the 4 spectrum of infrared radiation emitted by the Earth's surface, the atmosphere and 5 clouds. This property causes the greenhouse effect. Water vapor (H<sub>2</sub>O), carbon 6 dioxide (CO<sub>2</sub>), nitrous oxide (N<sub>2</sub>O), methane (CH<sub>4</sub>) and ozone (O<sub>3</sub>) are the primary 7 greenhouse gases in the Earth's atmosphere. Beside CO<sub>2</sub>, N<sub>2</sub>O and CH<sub>4</sub>, the Kyoto 8 Protocol deals with the greenhouse gases sulphur hexafluoride (SF<sub>6</sub>), 9 hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs).

**Historic property** — a district, site, building, structure, or object significant in the history of American archeology, architecture, culture, engineering, or politics at the national, state, or local level.

**Human environment** (1508.14) — defined by the Council on Environmental Quality as the natural and physical environment, and the relationship of people with that environment (1508.14). Although the socioeconomic environment receives less emphasis than the physical or natural environment in the Council on Environmental Quality regulations, the National Park Service considers it an integral part of the human environment.

**Impact** — the likely effect of an action or proposed action upon specific natural resources, cultural resources, socioeconomic, visitor use and experiences, or park operations. Impacts may be direct, indirect, individual, cumulative, beneficial, or adverse. (Also see Unacceptable impacts.)

**Impact topics** — specific natural, cultural, or socioeconomic resources that would be affected by the proposed action or alternatives (including no-action). The magnitude, duration, and timing of the effect to each of these resources are evaluated in the impact section of an environmental assessment or environmental impact statement.

**Impairment** — an impact that, in the professional judgment of a responsible NPS manager, would harm the integrity of park resources or values and violate the 1916 NPS Organic Act's mandate that park resources

and values remain unimpaired.

**Implementation plan** — a plan that focuses on how to implement an activity or project needed to achieve a long-term goal. An implementation plan may direct a specific project or an ongoing activity.

**Indirect impact** (1508.8) — reasonably foreseeable impacts that occur removed in time or space from the proposed action. These are “downstream” impacts, future impacts, or the impacts of reasonably expected connected actions (e.g., growth of an area after a highway to it is complete).

**Interpretation** — the translation of scientific and academic information about park resources into forms that are meaningful to the public, helping them understand and appreciate their natural and cultural heritage.

**Issues** — in the National Environmental Policy Act, issues are environmental, social, and economic problems or effects that may occur if the proposed action or alternatives (including no-action) are implemented or continue to be implemented.

**Law** — The U.S. Congress directs the National Park Service and other federal agencies to carry out certain activities or to achieve certain conditions that it specifies in laws. The National Park Service must comply with these laws and may be sued in court for failure to comply.

**Lead agency** (1508.16) — the agency either preparing or taking primary responsibility for preparing the National Environmental Policy Act document.

**Life Cycle Costing (Analysis)** — an accounting method that analyzes the total costs of a product or service, including construction, maintenance, manufacturing, marketing, distribution, useful life, salvage, and disposal.

**Management prescriptions** — a planning term referring to statements about desired resource conditions and visitor experiences, along with appropriate kinds and levels of management, use, and development for each park area.

**Management zone** — an area with a park that will be managed distinctively from other areas, to achieve different resource

conditions and visitor experiences.

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

**Major federal action** (1508.18) — actions that have a large federal presence and that have the potential for significant impacts to the human environment. They include adopting policy, implementing rules or regulations; adopting plans, programs, or projects; ongoing activities; issuing permits; or financing projects completed by another entity.

**Memo to file** — a memo to the planning record or statutory compliance file that NPS offices may complete when (a) National Environmental Policy Act has already been completed in site-specific detail for a proposal, usually as part of a document of larger scope, or (b) a time interval has passed since the National Environmental Policy Act document was approved, but information in that document is still accurate.

**Mitigated Environmental Assessment** (Q40) — an environmental assessment that has been rewritten to incorporate mitigation into a proposal or to change a proposal to reduce impacts to below significance.

**Mitigation** (1508.20) — a modification of the proposal or alternative that lessens the intensity of its impact on a particular resource.

**Native American** — of or relating to, a tribe, people, or culture that is or was indigenous to the United States.

**National Environmental Policy Act process** — the objective analysis of a proposal to determine the degree of its environmental and interrelated social and economic impacts on the human environment, alternatives and mitigation that reduce that impact, and the full and candid presentation of the analysis to, and involvement of, the interested and affected public.



**NPS Preferred Alternative (1502.14 (e))** — the alternative identified as preferred at the draft environmental impact statement stage or environmental assessment. Identification of the NPS Preferred Alternative helps the public focus its comments during review of the National Environmental Policy Act document.

**Natural Resources** — the ecological features of a park, such as geologic forms and processes, communities of native plants and animals and the processes that sustain them (natural succession, natural fire, natural flood/drought cycles, etc.), air quality and air quality related values such as visibility, water bodies and hydrologic processes, and paleontological remains.

**Notices of availability** — separate notices submitted to the Federal Register that the draft environmental impact statement and the final environmental impact statement are ready for distribution.

**Notice of intent (1508.22)** — the notice submitted to the Federal Register that an environmental impact statement will be prepared. It describes the proposed action and alternatives, identifies a contact person in the National Park Service, and gives time, place, and descriptive details of the agency's proposed scoping process.

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

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

**Park** — any one of the hundreds of areas of land and water administered as part of the national park system. The term is used interchangeably in this document with “unit,” “park unit,” and “park area.”

**Park purpose** — the reasons why a park is so important that it has been set aside as a unit of the national park system.

**Park significance** — the relative international, national, or regional importance of the resources that contributed to the park's addition to the national park system.

**Plan** — the documentation of a decision or decisions and all the factors that were considered during the decision making. The National Park Service produces four kinds of plans: general management plans, strategic plans, implementation plans, and annual performance plans. Each of these is described separately in the glossary.

**Planning** — structured decision making.

**Policy** — The National Park Service establishes specific criteria and produces for how it will conduct its activities and carry out its mission. These policies apply to all NPS activities in all units of the National Park System. Park managers must comply with NPS policies, and the National Park Service may be sued in court for failure to comply with its own policies.

**Preservation** — for the purposes of the Secretary of the Interior's Standards for the Treatment of Historic Properties, preservation means the act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property.

**Programmatic documents** — broader scope environmental assessments or environmental impact statements that describe the impacts of proposed policy changes, programs, or plans.

**Proposal (1508.23)** — the stage at which the National Park Service has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal. The goal can be a project, plan, policy, program, and so forth. The National Environmental Policy Act process begins when the effects can be meaningfully evaluated.

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

**Record of decision** (1505.2) — the document that is prepared to substantiate a decision based on an environmental impact statement. It includes a statement of the decision made, a detailed discussion of decision rationale, and the reasons for not adopting all mitigation measures analyzed, if applicable.

**Regulation** — Federal agencies establish specific criteria and procedures for how they will comply with laws. These regulations must be reviewed and approved through a formal process, then they are compiled in the Code of Federal Regulations (CFR). The National Park Service must comply with all applicable federal regulations, including those promulgated by other agencies having legal jurisdiction over certain aspects of all federal activities, and it may be sued in court for failure to comply.

**Resource** — something of value (an asset). Park managers often speak in terms of aesthetic, cultural, and natural resources of parks, meaning the parks' major features. [See also aesthetic resource, cultural resource, and natural resource.] The term is also used less frequently to describe the funding and manpower available to managers.

**Road** — a way made for traveling between places. A road is a more formal means of providing access and can vary in type and quality of surface and can vary in width. Roads are generally intended for vehicular access, while access may be by vehicle or pedestrian mode.

**Sacred sites** — certain natural and cultural resources treated by American Indian tribes and Alaska Natives as sacred places having established religious meaning, and as locales of private ceremonial activities.

**Scoping** (1508.25) — internal NPS decision-making on issues, alternatives, mitigation measures, the analysis boundary, appropriate level of documentation, lead and cooperating agency roles, available references and guidance, defining purpose and need, and so forth. External scoping is the early involvement of the interested and affected public.

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

**Stakeholder** — an individual, group or other entity that has a strong interest in decisions concerning park resources and values. Stakeholders may include, for example, recreational user groups, permittees, and concessioners. In the broadest sense, all Americans are stakeholders in the national parks.

**Strategic Plan** — a plan describing what a park staff hopes to achieve within the next six years. These plans, required by the Government Performance and Results Act, should include measureable results oriented goals that the park staff can use to prioritize work and measure progress.

**Superintendent** — the senior on-site NPS official in a park. Used interchangeably with “park superintendent,” “park manager,” or “unit manager.”

**Tiering** (1508.28) — the use of broader, programmatic National Environmental Policy Act documents to discuss and analyze cumulative regional impacts and define policy direction, and the incorporation by reference of this material in subsequent, narrower documents to avoid duplication and focus on issues “ripe for decision” in each case.

**Unauthorized trail** — visitor established trail not approved or maintained by the National Park Service and subject to closure due to safety and resource concerns.

**Vessel** — under 36 Code of Federal Regulations 1.4, vessels are defined as every type or description of craft, other than a seaplane on the water, used or capable of being used as a means of transportation on water, including a buoyant device permitting or capable of free flotation.

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



## INDEX

### A

Air quality 39, 79, 235, 254, 255

American Indians 39

### B

Boundary adjustments 71

### C

Cultural landscapes 30, 228

Cultural resources iii, iv, x, xii, xiii, xiv, xvii, xviii, xix, 3, 12, 14, 15, 20, 21, 22, 26, 29, 34, 36, 38, 43, 50, 51, 52, 53, 54, 55, 57, 66, 70, 74, 76, 77, 79, 81, 84, 99, 100, 117, 118, 124, 125, 132, 133, 141, 142, 144, 146, 165, 166, 167, 168, 169, 170, 179, 189, 190, 193, 195, 196, 200, 201, 232, 233, 236, 255, 261, 262

### D

Desired conditions xix, 23, 24, 25, 47, 48, 49, 71, 72, 76, 81, 190, 232

### E

Environmental Justice 40

Erosion iv, v, viii, ix, xii, xiii, xiv, xvi, xvii, 24, 26, 35, 37, 38, 53, 57, 60, 61, 65, 66, 70, 71, 75, 78, 79, 80, 81, 82, 93, 101, 102, 103, 107, 108, 117, 124, 125, 127, 128, 129, 130, 133, 135, 136, 138, 147, 148, 151, 154, 155, 158, 159, 160, 161, 167, 168, 170, 171, 177, 178, 179, 183, 185, 189, 190, 193, 195, 233

Ethnographic resources xiv, xv, xvii, 30, 36, 77, 81, 118, 120, 125, 127, 165, 166, 173, 174, 175, 176, 201, 228, 232, 233

### F

Fire v, 27, 34, 41, 42, 51, 52, 53, 54, 60, 78, 80, 81, 135, 155, 160, 161, 168, 177, 190, 227, 228, 235

Floodplains xiii, xv, xvi, 25, 36, 101, 102, 111, 146, 147, 148, 149, 150, 261

### H

Historic structures xiv, xv, xvi, xvii, xviii, 32, 36, 118, 121, 123, 129, 130, 166, 178, 179, 182, 183, 184, 195, 201, 232

### I

Interpretation i, iii, iv, vi, vii, ix, x, xiii, xiv, xv, xvi, xvii, xviii, 6, 11, 13, 31, 32, 35, 36, 60, 61, 62, 64, 66, 67, 73, 80, 82, 83, 86, 93, 118, 121, 127, 129, 130, 133, 134, 137, 138, 156, 160, 163, 164, 166, 168, 169, 172, 173, 174, 175, 176, 178, 179, 180, 181, 183, 184, 186, 188, 189, 191, 195, 200, 221, 232, 234, 253, 258

Interpretive themes iv, v, ix, x, xi, xv, xviii, 11, 15, 16, 48, 50, 60, 66, 69, 145, 186, 191

Invasive species xiv, 78, 156, 157, 158, 160, 161, 162, 163, 164, 177, 179, 191, 259

### M

Maritime forest xiv, 108, 115, 117, 156, 161, 162, 164, 190, 226, 230

Monument vii, x, 8, 12, 15, 62, 67, 108, 127, 129, 137

Museum collections xiv, xv, xvi, xvii, xviii, 13, 14, 22, 31, 36, 77, 129, 135, 165, 180, 181, 182, 193, 262

### N

National Environmental Policy Act iv, xiii, 3, 9, 23, 24, 27, 29, 30, 32, 34, 36, 37, 43, 47, 48, 57, 76, 81, 82, 85, 99, 141, 142, 144, 147, 151, 154, 159, 161, 165, 166, 168, 177, 183, 190, 195, 196, 231, 232, 234, 235, 236, 254, 261, 262

National Historic Preservation Act v, xiii, 12, 22, 29, 30, 32, 56, 60, 76, 141, 142, 165, 170,

172, 201, 253, 258

National Register of Historic Places 12, 29, 30, 32, 36, 74, 121, 123, 124, 130, 142, 165, 166, 170, 177, 227, 232, 233, 254

Natural resources iii, iv, xv, xvi, xix, 3, 10, 12, 14, 16, 24, 25, 26, 27, 28, 35, 38, 50, 52, 54, 56, 57, 77, 82, 84, 99, 101, 127, 132, 137, 141, 150, 188, 195, 201, 222, 225, 229, 232, 233, 235, 236, 258, 260

## P

Parking vi, vii, ix, x, xii, xiii, xv, xviii, 6, 8, 36, 37, 39, 40, 51, 52, 53, 55, 62, 64, 65, 67, 70, 73, 74, 75, 93, 101, 114, 123, 128, 136, 149, 157, 168, 170, 171, 178, 179, 185, 191, 192, 194

Partner iii, vi, vii, viii, x, xi, xii, xvii, 8, 21, 50, 51, 52, 53, 55, 61, 62, 64, 67, 69, 70, 83, 93, 132, 172, 184, 192

Planning process 8, 9, 10, 15, 23, 36, 37, 42, 85, 199, 200, 201, 232

Purpose and need 3, 23, 199, 236

## R

Regional Plans 39, 41

## S

Section 7 107, 154, 201, 256

Section 106 165, 166, 167, 171, 173, 175, 176, 177, 179, 180, 182, 184, 201, 254

Significant Natural Heritage Area xiv, 12, 15, 38, 115, 161, 162, 164, 190

Soils 24, 39, 102, 167

Soundscape 15, 33, 37, 77, 146, 236, 262

Sustainability 76, 84, 144, 195

## T

Threatened and endangered species 27, 43, 201

Traffic xv, 39, 73, 75, 80, 116, 131, 145, 146, 156, 161, 185, 186, 191

Trails vi, vii, viii, x, xii, xiii, xiv, xvii, xviii, 15, 51, 54, 62, 64, 67, 70, 73, 74, 75, 76, 78, 79, 80, 131, 132, 137, 138, 150, 152, 153, 155, 158, 160, 163, 164, 170, 171, 177, 179, 187, 188, 192, 193, 194

## U

User capacity 9, 48, 71, 72, 73, 76, 164, 221

## V

Vegetation vi, ix, xii, xiv, xv, xvi, xvii, 36, 38, 42, 62, 65, 70, 76, 78, 80, 81, 101, 102, 105, 106, 107, 108, 114, 115, 116, 125, 127, 128, 155, 159, 160, 161, 162, 163, 164, 165, 168, 177, 178, 179, 193, 194, 195

Vehicles viii, 39, 65, 111, 136

Visitor experience iv, vi, x, xi, xviii, 15, 33, 34, 49, 50, 52, 53, 54, 55, 60, 62, 66, 67, 69, 72, 74, 75, 76, 84, 86, 133, 185, 231

## W

Water quality 25, 37, 102, 108, 149, 255

Water treatment plant vii, x, 62, 67, 135

Wetlands xiv, xv, xvi, 22, 25, 26, 36, 43, 80, 101, 102, 103, 104, 105, 106, 107, 110, 113, 150, 151, 152, 153, 154, 155, 225, 227, 230, 258, 261

Wildlife 15, 27, 35, 37, 38, 78, 79, 80, 85, 86, 102, 103, 106, 117, 127, 145, 154, 156, 186, 191, 201, 220, 221, 222, 225, 230, 232, 253, 256, 257, 260, 261



# APPENDICES



This page intentionally left blank.

APPENDIX A  
PARK LEGISLATION

This page intentionally left blank.



*Appendix A*

F.R. 2241 Issued April 5, 1941  
ORDER DESIGNATING THE FORT  
RALEIGH NATIONAL HISTORIC  
SITE, ROANOKE ISLAND, N.C.  
A.J. Writz, Acting Secretary of the  
Interior

17 F.R. 236, January 3, 1952  
FORT RALEIGH NATIONAL  
HISTORIC SITE ON ROANOKE  
ISLAND, DARE COUNTY, N.C.,  
ADDITION OF CERTAIN LANDS  
Oscar L. Chapman, Secretary of the  
Interior

Public Law 87-148, August 17, 1961  
AN ACT TO REVISE THE  
BOUNDARIES OF THE FORT  
RALEIGH NATIONAL HISTORIC  
SITE IN NORTH CAROLINA AND  
FOR OTHER PURPOSES  
87<sup>th</sup> Congress

Public Law 101-603, November 16, 1990  
AN ACT TO AUTHORIZE THE  
SECRETARY OF THE INTERIOR TO  
ACQUIRE CERTAIN LANDS TO BE  
ADDED TO THE FORT RALEIGH  
NATIONAL HISTORIC SITE, IN  
NORTH CAROLINA  
101<sup>st</sup> Congress

F.R. 2441, Issued April 5, 1941

**Order Designating the Fort Raleigh National Historic Site, Roanoke Island, N.C.**

WHEREAS, the Congress of the United States has declared it to be a national policy to preserve for the public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States; and

WHEREAS, certain lands and historical remains on the northern end of Roanoke Island, Dare County, North Carolina, have been declared by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments to be of national significance as a portion of colonial settlement or settlements established in America by Sir Walter Raleigh, 1585- 1587; and

WHEREAS, title to the above- mentioned lands and historical remains is vested in the United States, having been donated by the State of North Carolina; and

WHEREAS, an agreement has been made between the Roanoke Island Historical Association and the United States for the annual presentation of Paul Green's celebrated pageant- drama, "The Lost Colony," in the open- air amphitheater on the above- mentioned property;

NOW, THEREFORE, I, Alvin J. Wirtz, Acting Secretary of the Interior, under and by virtue of the authority conferred upon the Secretary of the Interior by Section 2 of the Act of Congress approved August 21, 1935 (49 Stat. 666), do hereby designate the following described lands, with the historical remains thereon, to be a national historic site having the name "Fort Raleigh National Historic Site":

All of that certain tract or parcel of land located on the northern end of Roanoke Island, Dare County, North Carolina, and bounded as follows, viz:

Beginning at a concrete monument in the Southwest Corner of the A.P. Meakin tract of land and in the North edge of the right of way of N.C. State Highway 34 on the North end of Roanoke Island; running thence North 69 deg. 30 min. West along said Highway 554.0 feet to a concrete monument in the Southeast line of the Dough heirs' tract; thence along the line of said Dough heirs' tract North 7 deg. 15 min. West 786.0 feet to a stake in the

edge of Roanoke Sound; thence following the various courses of said Sound in an Easterly direction approximately 1090.0 feet plus or minus to a stake in the Northwest corner of the A.P. Meakin tract of land, said stake being 40.5 foot North of an iron pipe in the A.P. Meakin line; thence along said A.P. Meakin line South 29 deg. 00 min. West 951.0 feet to point of beginning. The above described tract being known as the Fort Tract.

The administration, protection, and development of this national historic site shall be exercised by the National Park Service in accordance with the provisions of the Act of August 21, 1935, *supra*.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the office seal of the Department of the Interior to be affixed, in the City of Washington, this 5<sup>th</sup> day of April 1941.

A.J. Wirtz, Acting Secretary of the Interior.

## 9. Fort Raleigh

January 3, 1952, 17 F.R. 236

### **FORT RALEIGH NATIONAL HISTORIC SITE ON ROANOKE ISLAND, DARE COUNTY, N.C.**

#### ADDITION OF CERTAIN LANDS

Whereas, certain lands and historical remains situated on the northern end of Roanoke Island, Dare County, North Carolina, associated with the colonial enterprises of Sir Walter Raleigh were designated as the Fort Raleigh National Historic Site by Secretarial Order of April 5, 1941 (9 F.R. 2441), pursuant to the provisions of section 2 of the act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 1946 ed., sec. 462); and

Whereas, two parcels of land adjoining the aforesaid lands and historical remains have since been acquired by the United States as additions to, and for use in administering, developing, protecting, and interpreting the said national historic site:

Now, therefore, I Oscar L. Chapman, Secretary of the Interior, by virtue of and pursuant to the authority contained in section 2 of the act of August 21, 1935, do hereby designate as part of the Fort Raleigh National Historic Site two additional parcels of land described as follows:

#### PARCEL 1

All that certain lot or parcel of land lying and being on the North end of Roanoke Island, in Nags Head Township, Dare County, North Carolina, adjoining the lands of the United States of America, the Roanoke Island Historical Association, Fred Meakin and others and bounded as follows:

Beginning at a concrete monument situated in and marking the Southwest corner of the present Fort Raleigh Tract now owned by the United States of America, and running thence along the South boundary of the Fort Raleigh Tract South 67 deg. East 554 feet to a concrete marker marking the Southeast corner of the said Fort Raleigh Tract; thence South 29 deg. West on the course of an extension of the East boundary of the Fort Raleigh Tract 8 feet, more or less, to the North margin of the N.C. State Highway #345 leading from Manteo to the North end of Roanoke Island; thence in a Northwesterly direction along the North margin of said Highway to the Point of intersection of an extension in a straight line of the West boundary of the said Fort Raleigh Tract with the North margin of said Highway; thence North 7 deg. 45 min. West 35 feet, more or less, to the point of beginning.

#### PARCEL 2

All that certain tract or parcel of land lying and being on the North end of Roanoke Island, Nags Head Township, Dare County, North Carolina, adjoining the lands of the Fort Raleigh tract, W. O. Dough, the North Carolina State Highway and others, and bounded as follows:

Beginning at a stone on the North margin of the N.C. State Highway on the North end of Roanoke Island said stone being in the South corner of and on the Southeast line of the Fort Raleigh tract of land, running thence along the Fort Raleigh tract of land line North 23 deg. 30 min. East 1,095.5 ft. to the Roanoke Sound, thence along the various courses of the Roanoke Sound South 74 deg. E. 70 ft. to the W.O. Dough property; thence along the W.O. Dough line South 23 deg. 30 min. West 1,098 ft. to the North margin of

NATIONAL HISTORIC SITES

29

the N.C. State Highway, thence along the North margin of the N.C. State Highway North 74 deg. West 70 ft. to the point of beginning.

The administration, protection, and development of the lands hereinabove described as part of the Fort Raleigh National Historic Site shall be exercised in accordance with the provisions of the act of August 21, 1935.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, in the City of Washington, this 3d day of January 1952.

[SEAL]

OSCAR L. CHAPMAN,  
*Secretary of the Interior.*

Public Law 87-147

AN ACT

August 17, 1961  
[H. R. 2925]

To amend the Act of March 8, 1922, as amended, pertaining to isolated tracts, to extend its provisions to public sales.

Alaska.  
Public land  
sales.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act of March 8, 1922 (42 Stat. 415; 48 U.S.C. 376, 377), as amended, is hereby further amended by adding a new section thereto reading as follows:

42 Stat. 416.

"SEC. 3. The Secretary of the Interior may sell under the provisions of section 2455 of the Revised Statutes (43 U.S.C. 1171), as amended, lands in Alaska known to contain workable coal, oil, or gas deposits, or that may be valuable for the coal, oil, or gas contained therein, and which are otherwise subject to sale under said section 2455, as amended, upon the condition that the patent issued to the purchaser thereof shall contain the reservation required by section 2 of this Act."

Approved August 17, 1961.

Public Law 87-148

AN ACT

August 17, 1961  
[H. R. 5518]

To revise the boundaries of the Fort Raleigh National Historic Site in North Carolina, and for other purposes.

Fort Raleigh Na-  
tional Historic  
Site, N. C.  
Boundaries.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to preserve, as a part of the Fort Raleigh National Historic Site, lands historically associated with the attempt to establish an English colony on Roanoke Island, the boundaries of such site are hereby revised to include the following described lands:



**75 STAT.]      PUBLIC LAW 87-148—AUG. 17, 1961**

**EASTERN AND SOUTHERN EXTENSION**

Beginning at the southwest corner of the present Fort Raleigh National Historic Site, which is on the northerly right-of-way line of North Carolina State Highway Numbered 345, said point bearing south 7 degrees 45 minutes east, 35 feet, more or less, from a concrete monument on the existing west boundary of the said national historic site;

Thence south 72 degrees 00 minutes east, 537 feet, more or less, following everywhere the said northerly right-of-way line of North Carolina State Highway Numbered 345, which line is also the south boundary of Fort Raleigh National Historic Site, to a corner on the said south boundary of the national historic site;

Thence south 68 degrees 30 minutes east, 70 feet, more or less, following everywhere the said northerly right-of-way line of North Carolina State Highway Numbered 345, which line is also the south boundary of Fort Raleigh National Historic Site, to the southwest corner of land now or formerly owned by the W. O. Dough estate;

Thence north 29 degrees 30 minutes east, 992 feet, more or less, along the westerly property line of lands now or formerly owned by the said W. O. Dough estate and of the W. J. Griffin subdivision which line is also the east boundary of the Fort Raleigh National Historic Site, to a point on the high water line of Roanoke Sound, said point being the northwest corner of the said W. J. Griffin subdivision;

Thence south 83 degrees 00 minutes east, 729 feet, more or less, along the high water line of Roanoke Sound to the point of intersection with the westerly line of Dare Avenue, or the extension thereof, in the W. J. Griffin subdivision;

Thence south 29 degrees 30 minutes west, 1,230 feet, more or less, along the said westerly line of any northerly extension of Dare Avenue and/or the westerly line of Dare Avenue, and crossing on a prolongation of said line the 60-foot right-of-way of North Carolina State Highway Numbered 345 to a point on the southerly right-of-way line of said highway;

Thence south 69 degrees 00 minutes east, 115 feet, more or less, following everywhere the said southerly right-of-way line of North Carolina State Highway Numbered 345 to the point of intersection with the easterly property line of land now or formerly owned by Essie Payne; thence south 27 degrees 00 minutes west, 910 feet along the said easterly property line of land now or formerly owned by Essie Payne to a point;

Thence south 7 degrees 45 minutes east, 790 feet, crossing the 100-foot right-of-way of the United States highway bearing numbers 64 and 264, to a point located on land now or formerly owned by Ralph Umphlett; thence south 73 degrees 30 minutes west, 640 feet, more or less, to a point on the easterly property line of land now or formerly owned by Essie Payne;

Thence south 27 degrees 00 minutes west, 175 feet, more or less, along the said easterly property line of land now or formerly owned by Essie Payne to a point on the easterly property line of land now or formerly owned by Willis Pearce;

Thence north 7 degrees 45 minutes west, 1,430 feet, more or less, along the said easterly property line of land now or formerly owned by Willis Pearce, crossing the said 100-foot right-of-way of the United



States highway bearing numbers 64 and 264, to a point on the southerly property line of land now or formerly owned by Alma Reich and Alton Aydlett;

Thence south 67 degrees 00 minutes west, 1,100 feet, more or less, along the said southerly property line of land now or formerly owned by Alma Reich and Alton Aydlett to a point on the easterly right-of-way line of the Old Ferry Road; thence north 32 degrees 00 minutes east, 1,530 feet, more or less, following everywhere the said easterly right-of-way line of Old Ferry Road, to the point of intersection with the southerly right-of-way line of North Carolina Highway Numbered 345;

Thence northwesterly 60 feet, more or less, crossing the right-of-way of said North Carolina State Highway Numbered 345, to the point of beginning, but excluding therefrom the right-of-way of the United States highway bearing numbers 64 and 264. The tract as described contains approximately 73 acres.

#### WESTERN ADDITION

Beginning at a point on the high water line of Roanoke Sound which marks the northwest corner of land now or formerly owned by the Roanoke Island Historical Association, said point being located about 450 feet westerly from the northwest corner of the existing Fort Raleigh National Historic Site;

Thence south 35 degrees 15 minutes west, 1,356 feet, more or less, along the west property line of said land now or formerly owned by the Roanoke Island Historical Association crossing the 60-foot right-of-way of North Carolina State Highway Numbered 345, and along the west property line of a second tract of land now or formerly owned by the Roanoke Island Historical Association, to the most westerly corner of the said second-named tract of land now or formerly owned by the Roanoke Island Historical Association;

Thence south 69 degrees 00 minutes west, 100 feet, more or less, to a corner on the easterly property line of land now or formerly owned by Jerome Griffin; thence north 76 degrees 00 minutes west, 2,500 feet, more or less, across land now or formerly owned by Jerome Griffin, to a point of the high water line of Roanoke Sound; thence easterly 3,450 feet, more or less, along the high water line of Roanoke Sound to the point of beginning, the tract as described containing approximately 52 acres.

#### Additional lands.

SEC. 2. The Secretary of the Interior, in furtherance of the purposes of this Act, is authorized to procure, in such manner and subject to such terms and conditions as he may deem to be in the public interest, lands and interests in lands described in section 1 hereof. In acquiring such additional lands and interests therein for the Fort Raleigh National Historic Site, the Secretary is authorized to use any funds now or hereafter made available for the acquisition of lands in the national park system. When so acquired, they shall be administered as a part of the Fort Raleigh National Historic Site in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended.

16 USC 1-4.

Approved August 17, 1961.

PUBLIC LAW 101-603—NOV. 16, 1990

104 STAT. 3065

Public Law 101-603  
101st Congress

**An Act**

To authorize the Secretary of the Interior to acquire certain lands to be added to the  
Fort Raleigh National Historic Site in North Carolina.

Nov. 16, 1990  
[H.R. 5497]

*Be it enacted by the Senate and House of Representatives of the  
United States of America in Congress assembled,*

**SECTION 1. PURPOSE OF FORT RALEIGH NATIONAL HISTORIC SITE.**

16 USC 461 note.

The purpose of Fort Raleigh National Historic Site (hereinafter in  
this Act referred to as the "historic site") shall be the preservation  
and interpretation of—

- (1) the first English colony in the New World; and
- (2) the history of the Native Americans, European Americans,  
and African Americans who lived on Roanoke Island, North  
Carolina.

**SEC. 2. ADDITION OF LANDS TO FORT RALEIGH NATIONAL HISTORIC  
SITE.**

16 USC 461 note.

(a) **AUTHORITY FOR ACQUISITION.**—The Secretary of the Interior  
may acquire through purchase, donation, or exchange all right, title,  
and interest in and to the lands described in subsection (b). Upon  
acquisition, the lands shall be added to and administered as part of  
the historic site.

(b) **DESCRIPTION OF LANDS.**—The lands referred to in subsection (a)  
are the approximately 335 acres depicted on the map entitled "Fort  
Raleigh National Historic Site Expansion", numbered 383/80,001A,  
dated October 1990, and on file with the Director of the National  
Park Service.

**SEC. 3. RESEARCH.**

16 USC 461 note.

The Secretary, in consultation with scholarly and other historic  
organizations, shall undertake research on the history and archaeol-  
ogy of the historic site, and the associated peoples and events.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

16 USC 461 note.

There is authorized to be appropriated such sums as may be  
necessary to carry out this Act.

Approved November 16, 1990.

---

**LEGISLATIVE HISTORY—H.R. 5497:**

HOUSE REPORTS: No. 101-840, Pt. 1 (Comm. on Interior and Insular Affairs).  
CONGRESSIONAL RECORD, Vol. 136 (1990):  
Oct. 10, considered and passed House.  
Oct. 27, considered and passed Senate.

## APPENDIX B

### SERVICEWIDE MANDATES AND POLICIES PERTAINING TO FORT RALEIGH NATIONAL HISTORIC SITE

This page intentionally left blank.

## **APPENDIX B: LIST OF RELEVANT LEGISLATION, REGULATORY MANDATES, AND POLICIES**

This section provides an overview of selected laws and policies that are applicable to the management of Fort Raleigh National Historic Site. The information provided is not comprehensive and is meant to identify major relevant legislation, regulatory mandates, and policies.

### **LEGISLATION**

Fort Raleigh National Historic Site specific legislation is provided in Appendix A.

### **SERVICEWIDE LAWS AND POLICIES**

This section summarizes the major appropriate legal and administrative mandates that apply to managing all units of the NPS. These are measures that the NPS must strive to meet, regardless of the alternative selected for the long-term management of the park. The body of laws and executive orders that guide park management, with their legal citations, are identified.

#### **The National Park Service Organic Act and the Redwood Act Amendment to the National Park Service General Authorities Act**

One of the most important statutory directives for the National Park Service (NPS) is provided by the interrelations of the NPS Organic Act of 1916 and the Redwood Act Amendment to the NPS General Authorities Act of 1970. The Organic Act mandates that the National Park Service “shall promote and regulate the use of Federal areas known as national parks, monuments, and reservations by such means and measures as conform to the fundamental purpose of said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wildlife

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

The General Authorities Act amends the Organic Act to broaden the types of areas that are included in the national park system, such as national seashores, recreation areas, and parkways. The Redwood Act further amends the General Authorities Act to reassert system-wide the high standard of protection set forth in the Organic Act. In the Redwood Act, “Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the Nation Park System shall be consistent with and founded in the purpose established by the first section of the Act of August 25, 1916, to the common benefit of all the people of the United States. The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity on the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress.”

Both the Organic Act and the General Authorities Act, as amended by the Redwood Act, define a single standard for the management of the park service: to safeguard the units of the national park system, conserving resources and values for enjoyment of all people of the United States and prohibiting impairment. Director’s Order 55, Interpreting the National Park Service Organic Act, serves as the NPS interpretation of the meaning of the Organic Act and the General Authorities Act, as amended.

#### **National Historic Preservation Act**

The National Historic Preservation Act of 1966 authorized the Secretary of the Interior to “expand and maintain a national register

of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture.” Section 106 of the act requires federal agencies to consider the effects of their undertakings on National Register properties and to allow the Advisory Council on Historic Preservation “a reasonable opportunity to comment” on such undertakings. The National Register of Historic Places was expanded from the original roster of historic landmarks and areas of the National Park System to a comprehensive inventory of historic properties nationwide. National Park Service actions affecting properties listed on the National Register of Historic Places are subject to review by state historic preservation officers and the Advisory Council.

Section 110 requires among other things that the park to “establish a preservation program to protect and preserve historic properties in consultation with others” and that this program ensure “that historic properties under the jurisdiction or control of [the National park Service], are identified, evaluated, and nominated to the National Register.” Further, Section 110 requires “that such properties under the jurisdiction or control of [the park] as are listed in or may be eligible for the National Register are managed and maintained in a way that considers the preservation of their historic, archaeological, architectural, and cultural values in compliance with section 106 of this Act and gives special consideration to the preservation of such values in the case of properties designated as having National significance.” Section 112 requires that studies or other actions taken with regard to historic properties be done by personnel or contractors who meet appropriate professional qualifications standards developed by the Secretary of the Interior. It also requires that the park maintain data from historic properties studies in an appropriate database available to prospective researchers.

## **National Environmental Policy Act**

The National Environmental Policy Act of 1969 states as policy that federal agencies must assess the environmental impacts of any proposed action that they fund, support, permit, or implement. It specifically directs federal agencies to document the environmental impact of the proposed action, any adverse environmental effects which cannot be avoided should the proposed action be implemented, and alternatives to the proposed action.

The act also established the Council on Environmental Quality, which is charged with the implementation and oversight of the National Environmental Policy Act. The Council on Environmental Quality subsequently developed the legal requirements (40 Code of Federal Regulations 1500-1508) that all federal agencies must follow in evaluating the environmental effects of proposed actions. These procedures involve three levels of documentation: categorical exclusions; environmental assessments; and environmental impact statements. In the National Park Service, construction activities, natural or cultural resource management projects, and park plans trigger the majority of National Environmental Policy Act documents. The National Environmental Policy Act enables the National Park Service to integrate compliance with other legal mandates and provides a format for public involvement. Director’s Order 12 sets forth the policy and procedures by which the service will comply with the National Environmental Policy Act.

## **Clean Air Act**

The Clean Air Act provides a legal framework for the National Park Service to preserve and protect parks’ valued values. The act establishes national ambient air quality standards for certain criteria pollutants. Major provisions of the act are intended to set a goal for cleaner air by setting national primary and secondary ambient air quality



standards. Primary standards define levels of air quality necessary to protect public health, while secondary standards define levels necessary to protect public welfare from any known or anticipated adverse effects of a pollutant.

Under the Clean Air Act, the U.S. Environmental Protection Agency is required to set new source performance standards, based on best-demonstrated technology and to establish national emission standards for hazardous air pollutants. The U.S. Environmental Protection Agency is also required to develop programs for prevention of significant deterioration of air quality in attainment areas. Air pollution permits in attainment areas mandate installation of pollution controls that represent the best available control technology.

The Clean Air Act also requires states to develop and submit a state implementation plan for achieving national ambient air quality standards within each state. The state implementation plan must establish state air quality control regions and specify emission limits, schedules, and timetables for compliance from both stationary and mobile sources. The Clean Air Act requires federal facilities to comply with state air pollution requirements. The Clean Air Act reinforces the NPS Organic Act role as a protector of natural and cultural resources within the national park system. Under the Clean Air Act, the National Park Service is responsible for protecting air quality within park unit boundaries, and for taking appropriate action to do so, when reviewing emission sources within and outside of the park system.

### **Clean Water Act**

The Federal Water Pollution Control Act of 1972, as amended by the Clean Water Act and the Water Quality Act of 1987, forms the legal framework to support maintenance and restoration of water quality. The Clean Water Act establishes the National

Pollutant Discharge Elimination System as the regulatory mechanism to achieve water quality goals by regulating pollutant discharge to navigable streams, lakes, and rivers. Through standards promulgated by individual states, the Clean Water Act requires the NPS to protect its water resources from point and nonpoint sources of pollution. Many NPS construction activities are regulated by the Clean Water Act under stormwater permitting requirements.

Under Section 303 (d) of the Clean Water Act, states are required to develop lists of streams and water bodies that do not meet ambient water quality standards. The resulting inventory of impaired streams, called the 303 (d) list, is updated every two years by states and is the basis for decisions related to restoring water quality. The law requires that the states establish priority rankings for waters on the lists and develop total maximum daily loads for these waters. A total maximum daily load is a calculation of the maximum amount of a pollutant that a waterbody can receive and continue to meet its designated use.

Based on an evaluation of the states' implementation of their Clean Water Act 303 (d) responsibilities, the U.S. Environmental Protection Agency developed changes and improvements to the total maximum daily load regulations. On July 13, 2000, the agency issued a final total maximum daily load rule that will improve current regulations. Congress has required the U.S. Environmental Protection Agency (delegated to the Virgin Islands Department of Environmental Protection) to establish total maximum daily loads for the territory, under the current total maximum daily load regulation.

### **Endangered Species Act**

The Endangered Species Act of 1973, amended in 1982 and 1987, is intended to prevent the further decline of endangered and threatened plant and animal

species and to help in the restoration of populations of these species and their habitats. The Endangered Species Act, jointly administered by the Department of Commerce and the Department of the Interior, requires that each federal agency consult with the U.S. Fish and Wildlife Service to determine whether endangered or threatened species are known to exist or have critical habitats on or in the vicinity of the site of a proposed action.

Section 7(c) of the Endangered Species Act authorizes the U.S. Fish and Wildlife Service to review proposed major federal actions to assess the potential impacts to listed species. In accordance with Section 7 (c), the National Park Service, in consultation with the U.S. Fish and Wildlife Service, must identify and promote the conservation of all federally listed species and their critical habitat within park boundaries.

#### **Antideficiency Act**

The Antideficiency Act is a series of statutes (originating from 16 Stat. 251 in 1870) that prohibit federal managers from making or authorizing expenditures in excess of the amount available to them from appropriations or other funds, unless authorized by law. Based on this, the plan/EIS created must be able to be implemented through expected funding sources.

#### **National Parks Omnibus Management Act of 1998**

Both the National Parks Omnibus Management Act of 1998 (NPOMA) (16 USC 5901 et seq.) and NEPA are fundamental to NPS park management decisions. Both acts provide direction for articulating and connecting the ultimate resource management decision to the analysis of impacts, using appropriate technical and scientific information. Both also recognize that such data may not be readily available and provide options for resource impact analysis in this case.

#### **The Fish and Wildlife Coordination Act (16 U.S.C. 661, 666c)**

The Fish and Wildlife Coordination Act protects the quality of the aquatic environment needed for fish and wildlife resources. The Act requires consultation with the Fish and Wildlife Service and the fish and wildlife agencies of States where the “waters of any stream or other body of water are proposed or authorized, permitted or licensed to be impounded, diverted . . . or otherwise controlled or modified” by any agency (except TVA) under a Federal permit or license. NOAA Fisheries was brought into the process later, as these responsibilities were carried over, during the reorganization process that created NOAA. Consultation is to be undertaken for the purpose of “preventing loss of and damage to wildlife resources,” and to ensure that the environmental value of a body of water or wetland is taken into account in the decision-making process during permit application reviews. Consultation is most often (but not exclusively) initiated when water resource agencies send the FWS or NOAA Fisheries a public notice of a Section 404 permit. FWS or NOAA Fisheries may file comments on the permit stating concerns about the negative impact the activity will have on the environment, and suggest measures to reduce the impact.

#### **Fish & Wildlife Act of 1956 - 16 U.S.C. §§ 742a-742j**

The Fish and Wildlife Act establishes a comprehensive national fish, shellfish, and wildlife resources policy with emphasis on the commercial fishing industry. The Act emphasizes that the Act be administered with regard to the inherent right of every citizen and resident to fish for pleasure, enjoyment, and betterment and to maintain and increase public opportunities for recreational use of fish and wildlife resources. Further, the Act established a Bureau of Sport Fisheries and Wildlife and a Bureau of Commercial Fisheries within the US Fish and Wildlife Service.

The Act requires the Secretary of the Interior to:

- Develop measures for “maximum sustainable production of fish”;
- Make economic studies of the industry and recommend measures to insure stability of the domestic fisheries;
- Undertake promotional and information activities to stimulate consumption of fishery products; and
- Take steps “required for the development, advancement, management, conservation, and protection of the fisheries resources,” and take steps “required for the development, management, advancement, conservation, and protection of fish and wildlife resources” through research, acquisition of land and water or interests therein, development of existing facilities, and other means.

#### **Fish & Wildlife Conservation Act (Nongame Act) - 16 U.S.C. §§ 2901-2911**

The Act encourages states to develop conservation plans for nongame fish and wildlife of ecological, educational, aesthetic, cultural, recreational, economic or scientific value. Pursuant to amendments adopted in 1988 and 1989 the Secretary of the Interior is directed to undertake certain activities to research and conserve migratory nongame birds.

#### **Fish Restoration & Management Projects Act - 16 U.S.C. §§ 777 et seq.**

Under the Act, the Secretary of the Interior is authorized and directed to cooperate with State fish and game departments in fish restoration and management projects by agreeing upon the fish restoration and management projects to be aided under

standards fixed by the Secretary of the Interior. A state may submit programs or projects for fish restoration in two ways:

- The state prepares and submits to the Secretary a comprehensive fish and wildlife resource management plan which insures the perpetuation of these resources for the economic, scientific, and recreational enrichment of the people; or
- The State fish and game department submits to the Secretary full and detailed statements of any fish restoration and management project proposed for that State.

#### **Magnuson-Stevens Fishery Conservation and Management Act (Public Law 94-265)**

The purpose of the Magnuson-Stevens Fishery Conservation Management Act is (1) to maintain without change the existing territorial or other ocean jurisdiction of the United States for all purposes other than the conservation and management of fishery resources, as provided for in this Act; (2) to authorize no impediment to, or interference with, recognized legitimate uses of the high seas, except as necessary for the conservation and management of fishery resources, as provided for in this Act; (3) to assure that the national fishery conservation and management program utilizes, and is based upon, the best scientific information available; involves, and is responsive to the needs of, interested and affected States and citizens; considers efficiency; draws upon Federal, State, and academic capabilities in carrying out research, administration, management, and enforcement; considers the effects of fishing on immature fish and encourages development of practical measures that minimize bycatch and avoid unnecessary waste of fish; and is workable and effective; (4) to permit foreign fishing consistent with the provisions of this Act; (5) to support and encourage active United States efforts to obtain internationally acceptable agreements which provide for

effective conservation and management of fishery resources, and to secure agreements to regulate fishing by vessels or persons beyond the exclusive economic zones of any nation;(6) to foster and maintain the diversity of fisheries in the United States; and (7) to ensure that the fishery resources adjacent to a Pacific Insular Area, including resident or migratory stocks within the exclusive economic zone adjacent to such areas, be explored, developed, conserved, and managed for the benefit of the people of such area and of the United States.

**Migratory Game Fish Study Act of 1959  
(16 USC 760(e))**

Provides for a continuing study of migratory marine fishes, including the effects of fishing on the species.

**Federal Aid in Sport Fish Restoration  
Act (16 U.S.C. 777-777k, 64 Stat. 430)**

The Federal Aid in Sport Fish Restoration Act, also referred to as the Dingell-Johnson Act or Wallop-Breaux Act, provides Federal aid to the States for management and restoration of fish having “material value in connection with sport or recreation in the marine and/or freshwaters of the United States.” Amendments to the Act provide funds to states for aquatic education, wetlands restoration, boat safety and clean vessel sanitation devices (pumpouts), and a non-trailerable boat program.

**Abandoned Shipwreck Act of  
1987 - 43 U.S.C. § 2101-2106**

The ASA declares the US policy that States carry out their responsibilities to develop appropriate and consistent policies to:

- protect natural resources and habitat areas;
- guarantee recreational exploration of shipwreck sites; and
- allow for appropriate public and

private sector recovery of shipwrecks consistent with the protection of historical values and environmental integrity of the shipwrecks and the sites.

In managing the resources subject to the provisions of this Act, States are encouraged to create underwater parks or areas to provide additional protection for such resources. Funds available to States from grants from the Historic Preservation Fund shall be available, in accordance with the provisions of title I of the National Historic Preservation Act [16 U.S.C. 470 et seq.], for the study, interpretation, protection, and preservation of historic shipwrecks and properties.

The United States asserts title to any abandoned shipwreck that is:

- embedded in submerged lands of a State;
- embedded in coralline formations protected by a State on submerged lands of a State; or
- on submerged lands of a State and is included in or determined eligible for inclusion in the National Register

**Act to Prevent Pollution from  
Ships of 1980 - 33 USC § 1901-1911**

The Act authorizes the EPA and the Secretary of the department in which the U.S. Coast Guard is located, currently the Department of Homeland Security, to administer and implement the requirements of the International Convention for the Prevention of Pollution from ships, the MARPOL Protocol, and this Act.

The Act describes penalties for violation of MARPOL and allows the EPA and USCG to promulgate regulations necessary and proper for the administration of the Act, issue certifications, conduct inspections, and engage in enforcement actions.



**Disaster Mitigation Act -  
Public Law 106-390**

The Disaster Mitigation Act, implemented by FEMA, reinforces the importance of pre-disaster infrastructure mitigation planning to reduce disaster losses nationwide. The Act is aimed primarily at the control and streamlining of the administration of federal disaster relief and programs to promote mitigation activities. The Act also establishes minimum mitigation standards for public and private structures.

**Federal Power Act –  
16 U.S.C. § 791 et seq.**

The Federal Power Act calls for cooperation between the Federal Energy Regulatory Commission (FERC) and other Federal agencies in licensing and relicensing power projects. Under this act FERC is authorized to issue licenses for the construction, operation and maintenance of dams, water conduits, reservoirs, and transmission lines to improve navigation and to develop power from any streams or other bodies of water over which it has jurisdiction.

The 1992 amendments (Public Law 102-486), directed the Secretary of Energy, in consultation with the Secretaries of the Interior and the Army, to study cost-effective opportunities to increase hydropower production from federally owned or operated facilities. The amendments also authorized a study on the Nation's principal river basins to find opportunities to more efficiently generate hydroelectric power from federal facilities.

**Migratory Bird Treaty  
Act – 16 U.S.C. § 703 et seq.**

This Act provides for the protection of all migratory birds and their parts (including eggs, nests, and feathers). The Act implements the international conventions entered into between the United States and Canada, Japan, Mexico, and Russia, for the

protection of selected species of birds that combine to form a common resource.

**National Invasive Species  
Act of 1996 – Public Law 104-332**

This Act reauthorized and modified NANPCA as well as extended it to cover the Hudson River region. The Act required record keeping, reporting, sampling and monitoring of vessels for compliance with the voluntary guidelines issued by the US Coast Guard.

**National Oceanographic  
Partnership Act - Public Law 104-201**

NOPA Creates the National Oceanographic Partnership Program and its governing body, the National Ocean Research Leadership Council, to promote the national interest in natural security, economic development, quality of life, and strong science education and communication through improved knowledge of the ocean.

**Oceans Act of 2000 – Public Law 106-256**

The Oceans Act establishes a Commission which develops a National Oceans Report which makes recommendations to the President and Congress on ocean and coastal issues. The President then responds to these recommendations in a “National Ocean Policy” that he submits to Congress.

The Commission establishes a multi-disciplinary science advisory panel that assists the Commission in preparing its report, ensuring that the scientific information considered is based on the best available data.

The Commission must provide a copy of their draft report to the Governor of each coastal state whose comments will be included in the Commission's final report. Under this Act the President of the United States must develop his National Ocean Policy in consultation with the states.

**Ocean Dumping Act -  
16 U.S.C. § 1401 et seq.**

The ODA amends and consist of Titles I and II of the Marine Protection, Research, and Sanctuaries Act. This Act provides the basic authority for the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (USACE) to regulate ocean dumping. Title I prohibits any person, without a permit, from:

- Transporting from the U.S. any material for the purpose of dumping it into ocean waters (defined to mean those waters of the open seas lying seaward of the baseline from which the territorial sea is measured). In the case of a vessel or aircraft registered in the U.S. or flying the U.S. flag, or in the case of a U.S. agency, the act prohibits any person, without a permit, from transporting from any location any material for the purpose of dumping it into ocean waters; and
- Dumping any material transported from a location outside the U.S. into the territorial sea, or the contiguous zone extending 12 nautical miles seaward from the baseline of the territorial sea to the extent that it may affect the territorial sea or the territory of the U.S. EPA issues permits regulating the ocean dumping of all material except dredged material, which is permitted by COE.

**Oil Pollution Act –  
33 U.S.C. §§ 2701-2761**

The OPA imposes liability for cleanup and damages on “each responsible party for a vessel or a facility from which oil is discharged, or which poses the substantial threat of a discharge of oil, into or upon the navigable waters or adjoining shorelines or the exclusive economic zone.”

**Rivers & Harbors Act of 1899  
(RHA) - 33 U.S.C. § 401 et seq.**

Under sections 9 & 10 of the RHA, the U.S. Army Corps of Engineers is authorized to regulate the construction of any structure or work within navigable waters.

- USACE jurisdiction under RHA is limited to “navigable waters,” or waters subject to the ebb and flow of the tide shoreward to the mean high water mark that may be used to transport interstate or foreign commerce.
- After receiving an application for a section 10 RHA navigation permit, USACE issues a public notice to solicit information from the public, adjacent property owners, and state, local, and federal agencies.
- USACE is required to consult with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to protect and conserve wildlife resources

**Submerged Lands Act –  
43 U.S.C. § 1301 et seq.**

The SLA gave title to and ownership of the lands beneath navigable waters, with the boundaries of the states, to the respective states, along with the natural resources within such lands. The Act also gave the states the right and power to manage, administer, lease, develop and use the lands and resources granted.

Additionally, the SLA approved and confirmed the seaward boundary of the states as “a line three geographical miles distant from its coast line or, in the case of the Great Lakes, to the international boundary.” The SLA also respected the boundaries of TX and FL to be three marine leagues.



## **Water Resources Development Act (WRDA) - 33 U.S.C. § 2201 et seq.**

The WRDA authorizes and directs the Army Corps of Engineers (Corps) on projects for navigation, flood control, flood damage reduction, environmental restoration, recreation, hurricane and storm damage reduction, ecosystem restoration, shore protection and damage reduction, aquifer storage and recovery, snagging and sediment removal, beneficial use of dredged materials and navigation mitigation throughout the country.

## **Watershed Protection & Flood Prevention Act - 16 U.S.C. §§ 1001-1009**

The act authorizes federal assistance to local organizations for planning and carrying out projects in watershed areas for conservation and use of land and water, and for flood prevention.

The Secretary of Agriculture is required to submit to Congress plans for works of improvement in watershed or sub-watershed areas where the federal contribution exceeds \$5 million or the plan includes a structure with a capacity greater than 2,500-acre feet. These plans must be submitted for comment to the secretary of the interior if they include works of improvement for reclamation or irrigation or affect lands or wildlife under the Department of the Interior's jurisdiction.

## **EXECUTIVE ORDERS**

### **Executive Orders on Wetlands and Floodplains**

Executive Order 11988, Floodplain Management (May 24, 1977), requires federal agencies to evaluate the potential effects of actions in floodplains to avoid adversely impacting floodplains wherever possible. Executive Order 11988 also requires federal agencies to ensure that planning programs and budget requests reflect consideration of flood hazards and floodplain management, including the

restoration and preservation of such land areas as natural undeveloped floodplains, and to prescribe procedures to implement the policies and procedures of this executive order.

Executive Order 11990, Protection of Wetlands (May 24, 1977), requires federal agencies to take action to avoid adversely impacting wetlands wherever possible, to minimize wetlands destruction, and to preserve procedures to implement the policies and procedures of this executive order. It is the intent of these executive orders that, wherever possible, federal agencies implement the floodplains/wetlands requirements through existing procedures, such as those internal procedures established to implement National Environmental Policy Act. The National Park Service often integrates compliance with the executive orders with other legal mandates, such as National Environmental Policy Act.

## **NATIONAL PARK SERVICE DIRECTORS ORDERS AND MANAGEMENT POLICIES**

### **NPS Management Policies 2006**

This is an update to the 2001 Management Policies. The policies are derived from the laws that have been enacted to establish and govern the NPS and the National Park System. This document serves as the basic, Servicewide policy manual used by park superintendents and other NPS managers to guide their decision-making. The manual prescribes policies which enable the NPS to preserve park resources and values unimpaired for the enjoyment of future generations, as required by law. The policies have been updated to keep pace with new laws that have been enacted, changes in technology and American demographics, and new understandings of the kinds of actions that are required to best protect the natural and cultural resources of the parks. The policies stress the importance of: using the parks for educational purposes;

demonstrating environmental leadership in the parks; managing park facilities and resources in ways that will sustain them for future generations of Americans to enjoy; and working with partners to help accomplish the NPS mission. The new Management Policies is available on the NPS World Wide Web site at <http://www.nps.gov/policy/MP2006.pdf>.

#### **Director's Orders**

The NPS has several sources of detailed written guidance to help manager's make day-to-day decisions. Elements of NPS guidance are included in Director's Orders, Handbooks, and Reference Manuals. Selected Director's Orders are summarized in the following paragraphs. For a comprehensive list of all Director's Orders, refer to the NPS Office of Policy website ([www.nps.gov/applications/npspolicy/DOrders.cfm](http://www.nps.gov/applications/npspolicy/DOrders.cfm)).

#### **Director's Order 12**

Director's Order 12 describes the policy and procedures by which the National Park Service will comply with the National Environmental Policy Act. The Council on Environmental Quality, part of the Executive Office of the President, is the "caretaker" of National Environmental Policy Act. The National Park Service is required to abide by all National Environmental Policy Act regulations (40 Code of Federal Regulations 1500-1508) and any other procedures and requirements imposed by other higher authorities, such as the Department of the Interior.

#### **Director's Order 17: National Park Service Tourism**

The purpose of this Tourism Policy is to promote and support sustainable, responsible, informed, and managed visitor use through cooperation and coordination with the tourism industry.

#### **Director's Order 24: Museum Collections Management**

This lays the foundation by which the NPS meets its responsibilities toward museum collection. Director's Order 24 provides policy guidance, standards, and requirements for preserving, protecting, documenting, providing access to, and use of, NPS museum collections.

#### **Director's Order 28: Cultural Resources Management**

Director's Order 28, issued pursuant to 16 United States Code (1 through 4), addresses cultural resource management. The National Park Service will protect and manage cultural resources in its custody through effective research, planning, and stewardship and in accordance with the policies and principles contained in the National Park Service Management Policies 2006.

#### **Director's Order 28A: Archeology**

Director's Order 28A provides a management framework for planning, reviewing and undertaking archeological activities and other activities that may affect archeological resources within the National Park System.

#### **Director's Order 47: Soundscape Preservation and Noise Management**

The purpose of this Director's Order is to articulate National Park Service operational policies that will require, to the fullest extent practicable, the protection, maintenance, or restoration of the natural soundscape resource in a condition unimpaired by inappropriate or excessive noise sources.

#### **NORTH CAROLINA LAWS**

This section lists the major legal and administrative mandates that apply to the NPS in North Carolina. These are measures that the NPS must strive to meet, regardless

*Appendix B*

of the alternative selected for the long-term management of the park.

North Carolina General Statutes  
Chapter 70: Indian Antiquities,  
Archaeological Resources and  
Unmarked Human Skeletal Remains  
Protection

North Carolina General Statutes,  
Chapter 113A: Pollution Control and  
Environment.

North Carolina General  
Statutes, Chapter 113: Conservation and  
Development

North Carolina General Statutes,  
Chapter 139: Soil and Water Conservation  
Districts

North Carolina Coastal Area  
Management Act of 1972

This page intentionally left blank.