National Park Service
U.S. Department of the Interior
2006

Comparison edition of the

Draft

Management Policies

To Guide the Management of the National Park System

Comments on this draft should be submitted to the NPS Office of Policy by no later than January 19, 2006, via

- *the parkplanning Internet link below,*
- *e-mail to waso_policy@nps.gov*
- *delivery to Room 7252, Main Interior Building, Washington, D.C.*

This edition of the draft Management Policies compares the draft 2006 edition with the 2001 edition. New text is shown with an underline while deleted text is shown with a ~~strikeout~~.

This document is also available via the Internet at:
http://parkplanning.nps.gov/waso

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Note to Reviewers

Thank you for your interest in the work of the National Park Service. This document is the official comparison between the 2001 Management Policies and the draft NPS Management Policies currently out for public comment.

New text is shown with an underline, and deleted text is shown with a ~~strikeout~~. Please use extreme care before concluding that text has, in fact, been added or stricken. In some cases it has simply been moved from one location to another. Readers will also notice that some of the deleted wording has been re-phrased for clarity and consistency. Despite what you may have heard or read in the media, these draft policies do not increase the likelihood of more snowmobiles, cell towers, personal watercraft, commercial activities, reduced air quality or other activities currently governed by law or regulation in the national parks. Our intention is to ensure improvement of the best and most current management practices for the National Park Service.

As we stated in testimony before a Senate subcommittee, "the policies clearly underscore that when there is a conflict between use and conservation, the protection of the resources will be predominant." There cannot be outdoor recreation and enjoyment without healthy resources. The draft meets our mission "to conserve the scenery and the natural and historic objects and the wild life 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 National Park Service looks forward to hearing your ideas and comments as we consider the future of caring for America's treasured places – her national parks.

Fran P. Mainella
Director, National Park Service

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[Inside Front Cover]

Management of National Park Service Programs

This volume of *Management Policies* focuses exclusively on management of the national park system. Beyond managing the national park system, the National Park Service administers a broad range of programs that serve the conservation and recreation needs of the nation and the world. Examples include the following:

- National Register of Historic Places
- National Historic Landmarks Program
- National Natural Landmarks Program
- Land and Water Conservation Fund Grants Program
- Historic American Building Survey
- Historic American Engineering Record
- American Battlefield Protection Program
- National Maritime Heritage Grants Program
- Rivers, Trails and Conservation Assistance Program
- Tribal Heritage Preservation Grants Program

Although these programs operate mainly outside the national parks, they form a vital part of the National Park Service mission. Information about the policies and procedures that govern these programs will be incorporated into a companion volume ~~which will be issued as soon as practicable. Until the companion volume is available, information may be obtained from the appropriate NPS program managers (who are generally located in Washington, D.C.) or by visiting the NPS web site at~~ www.nps.gov

Comment: The following mission statements have been revised so that they are consistent with the official mission statements published in the Department of the Interior Manual.

U. S. Department of the Interior

~~The mission of t~~The Department of the Interior ~~is to~~ protects and and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its special responsibilities to American Indians, Alaska Natives, and affiliated Island Communities~~provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to tribes. We:~~

~~- Encourage and provide for the appropriate management, preservation, and operation of the Nation's public lands and natural resources for use and enjoyment both now and in the future;Carry out related scientific research and investigations in support of these objectivesDevelop and use resources in an environmentally sound manner and provide an equitable return on these resources to the American taxpayer; andarry out trust responsibilities of the U.S. Government with respect to American Indians and Alaska Natives~~

National Park Service

The National Park Service ~~is a bureau within the Department of the Interior. We preserve~~ conserves unimpaired the natural and cultural resources and values of the National park system for the enjoyment, education, and inspiration of this and future generations. The National Park Service cooperates with ~~We also cooperate with~~ partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world.

Introduction

Comment: An important addition to the Introduction is an explanation of the meaning of several key terms and concepts. These terms and concepts are crucial to understanding how the *Management Policies* will help the Service protect the parks. Throughout *Management Policies* the reader will find references to "appropriate uses" and "unacceptable impacts"; thus, it is important to know what these terms mean.

Terms And Concepts Used In Management Policies

A list of five key terms and concepts particularly relevant to managing the national parks is provided below. These key terms and concepts are important to understanding NPS management policies and principles. Definitions of additional terms may be obtained from the Glossary. Statutory definitions can be accessed on-line, e.g., at <http://www4.law.cornell.edu/uscode/>.

Conserve, Preserve, Protect

The words "conserve," "preserve," and "protect" are used frequently throughout these *Management Policies*. They are words that, in some contexts, carry distinctly different meanings. However, in the context of these *Management Policies*, it is not appropriate to create or imply highly prescribed distinctions between them. This is because there are many statutes applicable to the parks, and some of them use the term "conserve," some use "preserve," some use "protect," and some even use a combination of these terms. It is clear from the legislative history of these statutes, and from case law, that each of these words reflects the high standard of care for park resources that Congress has required of the Service from its beginning. For this reason, these words are used interchangeably, except where their application is tied to a quotation or close paraphrase of a statute. The choice of any one of these words within these policies is not intended to, and should not be construed to, imply a greater or lesser restriction on opportunities for visitor enjoyment or level of care for park resources and values.

Impairment

Impairment means a significant impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values, including the opportunity that otherwise would be present for the enjoyment of those resources or values, in violation of the NPS Organic Act.

Appropriate Use

Comment: Criteria below are added to help define "appropriate use" of the parks. Not all proposed uses are appropriate or allowable in units of the national park system.

As used in these *Management Policies*, an "appropriate use" is a use that is suitable, proper, or fitting for a particular park, or to a particular location within a park. What is appropriate may vary from one park to another, and from one location to another within a park.

In its role as steward of park resources, the Park Service must ensure that all park uses are appropriate and do not cause unacceptable impacts on park resources and values. When proposed park uses and the protection of park resources come into conflict, park managers

are obligated to ensure that the resources and values for which the park was created are not diminished. To determine appropriateness, the park manager must rely on the Organic Act, the park's enabling legislation, NPS regulations, NPS *Management Policies*, director's orders, the park's general management plan, and other relevant guidance and planning documents.

The concept of appropriate use is especially important with regard to visitor enjoyment, because the Park Service is required by the Organic Act to provide for the enjoyment of park resources and values. As with other park uses, a form of visitor enjoyment that is appropriate in one park may be inappropriate in another.

The Park Service will always welcome activities that are appropriate to the parks. In evaluating the appropriateness of an activity, NPS planning and decision-making procedures will be used to engage the public and use the best scientific information available. The criteria for determining whether a particular use is appropriate in a park are set forth in section 1.4.3. In applying the criteria, the responsible NPS manager will use good judgment to ensure that uses will not

- cause an "unacceptable impact"
- be inconsistent with the park purposes or values
- unreasonably interfere with park programs or activities
- disrupt the operations of park concessions or contractors
- create an unsafe or unhealthful environment for visitors or employees
- result in significant conflict with other appropriate uses
- diminish opportunities for current or future generations to enjoy park resources or values

Subject to the above criteria, appropriate uses may include

- uses that have occurred historically in a park when the type and/or the level of impact has not increased significantly,
- uses that may represent new technology, or
- uses whose impacts can be successfully mitigated or eliminated through
  - visitor education,
  - temporal, spatial, or numerical limitations on the use,
  - the application of best available technology, or
  - the application of adaptive management techniques.

Comment: Criteria are now added to help define "unacceptable impacts." The NPS not only protects parks from activities that would cause impairment of resources and values, but also from activities that would cause lesser impacts that are still unacceptable

Unacceptable Impacts

Relevant to the concept of "appropriate and inappropriate use" is the concept of "acceptable and unacceptable impacts." In determining whether a proposed park use is appropriate or inappropriate, there are several factors that a manager must consider. But the key factor is whether the associated impacts on park resources and values are "acceptable." With virtually every form of visitor use and enjoyment there will be at least some degree of impact on park resources or values, but that does not mean a proposed use must or should be disallowed. The

Park Service may balance resource conservation and visitor enjoyment in managing parks while ensuring that its management actions leave the resources and values unimpaired. This means that the Service has discretion in allowing activities that may cause impacts as long as the activities do not lead to impairment. For the purposes of implementing this important management concept, unacceptable impacts that would keep a use from being "appropriate" are impacts that would

- be inconsistent with the park's purposes or values,
- individually or cumulatively degrade resource conditions so as to preclude future generations from enjoying the resource in as good or better condition,
- individually or cumulatively create an unsafe or unhealthful environment for other visitors or employees, or
- unreasonably interfere with
  - existing appropriate park uses,
  - NPS interpretive, visitor service, administrative, or other activities,
  - NPS concessioner or contractor operations or services, or
  - the attainment of a park's desired conditions as identified through the park's planning process.

As part of its standard decision-making process, the Service will engage the public and use the best scientific information available in evaluating whether impacts from an activity would be acceptable.

Third-party Enforceability

The policies contained in this document are intended only to improve the internal management of the Park Service, and are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

Comment: This wording clarifies that the policies are intended only to improve the internal management of the Park Service; they are not promulgated as a rulemaking and are not intended to carry the force and effect of law—as is the case with regulations. Where the text of a policy is tied to a particular statute or regulation, it is the statute or regulation that controls, not the text of the policy. This third-party enforceability clause has been incorporated into all new Director's Orders within the past two years.

Law, Policy, and Other Guidance

This volume is the basic Service-wide policy document of the National Park Service. Adherence to policy is mandatory unless specifically waived or modified by the Secretary, the Assistant Secretary, or the Director.

In carrying out their responsibilities under the 1916 National Park Service[1] Organic Act and other pertinent statutes, all NPS officials and employees must be knowledgeable about the laws, regulations, and policies that pertain to their work. The property clause of the U. S. Constitution, which is the supreme law of the United States, gives Congress the authority to develop laws governing the management of the national park system. The property clause specifically directs that "The Congress will have the Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States" (article IV, section 3). Once laws are enacted, authority for interpreting and implementing them is delegated to appropriate levels of government. In carrying out this function, the National Park Service, like other federal agencies, develops policy to interpret the ambiguities of the law and to fill in the details left unaddressed by Congress in the statutes.

Hierarchy of Authorities

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

Policy Development

Policy sets the framework and provides direction for all management decisions. This direction may be general or specific; it may prescribe the process through which decisions

[1] The terms "National Park Service," "Park Service," "Service," and "NPS" are used interchangeably in this document.

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

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

Compliance and Accountability

The policies contained within this document are intended only to improve the internal management of the National Park Service, and are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

Service-wide policy is articulated by the Director of the National Park Service. ~~Adherence to policy is mandatory~~NPS employees must follow these policies unless specifically waived or modified in writing by the Secretary, the Assistant Secretary, or the Director. Waivers and modifications will be considered on a case-by-case basis, and previous waivers or modifications will not necessarily be regarded as precedents for future waivers or modifications. Park superintendents will be held accountable for their, and their staff's, adherence to Service-wide policy. A request for a waiver or modification of policy must include a written justification and be submitted to the Director through the Office of Policy, which will coordinate with appropriate program offices.

The Directives System

This volume of NPS *Management Policies* is the basic Service-wide policy document of the National Park Service, superseding the ~~1988~~2001 edition. It is the highest of three levels of guidance documents in the NPS Directives System. The Directives System is designed to provide NPS management and staff with clear and continuously updated information on NPS policy and required and/or recommended actions, as well as any other information that will help them manage parks and programs effectively.

Management Policies will be revised at appropriate intervals to consolidate Service-wide policy decisions, or to respond to new laws and technologies, new understandings of park

resources and the factors that affect them, or changes in American society. Interim updates or amendments may be accomplished through Director's Orders (the second level of the Directives System), which also serve as a vehicle to clarify or supplement the *Management Policies* to meet the needs of NPS managers. Any previously dated statement of policy not consistent with these Management Policies, or with a Director's Order that updates, amends, or clarifies policy, is to be disregarded.

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

~~It is important to note that the~~The Directives System ~~is a relatively new creation of the National Park Service, retaining NPS Management Policies, but replacing (on a phased schedule)~~replaces the guidelines, special directives, and staff directives issued under the former system. ~~Many~~Some Director's Orders planned for completion were not yet approved when this edition of Management Policies was published. Anyone who needs additional information about a Director's Order that has not yet been approved should contact the NPS program manager responsible for the particular subject matter, or the Office of Policy in Washington, DC. (See Appendix C for a listing of Director's Orders.)

~~Another minor issue associated with timing is that a few of the policy statements made in this edition of Management Policies are not entirely consistent with existing regulations. In these cases, it is the Service's intent to revise the inconsistent regulations to more fully comport with the new policy statements. However, until the regulations are formally revised through the rulemaking procedure, they will remain in effect—even though they no longer accurately reflect NPS policy.~~

Comment: To reduce confusion, this paragraph has been deleted along with any policies that were inconsistent with regulations.

Other Sources of Guidance

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

National Park Service Program Policies

This volume addresses only those policies applicable to management of the national park system. A second volume—to be added at a later date—will address policies applicable to

NPS-administered programs that serve the conservation and recreation needs of the nation, but are not directly related to the national park system. Examples include the National Register of Historic Places; the Land and Water Conservation ~~Fund grants program; the~~ Grants Program; the Historic American Buildings Survey; the American Battlefield Protection Program; the National Maritime Heritage Grants Program; the Rivers, Trails and Conservation Assistance Program; and the Tribal Heritage Preservation Grants Program.

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

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Chapter 1: The Foundation

Beginning with Yellowstone, the idea of a national park was an American invention of historic consequences. The areas that now comprise the national park system, and those that will be added in years to come, are overall cumulative expressions of a single national heritage. The National Park Service must manage park resources and values in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

1.1 The National Park Idea

The world's first national park—Yellowstone—was created in 1872, at which time Congress set aside more than one million acres as "a public park or pleasuring ground for the benefit and enjoyment of the people." The legislation assigned control of the new park to the Secretary of the Interior, who would be responsible for issuing regulations to provide for the "preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities, or wonders, within the park, and their retention in their natural condition." Other park management functions were to include the development of visitor accommodations, the construction of roads and bridle trails, the removal of trespassers, and protection "against the wanton destruction of the fish and game found within the park" (16 USCUnited States Code 21-22).

This idea of a national park was an American invention of historic consequences, markingmarked the beginning of a world–wide movement that has subsequently spread to more than 100 countries and 1,200 national parks and conservation preserves. However, when Yellowstone National Park was created, no concept or plan existed upon which to build a system of such parks. The concept now described as the national park system, which embraces, nationwide, a wide variety of natural and cultural resources, evolved slowly over the years—often through the consolidation of federal land management responsibilities.

As interest grew in preserving the great scenic wonders of the West, efforts were also under way to protect the sites and structures associated with early Native American culture, particularly in the Southwest. The Antiquities Act of 1906 authorized the President "to declare by public proclamation [as national monuments] historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest" (16 USC 431).

In 1916, Congress created the National Park Service[2] in the Department of the Interior to "promote and regulate the use of the federal areas known as national parks, monuments, and reservations" (16 USC 1). (The terms "National Park Service," "Park Service," "Service," and "NPS" are used interchangeablyto "conserve" the resources and values in this document.) these areas "unimpaired" for the enjoyment of future generations (16 USC 1). The words "conserve," "preserve," and "protect" are used frequently throughout these *Management Policies*. They are words that, in some contexts, carry distinctly different

[2] The terms "National Park Service," "Park Service," "Service," and "NPS" are used interchangeably in this document.

meanings. However, in the context of *Management Policies*, it is not appropriate to create or imply highly prescribed distinctions between them. This is because there are many statutes applicable to the parks, and some of them use the term "conserve," some use "preserve," some use "protect," and some even use a combination of these terms. It is clear from the legislative history of these statutes, and from case law, that each of these words reflects the high standard of care for park resources that Congress has required of the Service from its beginning. For this reason, these words are used interchangeably, except where their application is tied to a quotation or close paraphrase of a statute. The choice of any one of these words within these policies is not intended to, and should not be construed to, imply a greater or lesser restriction on opportunities for visitor enjoyment, or level of care for park resources and values.

Comment: The explanation above will help reduce misunderstandings.

1.2 The National Park System

The number and diversity of parks within the national park system grew as a result of a government reorganization in 1933, another following World War II, and yet another during the 1960s. Today there are more than ~~375~~388 units in the national park system. These units are variously designated as national parks, monuments, preserves, lakeshores, seashores, wild and scenic rivers, trails, historic sites, military parks, battlefields, historical parks, recreation areas, memorials, and parkways. Regardless of the many names and official designations of the park ~~lands~~units that make up the national park system, all represent some nationally significant aspect of our natural or cultural heritage. As the physical remnants of our past, and great scenic and natural places that continue to evolve~~—~~ as repositories of outstanding ~~recreation~~recreational opportunities~~—~~, class-rooms of our heritage~~—~~, and the legacy we leave to future generations~~—~~, they warrant the highest standard of protection.

1.3 Criteria for Inclusion

Congress has declared in the NPS General Authorities Act of 1970 that areas comprising the national park system are cumulative expressions of a single national heritage. Potential additions to the national park system should therefore contribute in their own special way to a system that fully represents the broad spectrum of natural and cultural resources that characterize our nation. The National Park Service is responsible for conducting professional studies of potential additions to the national park system when specifically authorized by an ~~Act~~act of Congress, and for making recommendations to the Secretary of the Interior, the President, and Congress. Several laws outline criteria for units of the national park system, and for additions to the national wild and scenic rivers system and the national trails system. To receive a favorable recommendation from the Service, a proposed addition to the national park system must (1) possess nationally significant natural or cultural resources~~;~~, (2) be a suitable addition to the system~~;~~, (3) be a feasible addition to the system~~;~~, and (4) require direct NPS management~~,~~ instead of alternative protection by other public agencies or the private sector. These criteria are designed to ensure that the national park system includes only the most outstanding examples of the nation's natural and cultural resources. ~~They~~ These criteria also recognize that there are other management alternatives for preserving the nation's outstanding resources.

1.3.1 National Significance

NPS professionals, in consultation with subject-matter experts, scholars, and scientists, will determine whether a resource is nationally significant. An area will be considered nationally significant if it

- is an outstanding example of a particular type of resource;,
- possesses exceptional value or quality in illustrating or interpreting the natural or cultural themes of our nation's heritage;,
- offers superlative opportunities for public enjoyment, or for scientific study; , and
- and retains a high degree of integrity as a true, accurate, and relatively unspoiled example of a resource.

National significance for cultural resources will be evaluated by applying the National Historic Landmarks process criteria contained in 36 CFR *(Code of Federal Regulations)* Part 65.

1.3.2 Suitability

An area is considered suitable for addition to the national park system if it represents a natural or cultural resource type that is not already adequately represented in the national park system, or is not comparably represented and protectedconserved for public enjoyment by other federal agencies; tribal, state, or local governments; or the private sector.

Adequacy of representation is determined on a case--by--case basis by comparing the potential addition to other comparably managed areas representing the same resource type, while considering differences or similarities in the character, quality, quantity, or combination of resource values. The comparative analysis also addresses rarity of the resources;, interpretive and educational potential;, and similar resources already protectedconserved in the national park system or in other public or private ownership. The comparison results in a determination of whether the proposed new area would expand, enhance, or duplicate resource– protection conservation or visitor– use opportunities found in other comparably managed areas.

1.3.3 Feasibility

To be feasible as a new unit of the national park system, an area must (1) be of sufficient size and appropriate configuration to ensure sustainable resource protectionconservation and visitor enjoyment (taking into account current and potential impacts from sources beyond proposed park boundaries); and (2) be capable of efficient administration by the NPS Park Service at a reasonable cost.

In evaluating feasibility, the Service considers a variety of factors for a study area, such as:

- size;

- boundary configurations~~;~~
- current and potential uses of the study area and surrounding lands~~;~~
- land-ownership patterns~~;~~
- willingness of landowners to sell their land or interests therein
- public enjoyment potential~~;~~
- costs associated with acquisition, development, restoration, and operation~~;~~
- access~~;~~
- current and potential threats to the resources~~;~~
- existing degradation of resources~~;~~
- staffing requirements~~;~~
- local planning and zoning ~~for the study area;~~
- the level of local and general public support~~; and~~
- the economic/ socioeconomic impacts of designation as a unit of the national park system~~.~~

The feasibility evaluation also considers the ability of the National Park Service to undertake new management responsibilities in light of current and projected ~~constraints on~~ availability of funding and personnel~~.~~ and the priority of maintaining and conserving existing national park system units.

Comment: The new text above simply acknowledges that funding for new areas may be at the expense of existing areas.

An overall evaluation of feasibility will be made after taking into account all of the above factors. However, evaluations may sometimes identify concerns or conditions, rather than simply reach a ~~"~~yes~~"~~ or ~~"~~no~~"~~ conclusion. For example, some new areas may be feasible additions to the national park system only if landowners are willing to sell; or the boundary encompasses specific areas necessary for visitor access; or state or local governments will provide appropriate assurances that adjacent land uses will remain compatible with the study area's resources and values.

1.3.4 Direct NPS Management

There are many excellent examples of the successful management of important natural and cultural resources by other public agencies, private conservation organizations, and individuals. The National Park Service applauds these accomplishments~~,~~ and actively encourages the expansion of conservation activities by state, local, and private entities~~,~~ and by other federal agencies. Unless direct ~~National Park Service~~ NPS management of a studied area is identified as the clearly superior alternative, the Service will recommend that one or more of these other entities assume a lead management role, and that the area not receive national park system status.

Studies will evaluate an appropriate range of management alternatives and will identify which alternative or combination of alternatives would, in the professional judgment of the Director, be most effective and efficient in protecting significant resources and providing opportunities for appropriate public enjoyment. Alternatives for NPS management will not be developed for study areas that fail to meet any one of the four criteria for inclusion listed in section 1.~~-~~3.~~1.~~

In cases where a study area's resources meet criteria for national significance but do not meet other criteria for inclusion in the national park system, the Service may instead recommend an alternative status, such as "affiliated~~"~~ area~~.~~." To be eligible for ~~"~~affiliated area~~"~~ status, the area's resources must~~:~~ (1) meet the same section 1.3.1 standards for national significance that apply to units of the national park system; (2) require some special recognition or technical assistance beyond what is available through existing NPS programs; (3) be managed in accordance with the policies and standards that apply to units of the national park system; and (4) be assured of sustained resource protection, as documented in a formal agreement between the ~~NPS~~Park Service and the non~~-~~federal management entity. Designation as a "heritage area" is another option that may be recommended. Heritage areas are distinctive landscapes that do not necessarily meet the same standards of national significance as national park areas~~.~~, or may benefit from continued nonfederal ownership and management. Either of these two alternatives (and others, as well) would recognize an area's importance to the nation without requiring or implying management by the National Park Service.

1.4 Park Management

Comment: The 1916 Organic Act remains the most important law governing the NPS's administration of the parks.

1.4.1 The Laws Generally Governing Park Management

The most important statutory directive for the National Park Service is provided by interrelated provisions of the NPS Organic Act of 1916~~,~~ and the NPS General Authorities Act of 1970, including amendments to the latter law enacted in 1978.

The key management~~-~~-related provision of the Organic Act is~~:~~ as follows:

> [The National Park Service] shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified … by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. (16 USC 1)

Congress supplemented and clarified these provisions through enactment of the General Authorities Act in 1970, and again through enactment of a 1978 amendment to that law (the "Redwood amendment," contained in a bill expanding Redwood National Park), which added the last two sentences in the following provision~~)~~. The key part of that act, as amended, is~~:~~ as follows:

> Congress declares that the national park system, which began with establishment of Yellowstone National Park in 1872, has since grown to include superlative natural, historic, and recreation areas in every major region of the United States, its territories and island possessions; that these areas, though distinct in character, are united through their inter-related purposes and resources into one national park system as cumulative expressions of a single national heritage; that, individually and collectively, these areas derive increased national dignity and recognition of their superlative environmental quality through their inclusion jointly with each other in one national park system preserved and managed for the benefit and inspiration of all the people of the United States; and that it is the purpose of this Act to include all such areas in the System and to clarify the authorities applicable to the system. Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined in section 1c of this title, shall be consistent with and founded in the purpose established by section 1 of this title [the Organic Act provision quoted above], to the common benefit of all the people of the United States. The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress. (16 USC 1a-1)

This section 1.4 of *Management Policies* represents the agency's interpretation of these key statutory provisions.

1.4.2 "Impairment" and "Derogation": One Standard

Congress intended the language of the Redwood amendment to the General Authorities Act to reiterate the provisions of the Organic Act, not create a substantively different management standard. The House committee report described the Redwood amendment as a "declaration by Congress" that the promotion and regulation of the national park system is to be consistent with the Organic Act. The Senate committee report stated that under the Redwood amendment, "The Secretary has an absolute duty, which is not to be compromised, to fulfill the mandate of the 1916 Act to take whatever actions and seek whatever relief as will safeguard the units of the national park system." So, although the Organic Act and the General Authorities Act, as amended by the Redwood amendment, use different wording (" unimpaired" and "derogation") to describe what the National Park Service must avoid, they define a single standard for the management of the national park system—not two different standards. For simplicity, *Management Policies* uses "impairment," (or a variation thereof), not both statutory phrases, to refer to that single standard.

1.4.3 The NPS ~~Obligation~~Obligations to Conserve and Provide for Enjoyment of Park Resources and Values

The "fundamental purpose" of the national park system, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, ~~begins with a mandate to conserve park resources and values. This mandate is independent of the separate prohibition on impairment, and so applies all the time, with respect to all park resources and values, even when there is no risk that any park resources or values may be impaired.~~is "to conserve the scenery and the natural and historic objects and the wild life 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." Through this mandate, Congress established the overarching mission for national parks, which is to protect park resources and values to ensure that these resources and values are maintained in as good, or **better**, condition for the enjoyment of present and future generations. NPS managers must always seek ways to avoid, or to minimize to the greatest ~~degree~~extent practicable, ~~adverse~~unacceptable impacts on park resources and values. However, the laws do give the Service the management discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, so long as the impact does not ~~constitute impairment of the affected resources and values.~~ rise to the level of impairment or diminish visitor experience over time.

Comment: NPS restoration activities make resource conditions better.

~~The fundamental purpose of all parks also includes providing for~~As noted, the "enjoyment" of park resources and values ~~by~~ is part of the ~~people of the United States.~~fundamental purpose of all parks. The "enjoyment" that is contemplated by the statute is broad; it is the enjoyment of all the people of the United States, ~~not just those who visit parks,~~ and so includes enjoyment both by people who ~~directly experience~~visit parks and by those who appreciate them from afar. It also includes deriving benefit (including scientific knowledge) and inspiration from parks, as well as other ~~forms of enjoyment. Congress, recognizing that the enjoyment by future generations of the national parks can be ensured only if the superb quality of park resources and values is left unimpaired, has provided that when there is a conflict between conserving resources and values and providing for enjoyment of them, conservation is to be predominant. This is how courts have consistently interpreted the Organic Act, in decisions that variously describe it as making "resource protection the primary goal" or "resource protection the overarching concern," or as establishing a "primary mission of resource conservation," a "conservation mandate," "an overriding preservation mandate," "an overarching goal of resource protection," or "but a single purpose, namely, conservation."~~ uses. The Park Service recognizes that activities in which park visitors engage can cause impacts to park resources and values, and the Service must balance the sometimes competing obligations of conservation and enjoyment in managing the parks. The courts have recognized that the Service has broad discretion in determining how best to fulfill the Organic Act's mandate. Because the enjoyment of park resources and values by present and future generations is dependent on their preservation, when there are concerns as to whether an activity or action will cause an impairment, the Service will protect the resources while taking appropriate steps, including scientific study and public involvement, to resolve the concerns.

Comment: When there is uncertainty, the NPS will protect the resources.

~~1.4.4 The Prohibition on Impairment of Park Resources and Values~~

~~While Congress has given the Service the management discretion to allow certain impacts~~

1.4.3.1 Appropriate Use

Comment: The text below stresses the importance of appropriate use.

In each case where a form of enjoyment or other use is under consideration, the responsible NPS manager must determine whether the use is "appropriate" in a particular park. Appropriate uses are those uses that, in the professional judgment of the responsible NPS manager, will not

Comment: See Glossary for stringent new standard that has been set for "professional judgment."

- cause an unacceptable impact,
- be inconsistent with the park purposes or values,
- unreasonably interfere with park programs or activities,
- disrupt the operations of park concessions or contractors,
- create an unsafe or unhealthful environment for visitors or employees,
- result in significant conflict with other appropriate uses, or
- diminish opportunities for current or future generations to enjoy park resources or values.

Subject to the above criteria, appropriate uses may include

- uses that have occurred historically in a park and when the type and/or the level of impact has not increased significantly,
- uses that may represent new technology, or
- uses whose impacts can be successfully mitigated or eliminated through
  - visitor education,
  - temporal, spatial, or numerical limitations on the use,
  - the application of best available technology, or
  - the application of adaptive management techniques.

Comment: "Managing" these activities may make them appropriate, but they are still subject to the overarching criteria for "appropriate use."

1.4.3.2 Unacceptable Impacts

Comment: This draft sets tough criteria for unacceptable impacts so that impacts do not come close to causing impairment. Criteria for protection are at least as strong as the 2001 edition.

In evaluating the appropriateness of an activity, standard NPS planning and decision-making procedures will be employed to engage the public and to utilize the best scientific information available. These procedures will also be used to determine whether there would be an unacceptable impact. An unacceptable impact is an impact that would

- be inconsistent with the park's purposes or values,
- degrade resource conditions so as to preclude future generations from enjoying the resource in as good, or better, condition,
- create an unsafe or unhealthful environment for other visitors or employees, or
- unreasonably interfere with
  - existing appropriate park uses,
  - NPS interpretive, visitor service, administrative, or other activities,
  - NPS concessioner or contractor operations or services, or
  - the attainment of a park's desired conditions, as identified through the park's planning process.

Comment: This criterion places increased importance on the park planning process, which would identify, for example, locations where desired conditions such as quiet, tranquility, and natural sounds are especially important.

1.4.3.3 Park Purposes and Legislatively Authorized Uses

Park purposes are found in the general laws pertaining to the national park system, as well as the enabling legislation or proclamation establishing each unit. In addition to park purposes, in many cases, the enabling legislation or proclamation for a park may also identify uses that are either mandated or authorized.

In the administration of mandated uses, park managers must allow the use; however, they do have the authority to and must manage and regulate the use to minimize impacts on park resources, values, and visitor enjoyment. In the administration of authorized uses, park managers have the discretionary authority to allow and manage the use, provided that the use will not cause impairment or unacceptable impacts. In considering whether to allow the use, park managers must respect and be responsive to the desire, as reflected in the enabling legislation or proclamation, that the use or uses continue.

(See Major Elements of NPS Park Planning and Decision-making 2.2; General 8.1)

1.4.4 The Prohibition on Impairment of Park Resources and Values

Although Congress has given the Service the management discretion to allow impacts from activities within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired, unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the National Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them.

The impairment of park resources and values may not be allowed by the Service unless directly and specifically provided for by legislation or by the proclamation establishing the park. The relevant legislation or proclamation must provide explicitly (not by implication or inference) for the activity, in terms that keep the Service from having the authority to manage the activity so as to avoid the impairment.

Comment: More guidance is added below on what a manager must do when making decisions about impairment.

1.4.5 What Constitutes Impairment of Park Resources and Values

The impairment that is prohibited by the Organic Act and the General Authorities Act is ~~an~~a significant impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values. The responsible NPS manager must have followed a process including civic engagement as well as the use of the best available scientific, scholarly, and technical information, and be able to clearly articulate the reasoning applied in reaching a finding of impairment or non-impairment. Whether an impact meets this definition depends on the particular resources and values that would be

affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts.

An impact to any park resource or value may, but does not necessarily, constitute an impairment. An impact would be more likely to constitute an impairment to the extent that it affects a resource or value whose conservation is~~:~~

- ~~Necessary~~necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park~~; Key~~, or
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park~~;~~, or ~~Identified as a goal~~
- identified in the park's general management plan or other relevant NPS planning documents as being of special significance.

An impact would be less likely to constitute an impairment to the extent that it is an unavoidable result, which cannot reasonably be further mitigated, of an action necessary to preserve or restore the integrity of park resources or values.

~~Impairment~~ An impact that may ~~occur~~lead to impairment may result from ~~visitor activities;~~ NPS administrative activities ~~in the course of managing a park; or~~ ; activities undertaken by concessioners, contractors, and others operating in the park~~.~~; or visitor activities.

1.4.6 _What Constitutes Park Resources and Values

The "park resources ~~and values~~" that are subject to the no impairment standard include~~:~~ the following:

Comment: "Resources" are distinguished from "values," but they are protected equally. (See para below)

- The park's scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals~~;~~.

~~Opportunities~~The "park values" that are subject to the no impairment standard include

- appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing ~~any of them;~~ the same,
- ~~The~~ the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system~~;~~, and

- ~~Any~~ any additional attributes encompassed by the specific values and purposes for which it was established.

(See introduction to chapter 4)

1.4.7 Decision-making Requirements to Avoid Impairments

Before approving a proposed action that could lead to an impairment of park resources and values, an NPS decision-maker must consider the impacts of the proposed action and determine, in writing, that the activity will not lead to an impairment of park resources and values. If there would be an impairment, the action may not be approved.

In making a determination of whether there would be an impairment, a National Park Service decision-maker must use his or her professional judgment. The decision- maker must consider any environmental assessments or environmental impact statements required by the National Environmental Policy Act of 1969 (NEPA); relevant scientific studies, and other sources of information; and public comments.

When an NPS decision- maker becomes aware that an ongoing activity might have led or might be leading to an impairment of park resources or values, he or she must investigate and determine if there is, or will be, ~~an~~ impairment. Whenever reasonable and practicable, such an investigation and determination will be made as part of an appropriate park planning process undertaken for other purposes. If it is determined that there is, or will be, such an impairment, the ~~Director~~decision maker must take appropriate action, to the extent possible within the Service's authorities and available resources, to mitigate the impacts so as to eliminate the impairment~~.~~, or reduce impacts as needed to eliminate the impairment. The action must eliminate the impairment as soon as reasonably possible, taking into consideration the nature, duration, magnitude, and other characteristics of the impacts to park resources and values, as well as the requirements of NEPA, the Administrative Procedure Act, and other applicable laws.

(See Levels of Park Planning 2.3; Evaluating Environmental Impacts 4.1.3; Planning 5.2; General 8.1; Visitor Use 8.2; General 9.1. Also see Director's Order #12: Conservation Planning and Environmental Impact Analysis)

~~1.5 External Threats and Opportunities~~

Comment: Cooperation is the best way to prevent threats to park resources and ensure their protection.

~~Strategies and actions~~1.5 Cooperative Conservation Beyond Park Boundaries

Cooperation beyond park boundaries ~~have~~ has become increasingly necessary as the National Park Service strives to fulfill its mandate to ~~preserve~~conserve the natural and cultural resources of parks unimpaired for future generations. Ecological processes cross park boundaries, and park boundaries may not incorporate all of the natural resources, cultural sites, and scenic vistas that relate to park resources or the quality of the visitor experience. Therefore, activities proposed for adjacent lands may significantly affect park programs, resources, and values. Conversely, Park Service activities may have impacts outside park

boundaries. Recognizing that parks are integral parts of larger regional environments, the Service will work cooperatively with others to (1) anticipate, avoid, and resolve potential conflicts; (2) protect park resources and values; (3) provide for visitor enjoyment; and (4) address mutual interests in the quality of life of community residents, including matters such as compatible economic development and resource and environmental protection. Such local and regional cooperation may involve other federal agencies; tribal, state, and local governments; neighboring landowners; non~~-governmental~~profit and private sector organizations; and all other concerned parties.

The Service will use all available authorities to ~~protect~~ conserve park resources and values and protect them from ~~potentially harmful activities.~~impairment. Superintendents will monitor land use proposals and changes to adjacent lands, and their potential impacts on park resources and values. It is appropriate for superintendents to engage constructively with the broader community in the same way that any good neighbor would. Superintendents will encourage compatible adjacent land uses, and seek to mitigate potential adverse ~~effects~~impacts on park resources and values by actively participating in the planning and regulatory processes of other federal agencies~~,~~ and tribal, state, and local governments~~,~~ having jurisdiction over property directly affecting, or directly affected by, the park. When engaged in these activities, superintendents should fully apply the principles of civic engagement to promote better understanding and communication by documenting the park's concerns and sharing them with all who are interested, and by listening to the concerns of those who are affected by the park's actions.

(See Civic Engagement 1.11; Cooperative Planning 2.3.1.9; Addressing Threats from External Sources 3.4; Air Quality 4.7.1; Soundscape Management 4.9~~)~~. Also see Director's Order #75A)

1.6 Environmental Leadership

Given the scope of its responsibility for the resources and values entrusted to its care, the Service has an obligation, as well as a unique opportunity, to demonstrate leadership in environmental stewardship. The ~~NPS~~ Park Service must lead by example not only for visitors, other governmental agencies, the private sector, and the public at large, but also for a world~~-~~wide audience. ~~Touching so many lives, the Service's management of the parks must awaken the potential of each individual to play a proactive role in protecting the environment.~~

Environmental leadership will be demonstrated in all aspects of NPS activities, including policy development; park planning; all aspects of park operations; land protection; natural and cultural resource management; wilderness management; interpretation and education; facilities design, construction, and management; and commercial visitor services. In demonstrating environmental leadership, the Service will fully comply with the letter and the spirit of NEPA, and continually assess the impact its operations have on natural and cultural resources so that it may identify areas for improvement. The Service will institutionalize an assessment process, through a Service~~-~~wide environmental auditing program, that will evaluate a broad array of NPS activities for meeting the highest standards of environmental

protection and compliance. The program will also screen for opportunities to implement sustainable practices, and tangibly demonstrate the highest levels of environmental ethic.

(See Facility Planning and Design 9.1.1)

~~1.7 Managing Information~~

Comment: The topic of managing information is now covered in 1.7.1.

~~The future of the Service as an accountable organization, and the future of individual parks, depends heavily on (1) the availability, management, and dissemination of comprehensive information, and (2) the Service's success in long- term preservation and management of, and access to that information. NPS information resources exist in a variety of different media, including paper records, electronic documents, maps, databases, photography, video, and audio. The NPS will implement professional- quality programs to preserve, manage, and integrate these resources, and to make them accessible. The Service will also use tools and technologies that will enhance:~~

- ~~Information capture in permanent and durable forms.~~
- ~~Information management that is required by NPS policy and by legal and professional standards.~~
- ~~Management of electronic, textual, and audiovisual information resources, including still images, for continuous accessibility by NPS staff and the public.~~
- ~~Internet and World Wide Web capabilities.~~

~~Geographic~~ 1.7 Management Excellence

Comment: The old section 1.7 has been expanded into the broader theme of Management Excellence.

Successful and sustained realization of the Service's mission requires attentive employment of the most effective and efficient business principles and practices available. Individually, and in isolation from one another, these business concepts might appear to some to have little to do with the work of conserving America's heritage resources unimpaired for the enjoyment of present and future generations. However, unless park managers can demonstrate their responsibility to and accountability for concepts ranging from competent management of information technology and finances, to the successful management and development of human resources, their opportunities to conserve resources and provide opportunities for public enjoyment will be severely limited.

1.7.1 Managing Information

NPS information resources exist in a variety of different media, including paper records, electronic documents, maps, databases, photographs, and video and audio media. The use of information management and technology tools increases the understanding and management of the nation's natural and cultural resources, facilities and utilities, and accountability responsibilities.

Today's information technology environment is based on the convergence of many technologies, requiring a more comprehensive management and governance structure than necessary previously. Information technology (IT) assets must be cost-effective and relevant

to the Service's mission. Consistent policies, procedures, and processes throughout the Service will improve interoperability (the ability of information systems ~~(GIS).~~ to work with each other) and reduce redundant systems and uses of technology.

- ~~The understanding and management of the nation's natural and cultural resources.~~

~~1.7.1 Information Sharing~~

~~The Service is committed to the widest possible sharing and availability of knowledge, and to fostering discussion about the national park system, America's natural and cultural heritage found in national parks, and the national experiences and values they represent. Most information shared with the public is presumed to be in the "public domain," and therefore available to anyone who is interested.~~

The Park Service will use industry "best practices" when and where appropriate and will consistently manage its IT assets using federal IT statutes, principles, standards, and guidance, such as the Clinger-Cohen Act of 1996, the federal architecture framework, the IT investment model, and National Institute of Standards and Technology guidance on information and technology security.

The Park Service will participate as a part of the larger federal, state, and public information community through data-sharing, developing system interfaces, using common technologies and practices, and seeking cost-saving possibilities through partnerships with other organizations.

Comment: Information Sharing is moved to 1.7.1.1 below.

The Service will use a wide variety of proven tools and technologies that will enhance the following:

- development or acquisition of information systems using a system lifecycle development approach that meet the needs of NPS management and the public
- information captured and maintained in a secure, yet accessible manner that is easily integrated with other NPS data stores storage
- information management that is required by NPS policy and by legal and professional standards
- management of electronic, textual, and audiovisual information resources, including still images, for continuous accessibility by NPS staff and the public
- presentation of information through the World Wide Web (Web) in a professional, consistent, and comprehensive manner that meets the needs of our employees and the public and demonstrates the Service's commitment to a citizen-centered environment
- the broad development of spatial information through the technology of geographic information systems
- educational opportunities for a diverse range of people and public sectors, including the international community

(Also see Director's Order #11A: Information Technology Management, DO 11C: Web Publishing, and DO 19: Records Management)

1.7.1.1 Information Sharing

The Service is committed to the widest possible sharing and availability of knowledge, and to fostering discussion about the national park system, America's natural and cultural heritage found in national parks, and the national experiences and values they represent. The Service will comply fully with its information security responsibilities under the Federal Information Security Management Act of 2002 (44 USC 3544) and determine the sensitivity of stored information. Information not found to be confidential will be made available in the "public domain" to anyone who is interested. The only exceptions to information sharing are where disclosure could jeopardize specific park resources or donor agreements, or where disclosure would violate legal or confidentiality requirements.

(Also see Director's Orders #66: FOIA and Protected Resource Information and #75A: Civic Engagement and Public Involvement))

1.7.1.2 Proprietary Information

When producing or acquiring new works (such as images, graphic designs, logos, writing, or Web sites) through acquisition by donation, contracting, partnerships, or other means, the ~~NPS~~Park Service will acquire the appropriate copyrights and any necessary releases, such as model or interview releases, whenever there is a current or anticipated need for unrestricted access to those works. The Service will respect the rights of owners of copyrights to control how their works are used, and will comply with "fair use" standards when information or works are not licensed for dissemination.

(Also see Director's Order #67: Copyrights and Trademarks)

1.7.1.3 Information Confidentiality

~~While~~Although it is the general policy of the ~~NPS~~Park Service to share information widely, the Service also realizes that providing information about the location of park resources may sometimes place those resources at risk of harm, theft, or destruction. This can occur, for example, with regard to caves, archeological sites, and rare plant and animal species. Some types of personnel, financial, and law enforcement matters are other examples of information that may be inappropriate for release to the public. Therefore, information will be withheld when the Service foresees that disclosure would be harmful to an interest protected by an exemption under the Freedom of Information Act (FOIA).

Information will also be withheld when the ~~NPS~~Park Service has entered into a written agreement (e.-g., deed of gift, interview release, or similar written contract) to withhold data for a fixed period of time at the time of acquisition of the information. Such information will not be provided unless required by ~~FOIA~~the Freedom of Information Act or other applicable law, a subpoena, a court order, or a federal audit.

NPS managers will use these exemptions sparingly, and only to the extent allowed by law. In general, if information is withheld from one requesting party, it must be withheld from

anyone else who requests it, and if information is provided to one requesting party, it must be provided to anyone else who requests it. Procedures contained in Director's Order #66: FOIA and Protected Resource Information~~,~~ will be followed to document any decisions to release information or to withhold information from the public.

(See Natural Resources Information 4.1.3; Studies and Collections 4.2; Caves 4.8.2.2; Research 5.1; Confidentiality 5.2.3; Interpretation and Education Services Beyond Park Boundaries 7.5.2. Also see Director's Orders #5: Paper and Electronic Communications, #19: Records Management, #84: NPS Library Programs, and #70: Internet and Intranet Publishing. Also see Reference Manual 53, Chapter 5)

Comment: "Accountability" has been expanded and is renamed "Management Accountability" in 1.7.4.

~~1.8 Accountability~~

~~1.8.1 Management Accountability~~

~~Management accountability is the expectation that managers are responsible for the quality and timeliness of program performance, increasing productivity, controlling costs, and mitigating the adverse aspects of agency operations, and for assuring that programs are managed with integrity and in compliance with applicable law.~~

~~The National Park Service will comply with OMB Circular A- 123 and the Federal Managers' Financial Integrity Act of 1982 (31 USC 3512(d)), which require that all federal agencies and individual managers take systematic and proactive measures to (1) develop and implement appropriate, costeffective management controls for results- oriented management; (2) assess the adequacy of management controls in federal programs and operations; (3) identify needed improvements; (4) take corresponding corrective action; and (5) report annually on management controls.~~

~~The concept of management accountability will be applied to all strategies, plans, guidance, and procedures that govern programs and operations throughout the Service, including those at the park level, the program center level, and the Service- wide level. The Service will, through its organization, policies, and procedures, implement systems of controls to reasonably ensure that:~~

- ~~Programs achieve their intended results;~~
- ~~Resources are used consistent with the NPS mission;~~
- ~~Programs and resources are protected from fraud, waste, abuse, and mismanagement;~~
- ~~Laws and regulations are followed; and~~
- ~~Reliable and timely information is obtained, maintained, reported, and used for decision- making.~~

~~1.8.2 Government Performance and Results Act~~

Comment: GPRA is now included in section 1.7.4.1.

~~As the business system for the National Park Service, performance management will be used to set goals and track accomplishments. Service- wide strategic plans, annual performance plans, and annual performance reports will be prepared, distributed, used, and analyzed for~~

~~management accountability. These requirements are based on the Government Performance and Results Act of 1993 (GPRA). In accordance with GPRA:~~

- ~~Strategic plans will be developed and updated at all organizational levels Service-wide. These plans will drive budgeting and resource allocation decisions, and represent the Service's performance agreement with the American people.~~
- ~~The superintendent of each park will prepare and make available to the public a 5-year strategic plan, an annual performance plan, and an annual performance report. The strategic plan and annual performance plan will reflect NPS policies and goals stated in the Service- wide Strategic Plan. The park annual performance report will show accomplishments or results toward stated goals to evaluate organizational and individual performance. NPS GPRA goals must be consistent with these Management Policies.~~
- ~~Park superintendents and other Park Service managers will implement a performance management system that focuses on achieving, through daily operations, the desired conditions or results identified in the plans.~~

~~*(See Park Annual Performance Planning and Annual Performance Reporting 2.3.4)*~~

Comment: "Partnerships" remains as section 1.9, but appears further along in the text below.

~~1.9 Partnerships~~

~~The Service has had many successful relationships with individuals; organizations; tribal, state, and local governments; and other federal agencies that have helped fulfill the NPS mission. Through these relationships, the Service has received valuable assistance in the form of educational programs, living history demonstrations, search and rescue operations, fundraising campaigns, habitat restoration, ecosystem management, and a host of other activities. These relationships — generally referred to as "partnerships" — have produced countless benefits for the Service and for the national park system.~~1

~~Benefits often extend into the future, because many people who participate as partners connect more strongly with the parks and commit themselves to long- term stewardship. The Service will continue to welcome and actively seek partnership activities with individuals, organizations, and others who share the Service's commitment to protecting park resources and values. The Service will embrace any partnership opportu nity that will help accomplish the NPS mission, provided that personnel and funding requirements do not make it impractical for the Service to participate, and provided that the partnership activity would not (1) violate legal or ethical standards; (2) otherwise reflect adversely on the NPS mission and image; or (3) imply an unwillingness by the Service to perform an inherently governmental function.~~

~~In the spirit of partnership, the Service will also seek opportunities for cooperative management agreements with state or local agencies that will allow for more effective and efficient management of the parks, as authorized by section 802 of the National Parks Omnibus Management Act of 1998 (16 USC 1a- 2(l)).~~

~~Park superintendents may encounter partnership proposals from groups or organizations who wish to offer advice on park management issues. While the NPS encourages consultation and other forms of public involvement, the Federal Advisory Committee Act (FACA) allows NPS staff to meet or consult with individuals and groups only for the purpose of exchanging views and information, and to solicit individual advice on proposed NPS actions. If consensus advice is sought, an advisory committee must first be chartered pursuant to FACA.~~

1.7.2 Accessibility for Persons with Disabilities

Comment: The accessibility text is not new, but is brought forward to chapter 1 due to its importance.

All practicable efforts will be made to make NPS facilities, programs, services, employment, and meaningful work opportunities accessible and usable by all people, including those with disabilities. This policy reflects the commitment to provide access to the widest cross section of the public, and to ensure compliance with the Architectural Barriers Act of 1968, the Rehabilitation Act of 1973, and the Equal Employment Opportunity Act of 1972. Specific guidance for implementing these laws is found in the Secretary of the Interior's regulations regarding enforcement of nondiscrimination of the basis of disability in Department of the Interior programs (43 CFR Part 17, Subpart E).

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

1.7.3 Public Information and Media Relations

Comment: Section 1.7.3 underscores NPS's commitment to inform and engage the public.

The Service will provide timely and accurate information to the public and news media in accordance with applicable laws, Departmental policy, and Director's Orders. Park managers should identify appropriate opportunities to inform and educate the public about park resources and values and ways to enjoy the same. Every effort should be made to provide early notification of changes in park management practices, and to conduct active civic engagement pursuant to Directors Order #75A. Park managers should keep the public informed of ongoing events in parks, especially as they may affect visitors and gateway communities. In some instances, certain information about individuals or events may need to be withheld for privacy, security, or other reasons, consistent with the Freedom of Information Act and the Privacy Act.

1.7.4 Management Accountability

Comment: Mgmt Accountability was section 1.8.1 in 2001 edition. It has been greatly expanded to stress the need for financial responsibility.

Management accountability is the expectation that managers are responsible for the quality and timeliness of program performance, increasing productivity, controlling costs, and

mitigating the adverse aspects of agency operations, and for assuring that programs are managed with integrity and in compliance with applicable law.

The National Park Service will comply with OMB (Office of Management and Budget) Circular A-123 and the Federal Managers' Financial Integrity Act of 1982 (31 USC 3512(d)), which require that all federal agencies and individual managers take systematic and proactive measures to (1) develop and implement appropriate, cost-effective management controls for results-oriented management, (2) assess the adequacy of management controls in federal programs and operations, (3) identify needed improvements, (4) take corresponding corrective action, and (5) report annually on management controls.

The concept of management accountability will be applied to all strategies, plans, guidance, and procedures that govern programs and operations throughout the Service, including those at the park level, the program center level, and the Servicewide level. The Service will, through its organization, policies, and procedures, implement systems of controls to reasonably ensure that

- programs achieve their intended results,
- resources are used consistent with the NPS mission,
- programs and resources are managed to prevent waste, fraud, abuse, and mismanagement,
- laws and regulations are followed, and
- reliable and timely information is obtained, maintained, reported, and used for decision making.

1.7.4.1 Government Performance and Results Act

Comment: GPRA was 1.8.2 in 2001 edition.

As the business system for the National Park Service, performance management will be used to set goals and track accomplishments. Servicewide strategic plans, annual performance plans, and annual performance reports will be prepared, distributed, used, and analyzed for management accountability. These requirements are based on the Government Performance and Results Act of 1993 (GPRA). Park superintendents and other NPS managers will implement a performance management system that focuses on achieving, through daily operations, the desired conditions or results identified in the plans. More details on performance management responsibilities at the national, regional, and park level are found in section 2.3.3, *Strategic Planning*.

1.7.4.2 Financial Sustainability

The Park Service will strive to be an effective and efficient steward of appropriated and nonappropriated funds and services. These include revenues from recreation and other fees, as well as financial and in-kind support from cooperating associations, friends' groups, other partnership entities, and volunteers. The Service will attempt to meet management goals consistently through strategic planning that anticipates budget requirements, changing conditions, and reasonably foreseeable trends and events.

The Service will continually implement best management practices to achieve financial sustainability, including

- analyzing and revising work processes to achieve greater efficiency,
- making full use of information technology,
- anticipating and addressing funding availability through credible business practices,
- ensuring that the out-year budget implications of decision making are carefully considered in planning and other processes,
- ensuring that both short- and long-term costs of facility development and operation are factored into the project formulation and selection process,
- utilizing value-based decision-making processes such as value analysis, capital asset planning, benefit-cost analysis, life-cycle cost estimating, risk analysis, and total cost of ownership analysis,
- linking performance management elements to achieving and maintaining financial sustainability.

The Service will continually seek improvement and innovation in the following subsections.

1.7.4.3 Construction Projects

Comment: The Service is committed to curbing the tendency to over-build facilities, or to build facilities that are not financially sustainable.

The Service will continue to build necessary and appropriately sized new facilities to meet its mission when no other alternatives are available. However, the Service recognizes that, in the past, some building projects have too often involved facilities that may have exceeded minimum functional requirements. In many instances, the development of these facilities has affected the park's operational budget. Additionally, in some partnership projects, there have been expectations that presume an unacceptably large federal contribution—not only for the project's construction, but also for the cost of maintaining the new facility. Therefore, the Park Service will implement a comprehensive project review process to ensure that projects are essential to the mission, achievable, and sustainable. As elements of this process, the Park Service will deploy Servicewide training, a project tracking system, and an accountability system that will be incorporated into the performance plans of regional directors and superintendents.

The Park Service will proceed with projects only after the responsible manager has determined that

- the proposed projects address NPS priorities and are consistent with park general management plans,
- partners have the capability to raise promised funding,
- any expected capital contributions from the Park Service have been prioritized in the five-year capital plan, and
- ongoing operation and maintenance costs are known and can be sustained over time.

These policies will apply both to projects that are built solely with appropriated funds, and those that are built solely or partially with funds donated to the Service. In addition, where donated funds are used, the Park Service will follow the requirements of Director's Order

#21 and will include in all agreements with partners language that specifically prohibits the solicitation of funding from Congress outside of the budget process.

1.7.4.4 Facilities Management

The Service will strive to reduce the backlog of deferred facility and infrastructure maintenance and construction, including park roads and other assets. The comprehensive asset management strategy will be used to prioritize asset investments, including preventive maintenance, as well as major rehabilitation and replacement of facilities when appropriate. The comprehensive asset management strategy will include a complete inventory, baseline facility condition information, and a recurring program of comprehensive condition assessments. The Service will use these management tools to establish performance goals for NPS facilities.

1.7.4.5 Business-like Concession Program

The Service will seek to provide a better return to the federal government from concession franchise fees, as well as by requiring, as a condition of concession contracts, the improved maintenance of facilities. When appropriate, the Park Service will seek outside reviews and recommendations for improving the concession program.

1.7.4.6 Budget Performance and Accountability Programs

The Park Service will continue to pursue and employ the most useful and effective tools for improving budget performance and accountability. The Service will also continue to improve the budget formulation process, particularly related to park specifics, by making it more transparent. The goal of these efforts will be to ensure that

- funds are spent in support of a park's purpose,
- funds are spent in an efficient manner,
- a park's request for funding is credible, and
- there are adequate funds and staff to conserve and protect the resources for which parks are responsible, and provide for the enjoyment of the same.

Comment: 1.7.5 is a new section that recognizes the importance of the NPS workforce. It brings forward and expands upon some of the personnel text that was in various chapters in the 2001 edition.

1.7.5 Human Capital

The Service will pursue a human capital program that is comprehensive and competency based, and encompasses the entire workforce, including employees, volunteers, contractors, concession employees, students, and partners.

1.7.5.1 Career Development, Training and Management

Employee development helps organizations achieve greater success. The goals of the Park Service's employee development activities are to help employees strengthen their skills, knowledge, and experience, as well as to promote broader employee engagement in the NPS mission. Employee development planning and strategies will be directly linked to core

competencies and ensure the highest return on investment for the organization. Employees will also have opportunities to broaden their experiences and to progress in their careers through continuing education and training. In accordance with section 102 of the National Parks Omnibus Management Act of 1998 (16 USC 5912), the Park Service will implement a comprehensive training program for employees in all professional careers in the workforce to ensure that the workforce has available the best, up-to-date knowledge, skills, and abilities with which to manage, interpret, and protect the resources of the national park system.

1.7.5.2 Succession Planning

The Park Service recognizes that essential institutional knowledge erodes as seasoned, mature employees retire without replacements ready to take their place. To maintain institutional memory, the Service will develop a cadre of employees who have historical and current service experiences, have implemented proven practices, and have the ability to address issues as they arise. The Service will develop the capacity to supply future leadership through a strategic and conscious effort to purposefully develop a diverse workforce with the potential to take on leadership positions. This process will include a collaborative effort among all possible interests (including pre-employment/educational institutions) to prepare employees to meet the needs for leadership talent over time. The Service will cultivate talent for the short term and the long term to ensure the availability of a sufficient number of people who reflect the diversity of America. In accordance with section 103 of the National Parks Omnibus Management Act of 1998 (16 USC 5913), the Service will implement a management training and development plan whereby career, professional NPS employees from any appropriate academic field may obtain sufficient training, experience, and advancement opportunity to enable those qualified to move into park management positions, including the position of park superintendent. Similar efforts will be made for central office positions.

1.7.5.3 Workforce Planning

The Service will implement a process to

- evaluate the workforce,
- identify the competencies needed by the workforce in each of the career fields,
- evaluate present and future trends,
- develop strategies to address competency gaps,
- benchmark best practices, and
- develop a plan that will allow us to meet mission and strategic goals.

In concert with employee development and succession planning, workforce planning will ensure that all elements of the workforce are provided the orientation and training necessary to support the NPS mission.

1.7.5.4 Employee Safety and Health

The safety and health of our employees, contractors, volunteers, and the public is one of the Service's core values. In making decisions on matters concerning employee safety and health, NPS managers must exercise good judgment and discretion, and, above all, keep in mind that the safeguarding of human life must not be compromised. The Service will strive to ensure that all employees understand how to do their jobs safely, and that they have the necessary clothing, materials, and equipment to perform their duties with minimal personal risk.

(See Human Health and Safety 8.2.5)

1.7.5.5 Workforce Diversity

The Park Service will continue to seek ways to achieve its workforce diversity goals and to recognize workforce diversity as a sound business practice. Success in achieving workforce diversity will also enhance the Service's ability to more successfully connect with park visitors who represent America's diverse population. Continuing efforts will be made to increase public awareness of employment opportunities and to develop partnerships with diverse populations and organizations for the purpose of improving workforce diversity.

1.8 Civic Engagement

Comment: This new section underscores the NPS commitment to civic engagement.

The Service will embrace civic engagement as a fundamental discipline and practice. Civic engagement is a continuous, dynamic conversation with the public on many levels to reinforce the commitment of both the Service and the public to the preservation of heritage resources, both cultural and natural, and strengthens public understanding of the full meaning and contemporary relevance of these resources. The Service's commitment to civic engagement is founded on the central principle that preservation of the nation's heritage resources relies on continued collaborative relationships between the Service and American society. These relationships will encompass significant and meaningful public involvement in NPS operations, programming, planning, and decision making. Our civic engagement practices will acknowledge that these relationships must extend to all communities that comprise America, including to those people who have felt little or no connection with the nation's heritage resources or parks, or who have felt excluded from enjoying the parks. At its heart, civic engagement is about inclusiveness and being respectful of the views of those who take their valuable time to participate in the Service's public processes and who raise issues or voice their concerns. By doing this, the Park Service will strengthen public understanding of the full meaning and contemporary relevance of park resources and values, and the Service will gain a better understanding of the needs and concerns of the public and its leaders.

Civic engagement will be viewed as a commitment to building and sustaining relationships with neighbors and other communities of interest. The first principle is that we will welcome people to enjoy their parks in appropriate, sustainable ways. This practice will promote civic responsibility by building long-term, collaborative relationships with a broad range of communities, which in turn will foster a widespread investment in stewardship of the nation's resources. Park and program managers will work in partnership with state, local, and

tribal governments and all interested parties to jointly sponsor, develop, and promote public involvement activities to improve mutual understanding, decisions, and work products.

(Also see Director's Order #75A: Civic Engagement and Public Involvement)

1.9 Partnerships

The Service recognizes the benefits of consultation, cooperation, and communication in the service of conservation, as well as the significant role partners play in achieving conservation goals and funding conservation initiatives on behalf of the national park system. The Service has had many successful ~~relationships~~partnerships with individuals; organizations; tribal, state, and local governments; and other federal agencies that have helped fulfill the NPS mission. Through these ~~relationships~~partnerships, the Service has received valuable assistance in the form of educational programs, visitor services, living history demonstrations, search -and -rescue operations, fundraising campaigns, habitat restoration, scientific research, ecosystem management, and a host of other activities. These ~~relationships—generally referred to as "partnerships"—~~partnerships, both formal and informal, have produced countless benefits for the Service and for the national park system.1

Benefits often extend into the future, because many people who participate as partners connect more strongly with the parks and commit themselves to long- term stewardship. The Service will continue to welcome and actively seek partnership activities with individuals, organizations, and others who share the Service's commitment to protecting park resources and values. and providing for their enjoyment. The Service will embrace ~~any~~ partnership ~~opportu nity~~ opportunities that will help accomplish the NPS mission, provided that personnel and funding requirements do not make it impractical for the Service to participate, and provided that the partnership activity would not (1) violate legal or ethical standards;, (2) otherwise reflect adversely on the NPS mission and image;, or (3) imply or indicate an unwillingness by the Service to perform an inherently governmental function.

In the spirit of partnership, the Service will also seek opportunities for cooperative management agreements with state or local agencies that will allow for more effective and efficient management of the parks, as authorized by section 802 of the National Parks Omnibus Management Act of 1998 (16 USC 1a- 2(l)).

Park superintendents may ~~encounter~~occasionally receive partnership proposals from groups or organizations who wish to offer advice on park management issues. ~~While the NPS encourages consultation and other forms of public involvement, the Federal Advisory Committee Act (FACA) allows NPS staff to meet or consult with individuals and groups only for the purpose of exchanging views and information, and to solicit individual advice on proposed NPS actions. If consensus advice is sought, an advisory committee must first be chartered pursuant to FACA.~~The Park Service encourages conservation through consultation, cooperation, and communication, and through other forms of public involvement, including "consensus-based management" as described in Part 516 of the *Department of the Interior Manual*. Whenever groups are created, controlled, or managed for the purpose of providing advice or recommendations to the Service, the Service will first consult with the Office of the

Solicitor to determine whether the Federal Advisory Committee Act requires the chartering of an advisory committee. Consultation with the Office of the Solicitor will not be necessary when the Service meets with individuals, existing groups, or existing organizations simply to exchange views and information, or to solicit individual advice on proposed NPS actions. The Park Service will give appropriate consideration to consensus advice presented to it when those recommendations have been developed independent of the Park Service.

Comment: Paragraph above was rewritten to better reflect revised FACA regulations.

(See Public Involvement 2.3.1.6; Partnerships 4.1.4; Studies and Collections 4.2; Independent Research 5.1.2; Agreements 5.2.2; Interpretive and Educational Partnerships 7.6; Volunteers in Parks 7.6.1; Cooperating Associations 7.6.2; Enforcement Authority 8.3.4; Commercial Visitor Services Chapter 10; also see Director's Orders #7: Volunteers in Parks; #20: Agreements, #21: Donations and Fundraising; #27: Challenge Cost- Share Program; #32: Cooperating Associations; NPS Guide to the Federal Advisory Committee Act)

1.10 An Enduring Message

The need for management policies in the National Park Service was first articulated by Secretary of the Interior Franklin K. Lane in a letter to the first Director of the National Park Service, Stephen T. Mather, on May 13, 1918.

Secretary Lane stated that administrative policy should adhere to three broad principles based on the 1916 Organic Act:

> First, that the national parks must be maintained in absolutely unimpaired form for the use of future generations as well as those of our own time; second, that they are set apart for the use, observation, health, and pleasure of the people; and third, that the national interest must dictate all decisions affecting public or private enterprise in the parks.

Today's national parks have become important to our nation in more ways than Secretary Lane could possibly have imagined. ~~However, his~~Parks are a true reflection of our nation's collective history, heritage, and ideals. To remain relevant now and into the future, parks must be welcoming to our citizenry so that they may understand and appreciate these special places set aside for their enjoyment. As America's story continues to evolve, new park units will be added in the future, and they will carry equally compelling reasons for their inclusion in the national park system.

Secretary Lane's guiding principles remain fundamentally valid, and serve as a useful reminder of the need for a sustained commitment to park resource protection~~.~~ and public enjoyment. The Service's commitment to protecting the national parks and ensuring public enjoyment for present and future generations is embodied in this ~~2001~~2006 edition of *Management Policies*.

~~1 This Part 1 of Management Policies focuses only on management of the national park system. Other guidance documents will address the many NPS partnership activities that extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world.~~

Chapter 2: Park System Planning

[Cover page summary statement.] Park planning helps define ~~which types~~the set of resource conditions, visitor experiences, and management actions that, taken as a whole, will best achieve the mandate to ~~preserve~~conserve resources unimpaired for the enjoyment of present and future generations. ~~National Park Service planning processes will flow from broad- scale general management planning, through progressively more specific strategic planning, implementation planning, and annual performance planning and reporting.~~ NPS planning is holistic and interdisciplinary, recognizing that "To isolate and emphasize either use or preservation to the exclusion of the other can seriously distort park planning, confuse park management, and imperil the validity of the whole national park concept." (Howard R. Stagner)

Comment: This chapter incorporates changes in planning standards and policies crafted by a large group of NPS career professionals to provide clearer guidance on NPS's integrated planning framework.

2.1 General Principles

2.1.1 ~~Logical~~ Decision~~-making~~ Making

The National Park Service ~~will use~~uses planning to ~~bring logic, analysis,~~ involve the public in~~volvement, and accountability into the decision-~~ making ~~process. Park planning and decision- making will be conducted as~~ decisions about the future of their parks, to provide a ~~continuous, dynamic cycle, from~~logical and consistent framework that analyzes a broad ~~visions shared with the public to individual, annual work assignments and evaluations.~~spectrum of options for long-term management of the park, and to provide accountability for future management decisions. Decisions and directions identified in long-term park planning will be used as the guidance for a tiered series of short-and medium-term planning documents that will document implementation of the long-range plan. Each park will be able to demonstrate to decision~~-~~ makers, staff, and the public through an administrative record that documents how planning decisions relate to one another in ~~terms of~~ a logical~~, trackable rationale.~~ progression.

2.1.2 Scientific, Technical, and Scholarly Analysis

~~Decisions regarding the treatment and~~ Decision makers and planners will use ~~of park resources will utilize~~the best available scientific~~,~~ and technical~~,~~ information and scholarly analysis~~.~~ to identify appropriate management actions for use and protection of park resources. General management plans (GMPs) should consider if adaptive management is appropriate. Analysis will be interdisciplinary and tiered, focusing first on the park as a whole (including its global, national, and regional contexts) and then on site~~-~~-specific details. At key points ~~of~~ in planning~~ and decision- making~~, the Park Service will identify a range of reasonable, legal, feasible, and practicable alternatives, and will analyze and compare their differences with respect to

Comment: "Practicable" has been inserted at various places to recognize that solutions must be not only possible or feasible, but also achievable.

- their consistency with the ~~park~~park's purpose~~, the quality of visitor experiences,~~ and foundation documents,
- the impacts on park visitors and park resources,

- short- and long-~~-~~term costs, and ~~environmental consequences that may extend beyond park boundaries.~~
- the environmental and socioeconomic impacts to areas and interests beyond park boundaries.

2.1.3 Public Participation

Americans have strong ties with national parks, which are part of their national heritage, cultural traditions, and communities. Public participation in planning and decision~~-~~ making will ~~ensure~~be conducted in such a way that the Park Service fully ~~understands~~appreciates and considers the public's interests ~~in the parks, which are part of their national heritage, cultural traditions, and community surroundings.~~and concerns about the parks, the resources, and their use. The Service will actively seek out and consult with existing and potential visitors~~,~~; neighbors~~,~~; people with traditional cultural ties to park lands~~,~~; scientists and scholars~~,~~; and those with socioeconomic ties, such as concessioners, cooperating associations, gateway communities~~,~~; other partners~~,~~; and government agencies. The Service will work cooperatively with others to improve the ~~condition~~resources and infrastructure of parks; to enhance ~~public service~~services for park visitors; and to integrate parks into ~~sustainable~~larger ecological, cultural, and socioeconomic systems~~.~~ that extend beyond the park boundaries.

(See Public Involvement 2.3.1.6; Consultation 5.2.1~~)~~. Also see Director's Order #75A: Civic Engagement and Public Involvement)

2.1.4 Goal Orientation

Managers will ~~be held accountable for identifying and accomplishing measurable~~identify long-~~-~~term goals and annual goals ~~as~~ that are incremental steps ~~leading toward fully carrying~~to carry out the park mission. Such planning is a critical and essential part of the National Park Service ~~performance management system~~Performance Management System that is designed to improve the Service's performance and results. Park staff will monitor resource conditions and visitor experiences, and plan, track, and report performance. If goals are not being met, ~~management teams~~managers will seek to understand why, and ~~take~~initiate appropriate actions. The broadest goals will be periodically reassessed, taking into account their efficacy, new knowledge ~~or~~ and technology, changing conditions, and any previously unforeseen circumstances~~, and then the planning cycle will then be re- initiated at the appropriate point~~.

(See Park Management 1.4)

2.2 Major Elements of NPS Park Planning and Decision~~- making~~ Making

~~A documented logical, trackable rationale for decisions will be created through several levels of planning, which are complementary, and become increasingly detailed. The process will begin with determining why the park was established and what resource conditions and visitor experiences should exist there, and will then become increasingly focused on how~~

~~resource conditions should be achieved. The planning framework for each park will contain the following elements:~~

~~The park's~~ Park managers and regional directors are responsible for ensuring that planning is properly conducted within the planning framework, and for making management decisions supported by civic engagement, the best available information, and analysis. However, many parks may initially lack one or more of these planning elements. In the interim, management will be guided by the park's foundation document, strategic plan, and other current approved plans. No major new development, or other major commitment of park land or natural or cultural resources, will be authorized without an approved general management plan.

The following planning elements are part of an interrelated framework that will inform NPS decision making:

- Foundation Document — The planning process begins with the development of a single foundation document that includes the park mission, purpose, significance, special mandates and ~~the broad, park- wide mission goals. The park's mission includes the park's purpose~~administrative commitments, fundamental resources and ~~significance, based on the park's enabling legislation or Presidential proclamation~~values (how each primary resource relates to the reason the park was established), and ~~any laws and Executive orders that apply to the national park system or to the individual park unit. Mission goals will articulate the ideals that the NPS will strive to achieve in the park. Park mission goals tier off, or flow from, the overall goals for the national park system.~~ primary interpretive themes. Because this document plays an important role in all future planning and decision making, it must be developed with input from a wide range of people (public, other agencies, governmental entities and NPS staff).
- ~~Specific management prescriptions in the park general management plan (GMP).~~General Management ~~prescriptions will (~~Plans (GMPs) — A broad umbrella document that sets the long-term goals for the park based on the foundation document. The general management plan (1) clearly ~~define~~defines the desired natural and cultural resource conditions and visitor experiences to be achieved and maintained over time; ~~and~~ (2) ~~identify~~identifies the kinds and levels of management activities, visitor use, and development that are appropriate for maintaining the desired conditions~~. Management prescriptions will be applied parkwide by resource topic (such as prescriptions related to air quality, regardless of where it occurs in the park), and by specific geographic area as a management zone.~~ ; and (3) identifies indicators and standards for maintaining the desired conditions.
- ~~Objective~~Program Management Plans — Program management plans are more detailed documents that follow the general management plan and provide program-specific information on strategies to achieve and maintain the desired resource conditions and visitor experiences, including identification of appropriate visitor use where applicable (e.g., resource stewardship plan and comprehensive interpretation plan).
- Strategic Plans — Provide 1- to 5-year direction and objective, measurable~~, long- term~~ goals ~~in the park strategic plan. The long- term goals will define the~~ for resource conditions and visitor experiences~~ to be achieved in the near future, for which the superintendent will be accountable.~~. Results on progress towards these goals are reported

annually. These goals are based on an assessment of the park's natural and cultural resources; park visitors' experiences; and the park's performance capability, given available personnel, funding, and external factors.

- Implementation ~~programs and implementation details in implementation~~ Plans — These plans ~~(as appropriate). These will describe what actions are~~ provide project-specific details needed ~~for achieving~~to implement a specific action in a specific area of a park and how these actions help the ~~mission and long~~park achieve its long-term goals~~, and specifically how they will be conducted.~~ .
- ~~An annual performance plan, consisting of~~ Annual Performance Plans — These plans contain annual goals and an annual work plan that ~~will~~ guide park efforts for a fiscal year.
- ~~An annual performance~~Annual Performance Report — This report~~, consisting of~~ is an accounting of annual results in relation to annual goals.

~~*All of these elements will be interrelated in a single framework for planning and decision-making. Within this framework, actions will relate directly to goals, and goals will relate directly to the mission of the park. Annual goals and work plans will relate to long- term (five- year) goals, while long- term goals will relate to the park's mission, management prescriptions, and the broadest decisions about what the Service ultimately hopes to achieve.*~~

~~*Park superintendents and regional directors will be responsible for ensuring that planning is properly conducted within the foregoing planning framework, and for making management decisions supported by planning and analysis. However, many parks will initially lack some elements of a logical, trackable rationale as described here, and updating plans to bring them into conformance will take time. In the interim, management will be guided by the park strategic plan and other current approved plans. No major new development, or other major commitment of park land or other natural or cultural resources, will be authorized without an approved general management plan (GMP).*~~

(See Visitor Use 8.2)

2.~~3~~3 Levels of Park Planning

~~The elements necessary for a logical, trackable rationale for decision- making will be created and updated through four closely interrelated planning processes: (1) general management planning; (2) park strategic planning; (3) implementation planning; and (4) annual performance planning.~~ The order of ~~these processes~~plan development will generally flow from broad~~- scale~~ general management planning ~~through~~ to progressively more specific ~~strategic~~ planning~~, implementation planning, and annual performance planning and reporting~~.

~~When determining a plan's scope, it will be~~It is important to distinguish which issues can most appropriately be addressed by general management planning, and which can be most appropriately addressed by more detailed program, strategic, or implementation planning. Each level of planning has a distinctive function, and all levels are designed to interrelate with a minimum of duplication and confusion. At each level, plans will be written to make the ~~linkages~~links and relationships among the planning levels apparent to readers.

Environmental analysis of alternatives and public involvement required under section 102(2)(C) of the National Environmental Policy Act (NEPA) (42 USC 4332-(2)(C)) will be conducted at ~~any level~~all levels of planning ~~in which the decisions to be made constitute a major federal action significantly affecting the quality of the human environment.~~. Normally, NEPA analysis and public participation will be done at the general management planning level~~, —~~when the overall direction for the park's future is decided~~, —~~and again at the implementation planning level, before funding and resources are committed to carry out specific actions (see 2.~~-~~3.~~-~~1 and 2.~~-~~3.~~-~~4, below). In keeping with the Council on Environmental ~~Quality~~Quality's guidelines for NEPA compliance, environmental analysis for more specific programs or actions will follow, or flow from, earlier NEPA documents for the broader ~~GMP~~general management plan. The Service will apply the Departmental NEPA guidance principles of (1) tiering analyses off of other completed NEPA documents, (2) using adaptive management and consensus based decision making, and (3) complying with Executive Order 13352 regarding cooperating agency status.

(Also see Director's Orders #2: Park Planning, and #12: Conservation Planning and Environmental Impact Analysis)

2.3.1 General Management Planning

Comment: In the paragraph below, "scholarly" is inserted to expand the information base and improve the quality of decisions.

The Service will maintain ~~an up- to- date GMP~~ a general management plan for each unit (or group of units) of the national park system. The purpose of ~~each GMP will be~~the general management plan is to ensure that the park has a clearly defined direction for resource ~~preservation and visitor use.~~protection and appropriate uses. This ~~basic foundation for decision- making~~document will be developed by an interdisciplinary team, in consultation with relevant offices within the Service, other federal and state agencies, local and tribal governments, other interested parties, and the general public. The ~~GMP~~general management plan will be based on full and proper ~~utilization~~use of scientific and scholarly information related to existing and potential resource conditions, visitor experiences, environmental impacts, and relative costs of alternative courses of action. The approved general management plan will create a realistic vision for the future, setting a direction for the park that takes into consideration the financial as well as environmental impact of proposed facilities and programs, and ensures that the final plan is achievable and sustainable.

~~General management planning will constitute the first phase of tiered planning and decision- making. It will focus on why the park was established, and what~~The first phase of general management planning will be the development of the foundation document. The general management ~~prescriptions (i. e., resource conditions, visitor experiences, and appropriate types of management actions) should be achieved and maintained over time. The GMP~~plan will take the long view~~, which may project many years into the future,~~ when dealing with the time frames of natural and cultural processes. The plan will consider the park in its full ecological, scenic, and cultural contexts as a unit of the national park system and as part of a surrounding region. The ~~GMP~~management plan will also establish a ~~common~~ management direction for all park divisions and districts. This integration will help avoid inadvertently creating new problems in one area while attempting to solve problems in another.

(See Decision-making Requirements to Avoid Impairments 1.4.7); Visitor Use 8.2)

2.3.1.1 Statutory Requirements

GMPsGeneral management plans will meet all statutory requirements contained in 16 USC 1a-7(b), and will include:

- The the types of management actions required for the preservation of park resources; ,
- The the types and general intensities of development (including visitor circulation and transportation patterns, systems, and modes) associated with public enjoyment and use of the area, including general locations, timing of implementation, and anticipated costs; ,
- Visitor visitor carrying capacities, and implementation commitments, for all areas of the park; , and
- Potentialpotential modifications to the external boundaries of the park—if any—and the reasons for the proposed changes.

(See Visitor Carrying Capacity 8.2.1)

2.3.1.2 Decision-making Elements

Decision-making elements will consist of the mission, mission goals, and management prescriptions described previously in section 2.2.

2.3.1.3 Management Zoning

Each park's GMPgeneral management plan will include a map that delineates management zones or districts that correspond, a prescription of the desired resource and visitor experience conditions to management prescriptions. This delineation of management prescriptions is called management zoning. Most parks will have several different prescriptionsbe achieved for resource condition, visitor experienceeach zone, and appropriate management activities needed to reflect the suitability of specific areas for achieve those desired resource and visitor experience conditions. Management zoning will outline the criteria for (or describe the kind of) appropriate uses and describe the facilities necessary to support these uses. For example, highly sensitive natural areas might tolerate little, if any, visitor use, while other areas may might accommodate much higher levels of use. Even in historic structures, one floor might be most appropriate for exhibits, while another could accommodate offices or administrative uses. Some prescriptionsdesired conditions may apply parkwide, but the delineation of management zones will illustrate where there are differences in intended resource conditions, visitor experience, and management activity.

2.3.1.4 3 Planning Team

An interdisciplinary team, including park managers and staff and technical experts, will prepare GMPs.general management plans. Planning teams will consult with park staff, Service and Departmental leadership, other agencies with expertise or jurisdiction by virtue

of law or expertise, other knowledgeable persons, and the public concerning future management of park resources. Because this document serves as the framework for all future planning efforts, it is important that the senior park manager be involved with the plan's development from the beginning and have frequent updates from the planning team. The planning team will advise the park superintendent and the regional director., but the superintendent and regional director have ultimate responsibility for the contents of the plan. The regional director is the official responsible for approving GMPs. Subsequent plans may be approved by the superintendent. general management plans.

2.3.1.5 Science4 Public Involvement

Members of the public—including existing and potential visitors; park neighbors; people with traditional cultural ties to lands within the park; scientists and scholarsDecisions documented in GMPs and other planning products, including environmental analysis; and documentation, will be based on current scientific and scholarly understanding of park ecosystems and cultural contexts, and the those with socioeconomic environment (both internal and external in relation to park boundaries). The collection and analysis of information about park resources will be a continuous process that will help ensure that decisions are consistent with park purposes.

(See Decision-making Requirements to Avoid Impairments 1.4.7; Planning for Natural Resource Management 4.1.1; Planning 5.2)

2.3.1.6 Public Involvement

Members of the public—including existing and potential visitors, park neighbors, people with traditional cultural ties to lands within the park,such as concessioners, cooperating associations, other partners, scientists and scholarsstate and local governments, and other government federal agencies—will be encouraged to participate during the preparation of a GMPgeneral management plan and the associated environmental analysis. Public involvement will meet NEPA and other federal requirements for identifying the scope of issues, for developing the range of alternatives considered in planning, for reviewing the analysis of potential impacts, and for disclosing the rationale for decisions about the park's future.

The Service will use the public involvement process to

- share information about (1) legal and policy mandates, budget, and other constraints affecting development of alternatives and capacity of the Service to implement the planning process;, (2) issues, and (3) proposed management directions; ,
- learn about the values placed by other people and groups on the same resources and visitor experiences; and ,
- build support for implementing the plan among local interests, visitors, Congress, and others at the regional and national level. , and

~~While the NPS will encourage public involvement, FACA allows NPS staff to meet or consult with individuals and groups only for the purpose of exchanging views and information, and to solicit individual advice on proposed NPS actions. If consensus advice is sought, an advisory committee must first be chartered pursuant to FACA.~~

- ~~*(See*~~gain scientific, technical, scholarly, and socioeconomic information from a variety of sources.

The Park Service encourages conservation through consultation, cooperation, and communication, and through multiple forms of public involvement, including "consensus-based management" as described in Part 516 of the Department of the Interior Manual. The Park Service will give appropriate consideration to consensus advice presented to it when those recommendations have been developed independent of the Park Service. Whenever groups are created, controlled, or managed for the purpose of providing advice or recommendations to the Service, the Service will first consult with the Office of the Solicitor to determine whether the Federal Advisory Committee Act requires the chartering of an advisory committee. Consultation with the Office of the Solicitor will not be necessary when the Service meets with individuals, existing groups, or existing organizations simply to exchange views and information, or to solicit individual advice on proposed NPS actions.

(See Consultation 5.2.1. Also see Director's Order #75A: Civic Engagement and Public Involvement; NPS Guide to the Federal Advisory Committee Act)

2.3.1.~~7~~5 Alternative Futures

Alternative futures for the park will be explored and assessed during general management planning and environmental analysis. Within the broad parameters of the park mission and ~~mission goals~~purpose, various approaches to park resource preservation, use, and development may be possible, some of which may represent competing demands for the same resource base. The ~~GMP~~management plan will be the principal tool for generally resolving such issues. The range of alternatives will examine different combinations of management ~~prescriptions,~~actions as well as life-cycle costs within the limits of laws, regulations, and policies governing national parks.

2.3.1.~~8~~6 Environmental Analysis

The analysis of alternatives will meet the program standards for NPS implementation of ~~NEPA~~the National Environmental Policy Act and related legislation, including the National Historic Preservation Act (NHPA). ~~An~~ In most cases, an environmental impact statement (EIS) will be prepared for ~~GMPs.~~general management plans. In a few cases, the regional director, in consultation with the NPS Environmental Quality Division, through the Associate Director for Natural Resource Stewardship and Science, may approve an exception to this general rule if completion of scoping demonstrates that there is no public controversy concerning potential environmental effects, and when the initial analysis of alternatives clearly indicates there is no potential for significant impact by any alternative. Where NEPA and sections 106 and 110 of NHPA (16 USC 470f and 470h-~~-~~2, respectively) ~~both~~ apply,

NEPA procedures will be used to inform the public about undertakings having the potential to affect properties listed on, or eligible for listing on, the National Register of Historic Places, consistent with the Advisory Council on Historic Preservation's regulatory provisions governing coordination with NEPA~~,~~ and the NPS nationwide programmatic agreement on ~~section~~Section 106 compliance.

(See Evaluating Impacts on Natural Resources 4.1.3; Planning 5.2. Also see Director's Order #12: Conservation Planning and Environmental Impact Analysis)

2.3.1.~~9~~7 Cooperative Planning

General management planning will be conducted as part of cooperative regional planning and ecosystem planning whenever possible. NPS participation in cooperative regional planning will be undertaken with the hope of better coordinating and focusing the independent and autonomous efforts of multiple parties. Service participation in such planning efforts will acknowledge the rights and interests of other landowners. While being consistent with NPS management policies and park goals, plans will identify and consider potential effects outside, as well as inside, park boundaries, and will identify ways to enhance beneficial effects and mitigate adverse effects.

2.3.1.~~10~~ 8 Wild and Scenic Rivers

~~Potential national wild and scenic rivers will be considered in planning for the use and development of water and related land resources.~~ The Park Service has been charged by Congress to maintain an inventory of all rivers and river segments in the nation potentially eligible for inclusion in the national wild and scenic rivers system. As a part of that charge, the Service will compile a ~~complete~~ listing of all rivers and river segments in the national park system that it considers potentially eligible for the national wild and scenic rivers system. ~~GMPs and other plans potentially affecting river resources will propose no actions that could adversely affect the values that qualify a river for the national wild and scenic rivers system.~~Rivers and river segments the Service considers eligible and proposes for listing on the Nationwide Rivers Inventory must be published in the Federal Register. A listing on the inventory, or a determination of eligibility, will not necessarily mean that the Service will seek designation, which requires Departmental approval and legislation. ~~NPS~~ plans potentially affecting these listed river resources will propose no actions that could adversely affect the values that qualify a river for the national wild and scenic rivers system. A decision concerning whether or not to seek designation will be ~~made~~ initiated through a ~~GMP~~general management plan, or an amendment to an existing ~~GMP, and~~ general management plan, or the legislative review process.

moved

(See National Wild and Scenic Rivers System 4.3.4)

2.3.1.~~11~~9 Alaska Park Units

~~GMPs~~ General management plans for park system units in Alaska that were established or expanded by ~~ANILCA~~the Alaska National Interest Lands Conservation Act will address the

provisions for conservation and management planning specified in section 1301 of that act (16 USC 3191).

2.3.1.~~12~~10 Periodic Review of ~~GMPs~~ General Management Plans

~~As necessary, GMPs will be reviewed and amended or revised, or a new plan will be prepared, to keep them current.~~General management plans will be reviewed regularly to ensure that they are current. GMP ~~reviews may be~~revisions are generally needed every 10 to 15 years~~, or~~ but may be needed sooner if conditions change ~~more rapidly.~~significantly, or longer if conditions remain substantially unchanged. Even in parks with strong traditions and established patterns of use and development, managers will be responsible for assessing whether resources are threatened with impairment, the visitor experience has been ~~degraded~~diminished, or the park's built environment is difficult to sustain. Periodically reassessing the ~~GMP~~general management plan will give everyone with a major stake in the park an opportunity to re~~-~~validate the park's role in the nation and in the region, and to re~~-~~evaluate whether the kinds of resource conditions and visitor experiences being pursued are the best possible mix for the future. An approved ~~GMP~~ general management plan may be amended to address a single issue, or ~~revised~~a limited number of issues, or area of the park, rather than preparing a whole new plan ~~prepared,~~ if conditions and management prescriptions governing most of the area covered by the existing plan remain ~~essentially~~substantially unchanged from those present when the plan was originally approved. Amendments ~~or revisions~~ to an existing ~~GMP~~general management plan will be accompanied by ~~a supplemental environmental impact statement or other~~ suitable NEPA analysis and public involvement.

(See Chapter 1: the Foundation; Chapter 3: Land Protection; Chapter 4: Natural Resource Management; Chapter 5: Cultural Resource Management; Chapter 6: Wilderness ~~*Preservation and Management*~~Stewardship; Chapter 8: Use of the Parks; Chapter 9: Park Facilities; Chapter 10: Commercial Visitor Services. Also see Director's Orders #2: Park Planning; and #12: Conservation Planning and Environmental Impact Analysis; #75A: Civic Engagement and Public Involvement)

~~2.3.2 Strategic Planning~~

~~Strategic planning, required by GPRA, will be conducted for the National Park Service as a whole, and every park, program, and central office will have its own strategic plan. Parks, programs, and central offices will engage in strategic planning as a way to manage overall performance, and to thereby achieve the mission of preserving resources and providing for visitor enjoyment. To measure performance, parks will identify their long-term goals, establish their annual performance targets, track their progress, and report their accomplishments toward meeting the Service-wide, and the park's, long-term goals.~~

Comment: Text has been moved to 2.3.3 below

~~A park's strategic plan will be based on the park's mission goals, GMP, and the Service-wide strategic plan.~~2.3.2 Program Management Planning

Program management planning for a park provides a bridge between the broad direction provided in the general management plan and specific actions taken to achieve goals. These plans provide a comprehensive approach for a specific park program area across most or all of the park. Program management plans planning may include special emphasis plans, such as a park resource stewardship plan, a comprehensive interpretive plan, a land protection plan, a visitor use plan, a fire management plan, an asset management plan, or a wilderness stewardship plan. Integrated, interdisciplinary approaches to program planning are encouraged. Program management plans will provide comprehensive recommendations about specific actions needed to achieve and maintain the desired resource conditions and visitor experiences.

2.3.3 Strategic Planning

Strategic planning will be conducted for the National Park Service as a whole, and every park, program, and central office will be covered by a strategic plan. Strategic plans will address ~~both~~ Service~~-~~wide and local outcomes, and will be recommended by the superintendent, approved by the ~~superintendent, with the~~ regional director~~'s concurrence.~~

~~**2.3.2.1**~~ , and consistent with the Department's overall strategic plan. Strategic ~~**Plan Contents**~~

~~To fulfill the purposes of GPRA for implementing performance management in the National Park Service, strategic~~ plans will contain the following elements:

- ~~Mission statement;~~
- ~~Mission goals (the same "anchoring" elements found in the GMP); Long-term goals;~~

- ~~A~~ mission statement and purpose from the foundation document,
- long-term performance goals (with performance targets),
- a short description of the strategies chosen to accomplish the goals~~;~~ ,
- ~~A~~ a description of how the annual goals will relate to the long-~~-~~term goals (if it is not obvious~~);~~),
- ~~An~~ an identification of the key external factors that could significantly affect achievement of the goals~~;~~ ,
- ~~A~~ a description of the ~~program/ operation evaluations~~core analysis used ~~in establishing~~to establish or ~~revising~~revise goals, ~~with a schedule for future evaluations;~~
- ~~A~~a section ~~listing~~that identifies the ~~consultations with~~civic engagement strategy used to involve stakeholders and ~~others;~~communities in the development of the strategic plan, and ~~A~~
- a list of those who developed the plan.

Because information in park strategic plans is ~~extracted for compilation within the Service-wide strategic plan~~used to compile Servicewide achievements, these plans must contain similar information.

~~2.3.2.2 Eight-step Performance Management Process~~

Comment: The eight step process has been removed to simplify and allow field manager flexibility.

~~Performance management will be implemented according to the eight- step performance management process developed by the Park Service. Analysis will focus on understanding the condition of the natural and cultural resources being managed; the experiences of visitors; and the capabilities of the park to perform, given the infrastructure, budget and staffing that can reasonably be expected during the planning period. Managers will consider how the park mission and long- term goals might be pursued in the foreseeable future. The answers to that question will determine the park's workload, budget, and staffing allocations for the next two to five years.~~

2.3.2.~~3~~ 1 Relationship Between the Strategic Plan and the ~~GMP~~ General Management Plan

~~The park's strategic plan will be consistent with the GMP, building on the GMP mission, mission goals, and management prescriptions.~~

The park's strategic plan will be consistent the Department of the Interior's strategic plan and with the general management plan, building on the foundation document. Parks that lack a current ~~GMP as a base for their GPRA strategic planning effort~~general management plan will work from their existing plans ~~and~~ or an updated ~~mission statement and mission goals. For GMPs that are not current, parks will identify and fill gaps in their overall planning framework as quickly as is feasible.~~

~~Although it shares some elements in common with a GMP, a park's strategic plan will not be a substitute for a GMP.~~foundation document. A strategic plan is focused on a shorter time frame than a ~~GMP~~general management plan; targets more measurable results; and does not usually require the comprehensive resource analysis, consultation, and compliance required for a ~~GMP. Through strategic planning, park staffs will continuously re-evaluate the adequacy of the park's GMP as a foundation for addressing issues, and they may identify the need for a new or revised GMP.~~ general management plan.

Should a park decide, through its strategic planning process, that a major shift in direction or emphasis is needed, ~~then~~ the strategic plan will identify the need for a new ~~GMP, or a GMP addendum~~general management plan, or a GMP amendment. Strategic plans may also identify the need for more detailed program management or implementation plans. ~~General management planning and implementation planning are the appropriate processes for incorporating the requirements of NEPA and NHPA to consider impacts on the natural, cultural, and socioeconomic environments.~~

2.3.~~3~~4 Implementation Planning

Implementation planning will focus on how to implement activities and projects needed to achieve the ~~management prescriptions~~desired conditions identified in the ~~GMP and in the complementary long- term goals in the park strategic plan. Developing plans of action for dealing~~general management plan and other planning documents. Implementation plans may deal with complex, technical, and sometimes controversial issues that often ~~requires a~~ require a level of detail and thorough analysis beyond that appropriate ~~at the GMP or strategic plan~~

~~levels. Implementation planning will provide this level of detail and analysis.~~ for other planning documents.

~~There are two elements of implementation plans that may be combined or addressed separately:~~

Implementation ~~programs will identify the scope, sequence, and mid- level cost estimates of projects needed to achieve park management prescriptions and long- term goals. Implementation details will~~ plans may concentrate on individual projects or components of the general management plan, and may specify the techniques, disciplines, equipment, infrastructure, schedule, and funding necessary to accomplish outcomes ~~targeted in the strategic plan.~~ .

~~2.3.3.1 Implementation Programs~~

~~Implementation programs for a park will provide a systemized course of action that can serve as a bridge between the broad direction provided in the GMP and decisions on impending actions provided in performance management. Implementation programs may include special emphasis plans, such as a park resource management plan, comprehensive interpretive plan, cultural landscape report, land protection plan, visitor use plan, or wilderness management plan. Integrated, interdisciplinary approaches to implementation programs will be encouraged.~~

~~2.3.3.2 Implementation Details~~

Implementation plan details may vary widely, and may direct a finite project (such as reintroducing an extirpated species or developing a trail) or a continuous activity (such as maintaining a historic structure ~~or managing fire within a natural system~~). Examples of implementation plan details include management plans for specific species and habitats, site designs, off-~~-~~road-~~-~~vehicle management plans, and interpretive media plans. ~~Implementation details~~ Details will generally be deferred until the activity or project under consideration has attained sufficient priority to indicate that action will be taken within the next two to five years, and will then be included in an annual work plan. This will help ensure that decisions about how to best achieve a certain goal are relevant, timely, and based on current data.

~~2.3.3.3 Implementation Plan Development~~

Technical specialty teams under the direction of the program leader in the park (usually a division chief) or in the regional office will develop implementation plans, and the park superintendent will approve the plans.

Development of an implementation plan may overlap other planning efforts, if appropriate for the purposes of planning efficiency or public involvement. However, ~~individual projects will be approved for implementation only in the performance management process, to ensure their integration with other park programs and initiatives.~~

~~Development of an implementation plan may overlap~~ the decisions made for the general management plan~~ning and performance management, if appropriate for the purposes of planning efficiency or public involvement. However, the decisions needed at the general management planning level and the strategic planning level~~ will precede—and direct—more detailed decisions regarding projects and activities to accomplish goals. Major actions or commitments aimed at changing resource conditions or visitor use in a park, and major new development or rehabilitation, must be consistent with an approved ~~GMP and be linked to long- term goals in a current strategic plan.~~general management plan. Even if they are conducted simultaneously, the ~~GMP~~general management plan and an implementation ~~program~~plan will be contained in separate documents~~, or separate parts of a single document.~~

2.3.~~3.~~4.1 Environmental Analysis

Any decisions calling for actions having the potential to significantly affect the ~~human~~ environment or be controversial will require a formal analysis of alternatives, in compliance with ~~NEPA~~the National Environmental Policy Act and related legislation, including ~~NHPA.~~the National Historic Preservation Act. Because many issues involving environmental quality and cultural resources will be resolved through implementation ~~planning,~~plans rather than general management ~~planning, the~~plans; implementation plans will often tier off the general management plan's NEPA and NHPA section 106 processes~~ begun during general management planning will often be continued as part of implementation planning.~~.

(See Park Management 1.4; Chapter 3: Land Protection; Chapter 4: Natural Resource Management; Chapter 5: Cultural Resource Management; Chapter 6: Wilderness ~~*Preservation and Management*~~Stewardship; Chapter 8: Use of the Parks; Chapter 9: Park Facilities; Chapter 10: Commercial Visitor Services. Also see Director's Orders #2: Park Planning, and #12: Conservation Planning and Environmental Impact Analysis)

2.3.4~~ Park~~.2 Annual Performance Planning and Reporting

Each park will prepare annual performance plans, articulating annual goals for each fiscal year, and annual performance reports, describing the progress made in meeting the annual goals. The development of the annual performance plan and report will be synchronized with NPS budget development.

~~2.3.4.1 Annual Performance Plans~~

~~Annual performance plans will contain the following elements to aid in decision- making: (1) annual goals (the outcomes expected to be achieved that fiscal year) that are based on, and represent, one- year increments of a park's long- term goals; and (2) an annual work plan (inputs and outputs for the fiscal year) that breaks out park activities to achieve the annual goals, and that includes budget and staffing.~~

~~Annual performance plans have significant budgetary and personnel implications and need to be carefully prepared. Future- year annual performance plans will be developed in conjunction with budget requests (recurring and nonrecurring), and are considered privileged~~

~~information until the budget is made public by the President. Because they incorporate decisions made through other planning processes, annual plans do not require public involvement or consultation, but they must be made available to the public. The annual performance report will specifically address park performance as affected by budget change.~~

~~2.3.4.2 Annual Performance Reports~~

~~Annual performance reports will consist of two main parts: (1) a report on the progress made toward meeting the last fiscal year's annual performance plan; and (2) an analysis of the present fiscal year's annual performance plan. The analysis will identify the continuing goals (carry- overs) from the last fiscal year, and discuss why the park did not accomplish one or more of its annual goals in the past fiscal year and describe the steps being taken to accomplish such goals in the future.~~

~~The park annual performance report will relate to the Servicewide annual performance report, where applicable, in order to aggregate park results at the Service- wide level. The annual performance reporting is timed to provide Congress with information on past performance as it considers an agency's budget request and annual performance plan. Information from annual performance reports will also be used as the basis for personnel appraisals. Accountability for results should be within an employee's ability to effect results.~~

Chapter 3: Land Protection

[Cover page summary statement.] The National Park Service will use all available authorities to protect lands and resources within units of the national park system, and will seek to acquire as promptly as possible non–federal lands and interests in land that have been identified and approved for acquisition~~.~~, consistent with Departmental land transaction and appraisal policies. When lands within a park unit's authorized boundaries ~~have not been acquired~~are not federally owned, the Service will cooperate with federal agencies; tribal, state, and local governments; non–profit organizations; and property owners to provide appropriate protection measures~~.~~ and to protect property rights. Cooperation with these entities will also be pursued, and other available land protection tools ~~will~~may be employed when threats to park resources originate outside boundaries.

3.1 General

~~The National Park Service is required by its Organic Act to protect and preserve unimpaired the resources and values of the national park system while providing for public use and enjoyment.~~ A number of park units have non–federally owned lands within their authorized boundaries. When non–federal lands exist within park boundaries, acquisition of those lands and/~~-~~or interests in those lands ~~is often necessary~~may be the best way to protect and manage natural and cultural resources~~.~~ or provide for public enjoyment. When acquisition is necessary and appropriate, the ~~Park~~ Service will acquire those lands and/~~-~~or interests as promptly as possible~~.~~ consistent with Departmental land transaction and appraisal policies. Practical, cost~~-~~-effective alternatives to fee-simple acquisition will be considered and pursued by the Service to advance protection and management goals.

The boundaries of most park units are not based strictly on ecological processes or other resource protection principles, and park units are increasingly subject to impacts from external sources. Examples include air and water pollution~~,~~ and the loss of scenic vistas, natural quiet, and wildlife habitat. To fulfill ~~National Park Service~~ NPS protection responsibilities, strategies and actions beyond park boundaries may be ~~employed.~~necessary. External threats may be addressed by using available tools, such as gateway community planning and partnership arrangements; NPS educational programs; and participation in the planning processes of federal agencies and tribal, state, and local governments. ~~Strong fulfillment of Service responsibilities is required by NEPA, NHPA, and other applicable laws to minimize impacts on park resources and values.~~

3.2 Land Protection Methods

The ~~Park~~ Service may employ a variety of different methods, as appropriate, for protecting park resources. These methods will be considered in the land protection planning process for each unit. Examples include~~:~~

- ~~Acquisition of fee simple real property interest, possibly with arrangements for some rights to be reserved;~~

Comment: Order of bullets revised.

- ~~Acquisition of less-than-fee real property interests, such as easements or rights-of-way; and~~
- ~~Cooperative~~ cooperative approaches, such as cooperative agreements, participation in regional ~~consortiums~~consortia, local planning and zoning processes, or other measures that do not involve federal acquisition of any interest in real property~~.~~,
- ~~Federal~~ acquisition of less-than-fee real property interests, such as easements or rights-of-way, and
- acquisition of fee-simple real property interest, possibly with arrangements for some rights to be reserved.

Fee-simple ownership (all of the rights associated with real property) whether exclusively by the Service or in partnership with others provides the ~~Service with the~~ greatest ability to protect and manage resources and provide for public use and enjoyment. Less-~~-~~than-~~-~~fee interests (some of the rights associated with real property) may in many instances be the most practicable and acceptable way to protect and manage resources. Less-than-fee interests do, however, require a federal commitment to monitor and enforce the Service's interest in the affected property. Acquisition of less-~~-~~than-~~-~~fee interests may be most appropriate in instances in which the Service needs only a specific interest in land, or in which it only needs to ~~restrict~~modify uses of the land in order to protect ~~resource~~ resources or values but full fee ownership is not required or possible.

Acquisition of fee-~~-~~simple interests is ~~a critically~~ an important and effective land protection method for lands within unit boundaries. The Service may employ, as appropriate, a broad strategy to protect land and resources, including innovative techniques~~;~~, partnerships~~;~~, participation in the planning and decision-~~-~~making processes of other federal agencies~~;~~, and vigilance at the regional and local levels of government, ~~at which~~where non-~~-~~federal land use decisions are generally made.

Some park units created by Congress have been specifically authorized to continue historical or traditional activities such as farming, ranching, or low-~~-~~density residential uses. Congress may also restrict the method of acquisition or prohibit acquisition without owner consent. In all cases, the ~~Park~~ Service will acquire the lands and/~~-~~or interests in land only by the method or methods authorized.

When non-~~-~~federal land is identified for acquisition, the Service will make every reasonable effort to reach an agreement with the owner on the purchase price. All appraisals must conform to Departmental appraisal policies. If an agreement cannot be reached, the Service will take further steps in accordance with authorities and congressional directions that apply to the unit in question. ~~Condemnation is~~ Service policy is to acquire lands and interests in lands from willing sellers, and condemnation is generally considered only as a last resort. However, acquisition by condemnation is sometimes necessary to establish just compensation, to clear a title, or to prevent imminent damage or unacceptable ~~threat~~ threats to park resources and values.

(See Condemnation 3.8)

3.3 Land Protection Plans

Planning for the protection of park lands will be integrated into the planning process for park management. Land protection plans (LPPs) should be prepared to determine and publicly document ~~what~~all nonfederal lands ~~or interests~~within a park unit, the minimum interest in land ~~need~~that needs to be in public ownership, and ~~what means of protection are available to achieve the purposes for which~~ the ~~unit was created.~~relative priority for acquiring that interest. These plans will be prepared for each unit of the national park system containing non~~-~~federal land or interests in land within its authorized boundary. A thorough review of a park's authorizing statutes and complete legislative history will be conducted as part of the land protection planning process.

Land acquisition priorities will be guided by a park unit's land protection plan. Superintendents will ensure that ~~LPPs~~ land protection plans are developed, and periodically reviewed and updated as necessary, to identify what land or interests in land ~~needs to be in public ownership to carry out~~would facilitate achieving park purposes. These purposes and the desired conditions for resources and visitor experiences are normally defined in the park's general management plan. Strategic plans define what results can be accomplished in the foreseeable future—usually a five-year period. ~~LPPs~~Land protection plans will be coordinated with general management plans, strategic plans, and other plans for resource management and visitor use. Decisions about acquisition within park boundaries will consider the relationship between the park and its adjacent lands. Superintendents have the responsibility to be aware of uses or activities that are planned for lands around the park that may have impacts on park resources and opportunities for visitor enjoyment.

~~An LPP~~ A land protection plan should be as simple and concise~~, and~~ as possible; it should document~~:~~ (1) what lands or interests in land ~~need to be in~~would advance park purposes and benefit the public through public ownership~~;~~, (2) what means of protection are available to achieve park purposes as established by Congress~~;~~, (3) the protection methods and funds that will be sought or applied to protect resources and to provide for visitor use and~~-~~/or park facility development~~;~~, and (4) acquisition priorities. Historic structures and objects on the land under consideration within the ~~LPP~~land protection plan will be evaluated for their relevance to the park mission and the scope of the park museum collection. The ~~LPP~~land protection plan will specify those structures and objects that ~~need to be in~~benefit the public through public ownership, and identify the appropriate ~~source~~ sources of funding. Personal property not identified for acquisition should be removed by the property owner~~.~~ before acquisition. For acquisition of water rights, see chapter 4, section 4.~~-~~6.~~-~~2.

When appropriate, the ~~LPP~~land protection plan may serve as a vehicle for addressing land protection issues external to a park's boundaries. When external impacts or opportunities are addressed, plans will clearly distinguish between the authorities related to land acquisition and the authorities for the Service to cooperate with other entities beyond the park boundary.

~~3.4 Addressing Threats from External Sources~~

Comment: Superintendents continue to be expected to engage neighboring governments and leaders early in the planning processes in order to prevent activities that cannot be mitigated and/or to ensure that activities outside the park boundaries have minimal to no impacts within the park.

3.4 Cooperative Conservation

External threats may originate with proposed uses outside a park that may adversely impact park resources or values. Superintendents ~~will be aware of and monitor state government programs for managing state- owned submerged lands and resources within NPS units. When there is potential for such programs to adversely impact park resources or values, superintendents will make their concerns known to appropriate state governmental officials, and encourage compatible land uses that avoid or mitigate pot~~ ~~federal acquisition of state- owned submerged lands and resou~~ ~~feasible, the NPS will seek to enter into cooperative agreemen~~ ~~ensure the adequate protection of park resources and values.~~

Comment: This paragraph moved with minor changes.

~~External threats may originate with proposed uses outside a park that may adversely impact park resources or values. Superintendents will~~ should therefore be aware of and monitor land use proposals and changes to adjacent lands, and their potential impacts. ~~They~~Superintendents will also ~~seek to~~ encourage compatible adjacent land uses to avoid or to mitigate potential adverse effects. Superintendents will make their concerns known, and, when appropriate, actively participate in the planning and regulatory processes of neighboring jurisdictions, including other federal, tribal, state, and local governments.

In working cooperatively with surrounding landowners and managers, a superintendent might, for example, comment on potential zoning changes for proposed development projects, or brief the public and officials about park resources and related studies that are relevant to proposed zoning or other changes. Superintendents should, whenever possible, work cooperatively and communicate their concerns as early as possible in the process in such a manner as will minimize potential conflict. Superintendents should seek advice from the appropriate NPS program managers and the Solicitor's Office when dealing with complicated external land protection issues and threats, especially those with potential Service–wide controversy or consequences.

Superintendents should be aware of and monitor state government programs and activities for managing state-owned submerged lands and resources within NPS units. When there is potential for such programs or activities to adversely impact park resources or values, superintendents will make their concerns known to appropriate state governmental officials, and encourage compatible land uses that avoid or mitigate potential adverse impacts. When federal acquisition of state-owned submerged lands and resources within NPS units is not appropriate or feasible, the Park Service will seek to enter into cooperative agreements with state governments to ensure the adequate protection of park resources and values.

In some cases—such as air or water pollution—the source of a significant threat may be far removed from the park's boundaries. In such cases, the ~~Park~~ Service will coordinate at the regional or national level in making its concerns known, and in seeking a remedy to the problem. Threats to parks from external sources should be identified and addressed in the general management plan or in other planning documents. The result will be enhanced public awareness of the far-reaching impacts of these threats, and an increased likelihood of remedial actions by those who are responsible.

(See External Threats to Park Resources and Values 1.5; Evaluating Environmental Impacts 4.1.3; Partnerships 4.1.4; Biological Resource Management 4.4; Removal of Exotic Species Already Present 4.4.4.2; Water Resource Management 4.6; Air Resource Management 4.7; Geologic Resource Management 4.8; Soundscape Management 4.9; Lightscape Management 4.10; Stewardship 5.3. Also see Director's Order #25: Land Protection, and Reference Manual 25~~)~~; Director's Order #75A: Civic Engagement and Public Involvement)

3.5 Boundary Adjustments

The boundary of a national park may be modified only as authorized by law. For many parks, such statutory authority is included in the enabling legislation or subsequent legislation specifically authorizing a boundary revision. Where ~~park~~park specific authority is not available, the Land and Water Conservation Fund (LWCF) Act of 1965, as amended, provides an additional, but limited, authority to adjust boundaries.

The act provides for boundary adjustments that essentially fall into three distinct categories: (1) technical revisions; (2) minor revisions based upon statutorily defined criteria; and (3) revisions to include adjacent real property acquired by donation, purchased with donated funds, transferred from any other federal agency, or obtained by exchange. Adjacent real property is considered to be land located contiguous to but outside the boundary of a national park system unit.

As part of the planning process, the ~~NPS~~Park Service will identify and evaluate boundary adjustments that ~~may be necessary or desirable in order to carry out~~will facilitate achieving the purposes of the park unit. Boundary adjustments may be recommended to~~:~~

- ~~o~~ ~~Protect~~ protect significant resources and values, or to enhance opportunities for public enjoyment related to park purposes~~;~~,
- ~~o~~ ~~Address~~address operational and management issues, such as the need for access or the need for boundaries to correspond to logical boundary delineations such as topographic or other natural features or roads~~;~~, or
- ~~o~~ ~~Otherwise~~otherwise protect park resources that are critical to fulfilling park purposes.

If the acquisition will be made using appropriated funds, and is not merely a technical boundary revision, the criteria set forth by Congress at 16 USC 460l-~~-~~9(-c)~~-~~(2) must be met. All recommendations for boundary changes must meet the following two criteria~~:~~.

- The added lands will be feasible to administer, considering their size, configuration, and ownership, ~~and~~ hazardous substances, costs, the views of and impacts on local communities and surrounding jurisdictions, and other factors such as the presence of exotic species~~; and~~ .
- Other alternatives for management and resource protection are not adequate.

These criteria apply conversely to recommendations for the deletion of lands from the authorized boundaries of a park unit. For example, before recommending the deletion of land from a park boundary, a finding would have to be made that the land did not include a

significant resource, value, or opportunity for public enjoyment related to the purposes of the park. Full consideration should be given to present and future park needs before a recommendation is made to delete lands from the authorized boundaries of a park unit. Actions consisting solely of deletions of land from existing park boundaries require an act of Congress.

3.6 Land Acquisition Authority

The National Park Service acquires lands or interests in land within parks when authorized to do so by an act of Congress or by ~~Presidential~~presidential proclamation. Although acquisition outside authorized boundaries is generally prohibited, certain statutes provide limited system-wide authority for minor boundary changes and the acceptance of donated lands adjacent to a park's boundaries. There is no single statute authorizing land acquisition. There are, however, several laws that provide limited acquisition authority that is applicable system-wide. For most parks, acquisition authority is provided by statutes specific to the park. The ~~Park~~ Service land acquisition process and land protection planning process will comply with all applicable legislation, congressional guidelines, ~~Executive~~executive orders, and Department of the Interior policies. For delegations of authority for land acquisition, see Director's Order #25: Land Protection.

3.7 Land Acquisition Funding

When the acquisition of lands and/-or interests in ~~land~~lands within a park boundary is necessary, the ~~NPS~~ Park Service will consider acquisition by: purchase with appropriated or donated funds; exchange; donation; bargain sale; transfer or withdrawal from public domain; or in limited circumstances condemnation. Funding for land acquisition within the national park system is derived prima-rily from the Land and Water Conservation Fund (LWCF~~.~~). LWCF monies are restricted to uses associated with the acquisition of land and/-or interests in land within the authorized boundaries of NPS units. As outlined in Department of the Interior policy, the federal portion of ~~the~~ LWCF monies will be used to acquire the lands, waters, and interests therein necessary to achieve the Service's natural, cultural, wildlife, and recreation management objectives. To implement this policy, the fund will be used in accordance with management objectives for each park unit based on the NPS mission and congressional mandates, and with an analysis of long-~~-~~range goals for resource protection, safe public access, and park management. As further required by ~~departmental~~Departmental policy, the Park Service will, to the extent consistent with statutory authorities~~:~~,

- ~~Identify what lands or interests in land within unit boundaries need to be in federal ownership to achieve management unit purposes consistent with public objectives;~~

- ~~Use~~ use to the maximum extent practical, cost-~~-~~effective alternatives to the direct federal purchase of privately owned lands, and, when acquisition is necessary, acquire or retain only the minimum interests determined by park officials to be necessary to meet management objectives~~;~~,

- ~~Cooperate~~cooperate with landowners, other federal agencies, tribal, state, and local governments, and the private sector to manage land for public use or protect it for resource conservation~~;~~, and
- ~~and Formulate~~formulate, or revise as necessary, land protection plans~~ for land acquisition and resource use or protection to ensure that sociocultural impacts are considered, and that the most outstanding areas are adequately managed~~.

3.8 Condemnation

Comment: Section 3.8 is added to clarify policy on condemnation.

As a general principle, and consistent with Congressional direction, condemnation is the least desirable tool for the Service to use for land acquisition.

It is the Service's goal to acquire lands or interests in lands through a cooperative negotiation process with a willing seller. Under certain circumstances, however, condemnation may be necessary. "Friendly" condemnations with willing sellers may be appropriate to ensure that the United States acquires clear title to the property in question, or to enable a court to determine the fair market value to be paid for the property. If there is no willing seller, and it is determined that other acquisition means will not be successful, consistent with any restrictions applicable to that park unit, the Service, with the approval of the Director and other approvals as required (e.g., by the Department of the Interior or Congress) may pursue condemnation proceedings to acquire the property or interests therein.

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Comment: This chapter continues the strong resource protection commitments contained in the 2001 edition, but adds text where it would help in making the policies more clear. Also note that "unacceptable impacts" is newly defined on pg 4 in the Introduction's "Terms and Concepts."

Chapter 4: Natural Resource Management

[wording for introductory page:] The National Park Service will preserve the natural resources, processes, systems, and associated values of units of the national park system in an unimpaired condition, strive to perpetuate their inherent integrity, and ~~to~~ provide present and future generations with the opportunity to enjoy them.

The National Park Service will strive to understand, maintain, restore, and protect the inherent integrity of the natural resources, processes, systems, and associated values of the parks~~.~~, as well as the opportunity to enjoy them. The Park Service recognizes that natural processes and species are ~~evolving,~~dynamic and will ~~allow this evolution to~~ continue~~, minimally influenced by human actions.~~ to evolve. The natural resources, processes, systems, and values that the Service ~~preserves~~conserves are described generally in the 1916 NPS Organic Act and in the enabling legislation or ~~Presidential~~presidential proclamation establishing each park. They are described in greater detail in management plans specific to each park. Natural resources, processes, systems, and values found in parks include~~:~~

- ~~Physical~~physical resources such as water, air, soils, sound, topographic features, geologic features, and paleontological resources~~, natural soundscapes, and clear skies;~~
- ~~Physical~~physical processes such as weather, erosion, cave formation, and wildland fire~~;~~
- ~~Biological~~biological resources such as native plant~~s, animals,~~ and animal communities~~;~~
- ~~Biological~~biological processes such as photosynthesis, plant and animal community succession, pollination, evolution~~;~~ population dynamics, and predator/prey relationships
- ~~E~~ecosystems;,
- ~~Highly valued~~ associated characteristics such as scenic views~~.~~, clear skies and natural soundscapes

Comment: The bulleted list above has been re-crafted from 2001 and made more comprehensive. The NPS will strive to equally understand, maintain, restore, and protect EVERYTHING in the list, as indicated in the paragraph's opening sentence.

In this chapter, natural resources, processes, systems, and values are all included in the term "natural resources." The term "natural condition" is used here to describe the condition of resources that would occur in the absence of human dominance over the landscape~~.~~ but not necessarily the absence of humans.

Comment: Although humans are recognized as being part of nature, human business and industrial activity is not considered a "natural condition" for parks.

The Service manages the natural resources of parks to maintain them in an unimpaired condition for present and future generations in accordance with NPS-~~-~~specific statutes, including the NPS Organic Act and the National Parks Omnibus Management Act of 1998; general environmental laws such as the Clean Air Act, the Clean Water Act, the Endangered Species Act ~~of 1973, NEPA~~, the National Environmental Policy Act, and the Wilderness Act; ~~Executive~~executive orders; and applicable regulations.

Activities that take place outside park boundaries and that are not managed by the Service sometimes have profound effects on the Service's ability to protect natural resources inside parks. The Service ~~must~~ will act to protect natural resources from impacts caused by external

activities and to identify and achieve broad natural resource goals by working cooperatively with federal, state, and local agencies; Native American authorities; user groups; adjacent landowners; and others~~ to identify and achieve broad natural resource goals. By working cooperatively through~~. This, and fostering both formal and informal lines of communication ~~and consultation,~~, will help the Service ~~will~~ better achieve park management objectives and the ~~protection~~conservation of park natural resources.

(See Park Management 1.4; External Threats and Opportunities 1.5; Partnerships 4.1.4)

4.1 General Management Concepts

As explained in chapter 1 of these *Management Policies*, preserving park resources and values unimpaired is the ~~core, or primary,~~overarching responsibility of NPS managers. The Service cannot conduct or allow activities in parks that would impact park resources and values to a level that would constitute impair-ment. To comply with this mandate, park managers must determine in writing whether proposed activities in parks would impair natural resources. Park managers must also take action to ensure that ongoing NPS activities do not cause the impairment of park natural resources. In cases of ~~doubt~~ uncertainty as to the impacts of activities on park natural resources, the Service will ~~decide in favor of protecting~~ protect the natural resources~~.~~ and will strive to reduce such uncertainty by facilitating and building a science-based understanding of park resources and the nature and extent of the impacts involved.

Comment: Science continues to be the foundation for good decision making.

Natural resources will be managed to preserve fundamental physical and biological processes, as well as individual species, features, and plant and animal communities. The Park Service will not attempt to solely preserve individual species (except threatened or endangered species) or individual natural processes~~; rather~~. Rather, it will try to maintain all the components and processes of ~~naturally evolving~~ natural park ecosystems, including the ~~natural~~ naturally dynamic abundance, diversity, and genetic and ecological integrity of the plant and animal species native to those ecosystems. Just as all components of a natural system will be recognized as important, natural change will also be recognized as an integral part of the functioning of natural systems. By preserving these natural components and processes in their natural condition, the Service will prevent resource degradation, and therefore avoid any subsequent need for resource restoration. In managing parks to preserve naturally evolving ecosystems, and in accordance with requirements of the National Parks Omnibus Management Act of 1998, the Service will ~~utilize~~use the findings of science and the analyses of scientifically trained resource specialists in decision~~-~~ making.

~~The Service will not intervene in natural biological or physical processes, except:~~

- ~~When directed by Congress;~~

~~In~~ Park units with significant natural resources range in size from a few to millions of acres, and from urban to remote settings. As integral parts of a national park *system*, these park units individually and cumulatively contribute to America's natural heritage and provide the places where that heritage can be better understood and enjoyed.

Comment: The paragraph below recognizes that ecosystems extend beyond park boundaries and the NPS will often have to work closely with other parties to achieve a park's resource protection goals.

Science has demonstrated that few, if any, park units can fully realize or maintain their physical and biological integrity if managed as biogeographic islands. Instead, they must be managed in the context of their larger ecosystems. The ecosystem contexts for some species and processes may be relatively small, while for others they are vast. In any case, superintendents face the challenge of placing each of the resources they protect in their appropriate ecosystem context and then working with all involved, interested, and affected parties to advance their conservation and avoid adverse impacts on these resources.

Superintendents must be mindful of the setting in which they undertake the protection of park resources. The practicability of achieving a virtually natural soundscape may be quite reasonable at a park unit in a remote setting, but the same may not be true at a popular roadside viewpoint in the same park unit, or at a park unit in a more urban locale. Similarly, the restoration and maintenance of natural fire regimes can advance more rapidly and on a larger landscape scale in wilderness areas, where considerations for public safety and the protection of private property and physical developments can usually be readily addressed, than it can in more developed and highly visited locations where the same considerations can be extremely complicated. The goal of protecting natural resources and values while providing for their enjoyment remains the same in all cases except to the extent that Congress has directly and specifically provided otherwise. However, the degree to which it can practicably be achieved will vary, reflecting factors such as size, existing conditions, surrounding land uses, availability of resources, and management priorities. The Park Service will determine the degree of practicability for each park through the planning process.

Comment: These edits simply acknowledge that not all parks can be managed exactly the same way, though we will strive for excellence.

The Service will not intervene in natural biological or physical processes, except

- when directed by Congress,
- in emergencies in which human life and property are at stake; ,
- To to restore, where practicable, natural ecosystem functioning that has been disrupted by past or ongoing human activities; or ,
- When when necessary to provide for appropriate visitor enjoyment so long as the intervention does not lead to unacceptable adverse impacts, or
- when a park plan has identified the intervention as necessary to protect other park resources or facilities.

Any such intervention will be kept to the minimum necessary to achieve the stated management objectives.

Natural systems in the national park system, and the human influences upon them, will be monitored to detect change. The Park Service will use the results of monitoring and research to understand the detected change and to develop appropriate. Appropriate management actions. will be developed when a change could result in unacceptable adverse impacts to resources.

Biological or physical processes altered in the past by human activities may need to be actively managed to restore them to a natural condition or to maintain the closest approximation of the natural condition in situations in which a truly natural system is no longer attainable. Prescribed burning and the control of ungulates when predators have been extirpated are two examples. where active management may be necessary. The extent and degree of management actions taken to protect or restore park ecosystems or their components will be based on clearly articulated, and well--supported management objectives and the best scientific information available.

There may be In some situations in which, an area may be closed to visitor use to protect the natural resources (for example, during an animal breeding season) or for reasons of public safety (for example, during a wildland fire). Such closures may be accomplished under the superintendent's discretionary authority, and will comply with applicable regulations (36 CFR*Code of Federal Regulations* 1.-5 and 1.-7 or 36 CFR 1.5 and 1.7).

(See The Prohibition on Impairment of Park Resources and Values 1.4.4; General Management Planning 2.3.1; Facility Planning and Design 9.1.1)

4.1.1 Planning for Natural Resource Management

Each park with a significant natural resource base will prepare and periodically update a long--range (with at least one to two decades in view) comprehensive strategy for natural resource management, as appropriate.. This long--range strategy will describe the comprehensive program of activities needed to achieve the desired future conditions for the park's natural resources. It will integrate the best available science, and will prescribe activities such as inventories, research, monitoring, restoration, mitigation, protection, education, and management of resource uses. The strategy will also describe the natural-resource--related activities needed to achieve desired future conditions for cultural resources (such as historic landscapes) and visitor enjoyment.

Similarly, planning for park operations, development, and management activities that might affect natural resources will be guided by high--quality, scientifically acceptable information, data, and impact assessment. Where existing information is inadequate, the collection of new information and data may be required prior to decision- making. Long--term research or monitoring may also be necessary to correctly understand the effects of management actions on natural resources whose function and significance are not clearly understood.

(See Decision- making Requirements to Avoid Impairments 1.4.7; General Management Planning 2.3.1; Land Protection Plans 3.3; Cultural Landscapes 5.3.5.2; Chapter 8: Use of the Parks; NPS- conducted or NPS—sponsored Inventory, Monitoring, and Research Studies 4.2.1; Chapter 9: Park Facilities)

4.1.2 Natural Resource Information

Information about natural resources that is collected and developed will be maintained in perpetuity. All forms of information collected through inventorying, monitoring, research,

assessment, traditional knowledge, and management actions will be managed to professional and NPS archival and library standards.

Most information about park natural resources will be made broadly available to park employees, the scientific community, and the public. Pursuant to provisions of the National Parks Omnibus Management Act, the Park Service will withhold information about the nature and specific location of sensitive park natural resources—specifically mineral, paleontological, endangered, threatened, rare, or commercially valuable resources—unless the Service determines, in writing, that disclosure of the information would further the purposes of the park, would not create an unreasonable risk of harm, theft, or destruction of resources, and would be consistent with other applicable laws.

Under the Freedom of Information Act (FOIA), the ~~NPS~~Park Service may be able to withhold sensitive natural resource data and information used in ongoing law enforcement investigations or subject to national security clearance classification. The Service may be able to withhold data provided through interim project reporting, pending the completion of relevant projects and the receipt of final project reports, ~~as specified in approved scientific research and collecting permits and associated research proposals~~ if the release of information will cause foreseeable harm to the interests of the ~~NPS.~~Park Service. The conditions under which data will be withheld should be specified in approved scientific research and collecting permits and associated research proposals. Information that is made available to the public (that is, not withheld under ~~FOIA~~ the Freedom of Information Act or other laws) will remain searchable and accessible under the professional and NPS archival and library standards.

(See Information Confidentiality 1.7.1.3; Confidentiality 5.2.3. Also see Director's Order #66: FOIA and Protected Resource Information; Museum Handbook 24--Part II)

4.1.3 Evaluating Impacts on Natural Resources

Planning, environmental evaluation, and public involvement regarding management actions that may affect the natural resources of the ~~National Park System~~national park system are essential for carrying out the Service's responsibilities to present and future generations. The Service will ensure that the environmental costs and benefits of proposed operations, development, and resource management are fully and openly evaluated before taking actions that may impact the natural resources of the parks. This evaluation must include appropriate participation by the public; the application of scholarly, scientific, and technical information in the planning, evaluation, and decision--making processes; the use of NPS knowledge and expertise through interdisciplinary teams and processes; and the ~~aggressive~~ incorporation of mitigation measures, pollution prevention techniques, and other principles of sustainable park management.

Every environmental assessment and environmental impact statement produced by the Service will include an analysis of whether the impacts of a proposed activity constitute impairment of park natural resources and values. Every finding of no significant impact, record of decision, and National Historic Preservation Act Section 106 memorandum of

agreement signed by the ~~NPS~~Park Service will contain a discrete certification that the impacts of the proposed activity will not impair park natural resources and values.

(See Park Management 1.4; Implementation Planning 2.3.3; NPS-~~-~~conducted or -sponsored Inventory, Monitoring, and Research Studies 4.2.1. Also see Director's Order #12: Conservation Planning and Environmental Impact Analysis)

4.1.4 _Partnerships

The Service will pursue opportunities to improve natural resource management within parks and across administrative boundaries ~~by cooperating~~through cooperation, communication, and consultation with public agencies, appropriate Native American representatives, and private landowners. The Service recognizes that cooperation with other land managers can accomplish ecosystem stability and other resource management objectives when the best efforts of a single manager might fail. Therefore, the Service will develop agreements, consistent with federal law, Departmental, and NPS policies with federal, tribal, state, and local governments and organizations, and private landowners, when appropriate, to coordinate plant, animal, water, and other natural resource management activities in ways that maintain and protect, not compromise, park resources and values. Such cooperation may include park restoration activities, research on park natural resources, and the management of species harvested in parks. Such cooperation also may involve coordinating management activities in two or more separate areas, integrating management practices to reduce conflicts, coordinating research, sharing data and expertise, exchanging native biological resources for species management or ecosystem restoration purposes, establishing native wildlife corridors, and providing essential habitats adjacent to, or across, park boundaries.

In addition, ~~the Service will seek the cooperation of others in minimizing~~to minimize the impacts of influences originating outside parks~~ by ~~, the Park Service will seek the cooperation of others in controlling noise and artificial lighting, maintaining water quality and quantity, eliminating toxic substances, preserving scenic views, improving air quality, preserving wetlands, protecting threatened or endangered species, eliminating exotic species, managing the use of pesticides, protecting shoreline processes, managing fires, managing boundary influences, and in using other means of ~~preserving~~conserving and protecting natural resources.

(See ~~External Threats and Opportunities~~Cooperative Conservation Beyond Park Boundaries 1.5; Partnerships 1.9; Addressing Threats from External Sources 3.4; Agreements 5.2.2. Also see Director's Order #75A: Civic Engagement and Public Involvement)

4.1.5 Restoration of Natural Systems

The Service will re~~-~~establish natural functions and processes in ~~human-~~unnaturally disturbed components of natural systems in parks when practicable unless otherwise directed by Congress. Landscapes disturbed by natural phenomena, such as landslides, earthquakes, floods, hurricanes, tornadoes, and fires, will be allowed to recover naturally unless manipulation is necessary to protect other park resources, developments, or visitor safety.

~~Impacts~~Potential impacts to natural systems resulting from human disturbances include the introduction of exotic species; the contamination of air, water, and soil; changes to hydrologic patterns and sediment transport; the acceleration of erosion and sedimentation; and the disruption of natural processes. ~~The~~ When practicable the Park Service will seek to return human-~~-~~disturbed areas to the natural conditions and processes characteristic of the ecological zone in which the damaged resources are situated. The Service will use the best available technology, within available resources, to restore the biological and physical components of these systems, accelerating both their recovery and the recovery of landscape and biological~~-~~ community structure and function. Efforts may include, for example~~:~~ ,

Comment: "Practicable" has been inserted at various places to recognize that solutions must be not only possible or feasible, but also achievable.

- ~~Removal~~removal of exotic species~~;~~
- ~~Removal~~removal of contaminants and non-~~-~~historic structures or facilities~~;~~
- ~~Restoration of~~ restoration of abandoned mineral lands, abandoned or unauthorized roads, areas over~~-~~grazed by domestic animals, or disrupted natural waterways and/~~-~~or shoreline processes~~;~~
- ~~Restoration~~restoration of areas disturbed by NPS administrative, management, or development activities (such as hazard tree removal, construction, or sand and gravel extraction) or by public use~~;~~
- ~~Restoration~~restoration of natural soundscapes~~; and~~
- ~~Restoration~~restoration of native plants and animals~~.~~

When park development is damaged or destroyed and replacement is necessary, the development will be replaced or relocated ~~so as~~ to promote the restoration of natural resources and processes~~.~~ whenever practicable. If possible, these developments will be relocated in areas less prone to future damage.

(See Decision- making Requirements to Avoid Impairments 1.4.7; Restoration of Native Plant and Animal Species 4.4.2.2; Management of Natural Landscapes 4.4.2.4; Siting Facilities to Avoid Natural Hazards 9.1.1.6. Also see Director's Order #18: Wildland fire Management)

4.1.6 _Compensation for Injuries to Natural Resources

~~The~~The Park Service will take all steps necessary to protect and restore natural resources and the environmental benefits they provide when actions of another party cause the destruction or loss of, or injury to, park resources or values.

Pursuant to the National Park System Resource Protection Act, the Service will~~:~~

- ~~Determine~~determine the injury caused to natural resources, assess all appropriate damages, and monitor damages~~;~~
- ~~Seek~~seek to recover all appropriate costs associated with responses to such actions, and the costs of assessing resource damages, including the direct costs of response, restoration, and monitoring activities~~; and~~
- ~~Use~~use all sums recovered in compensation for re-source injuries to restore, replace, or acquire the equivalent of the resources that were the subject of the action~~.~~

(See Compensation for Damages 5.3.1.3. Also see Director's Order #~~30C:~~14 Resource Damage ~~Assessments)~~Assessment and Restoration)

4.2 Studies and Collections

The Service will encourage appropriately reviewed natural resource studies whenever such studies are consistent with applicable laws and policies. These studies support the NPS mission by providing the Service, the scientific community, and the public with an understanding of park resources, processes, values, and uses that will be cumulative and constantly refined. This approach will provide a scientific and scholarly basis for park planning, development, operations, management, education, and interpretive activities.

The term "studies," as used here, means short- or long-~~-~~term scientific or scholarly investigations or educational activities that may involve natural resource surveys, inventories, monitoring, and research, including data and specimen collection. Studies include projects conducted by researchers and scholars in universities, foundations and other institutions, tribal colleges and organizations, other federal and state agencies, and ~~Service~~ NPS staff. The data and information acquired through studies conducted in parks will be made publicly available, consistent with section 4.~~-~~1.~~-~~2.

The Park Service will promote cooperative relationships with educational and scientific institutions and qualified individuals offering expertise that can assist the Service in obtaining information, and when the opportunity for research and study in the parks offers the cooperators a significant benefit to their programs. NPS facilities and assistance may be made available to qualified cooperators who are conducting NPS-~~-~~authorized studies.

Studies in parks will be preceded by (1) an approved scope of work, proposal, or other detailed written description of the work to be performed; and (2) a written statement of environmental and cultural resource compliance appropriate to the proposed methodology and study site. All studies in parks will employ non~~-~~-destructive methods to the maximum extent feasible with respect to resource ~~protection~~conservation, research methodology, and the scientific and management value of the information and collections to be obtained. Although studies involving physical impacts ~~to~~ on park resources or the removal of objects or specimens may be permitted, studies and collecting activities that will lead to the impairment of park resources and values are prohibited.

Scientific natural resource collecting activities are governed by 36 CFR 2.~~-~~5. A very limited number of other types of natural resource collecting are governed by 36 CFR 2.~~-~~1. In most cases, only small quantities may be collected. The repeated collection of materials to ensure a continuing source of supply for research or propagation is prohibited, unless the proposed activity clearly requires repeated collection, as might be the case with a monitoring or park restoration program~~.~~ and when these activities will not lead to unacceptable adverse impacts on park resources and values.

(See Decision-~~-~~making Requirements to Avoid Impairments 1.4.7; Managing Information 1.7.1; Research 5.1; Resource Access and Use 5.3.5.3.1; Collecting Natural Products 8.8;

Consumptive Uses 8.9; Social Science Studies 8.11. Also see Director's Order #74: Studies and Collecting; Director's Order #78: Social Science)

4.2.1 NPS-conducted or -sponsored Inventory, Monitoring, and Research Studies

The Park Service will:

- Identifyidentify, acquire, and interpret needed inventory, monitoring, and research, including applicable traditional knowledge, to obtain information and data that will help park managers accomplish park management objectives provided for in law and planning documents.
- Definedefine, assemble, and synthesize comprehensive baseline inventory data describing the natural resources under its stewardship, and identify the processes that influence those resources.
- Useuse qualitative and quantitative techniques to monitor key aspects of resources and processes at regular intervals.
- Analyzeanalyze the resulting information to detect or predict changes, including interrelationships with visitor carrying capacities, that may require management intervention, and to provide reference points for comparison with other environments and time frames.
- Useuse the resulting information to maintain—and, where necessarypracticable, restore—the integrity of natural systems.

The Service may support studies to (among other things):

- Ensureensure a systematic, current, and fully adequate park information base;
- Provideprovide a sound basis for policy, guidelines, and management actions;
- Developdevelop effective strategies, methods, and technologies to restore disturbed resources, and to predict, avoid, or minimize adverse impacts on natural and cultural resources, and on visitors and related activities;
- Ensureensure that plans and actions reflect contemporary knowledge about the natural and cultural context of special natural areas, cultural landscapes, and natural resources having traditional cultural meaning and value to associated human groups;
- Determinedetermine the causes and potential resolution of natural resource management problems;
- Understand understand the ceremonial and traditional resource management practices of Native American tribes, subsistence uses by rural Alaska residents, and traditional uses by groups with demonstrated ties to particular natural resources of parks;
- Furtherfurther understand park ecosystems and related human social systems, including visitors and gateway communities, and document their components, condition, and significance; and
- Ensureensure that the interpretation of the natural re-sources and issues of parks reflects current standards of scholarship relating to the history, cultural context, science, and condition of the resources.

Superintendents may authorize ~~National Park Service~~ NPS staff to carry out routine inventory, monitoring, study, and related duties without requiring an NPS scientific research and collecting permit. With or without an NPS permit, ~~Service~~NPS staff will comply appropriately with professional standards and with general and park~~-~~-specific research and collecting permit conditions. All research and data and specimen collection conducted by NPS employees will be appropriately documented and carried out in accordance with all laws, regulations, policies, and professional standards pertaining to survey, inventory, monitoring, and research. ~~Service~~NPS staff will be expected to make their findings available to the public, such as by publication in professional journals or presentation in interpretive programs.

Park inventory, monitoring, and research needs and specific research objectives will be identified in the appropriate management plans for each park, or in park, regional, or Servicewide program plans.

(See Decision~~-~~-making Requirements to Avoid Impairments 1.4.7; Natural Resource Information 4.1.2; Restoration of Natural Systems 4.1.5; Weather and Climate 4.7.2; Miscellaneous Management Facilities 9.4.5)

4.2.2 Independent Studies

Non~~-~~-NPS studies conducted in parks are not required to address specifically identified NPS management issues or information needs. However, these studies, including data and specimen collection, require an NPS scientific research and collecting permit. The studies must conform to ~~National Park Service~~NPS policies and guidelines regarding the collection and publication of data, the conduct of studies, wilderness restrictions, and park~~-~~-specific requirements identified in the terms and conditions of the permit. Projects will be administered and conducted only by fully qualified personnel, and will conform to current standards of scholarship. ~~Park~~ Service scientific research and collecting permits may include requirements that permittees provide for parks, within agreed~~-~~-upon time frames, copies of appropriate field notes, cataloging and other data, information about the data, progress reports, interim and final reports, and publications derived from the permitted activities.

(See Independent Research 5.1.2)

4.2.3 Natural Resource Collections

Natural resource collections include non~~-~~-living and living specimens. Guidance for collecting and managing specimens and associated field records can be found in ~~the Code of Federal Regulations (~~36 CFR 2.~~-~~5~~)~~ and NPS guidance documents, including the museum handbook. Non~~-~~-living specimens and their associated field records are managed as museum collections. Living collections will be managed in accordance with the provisions of a park's management plan, the Animal Welfare Act, and other appropriate requirements.

Field data, objects, specimens, and features obtained for preservation during inventory, monitoring, research, and study projects, together with associated records and reports, will be

managed over the long term within the Park Service's museum collection~~.~~ program. Specimens that are not authorized for consumptive analysis will be labeled and cataloged into an appropriate cataloging system in accordance with applicable regulations (36 CFR 2.5).

(See Paleontological Resources and Their Contexts 4.8.2.1; Collecting Natural Products 8.8; Consumptive Uses 8.9; Natural and Cultural Studies, Research, and Collection Activities 8.10; Social Science Studies 8.11. Also see Director's Order #24: Museum Management)

4.2.4 Collection Associated with the Development of Commercial Products

Extractive use of park resources for commercial purposes is prohibited except when specifically authorized by law or in the exercise of valid existing rights.

~~The~~ Research, including the collection of non~~-~~living or living material~~,~~ or parts thereof, that is intended to support ~~research~~ investigations that may lead to the development of commercial products is an authorized activity that currently is not being implemented. Such research and collecting may be permitted only in limited circumstances~~,~~ and ~~is~~ managed under appropriate federal authority. ~~Permits~~ Should a decision be made to implement this authority, permits for such research and collecting ~~may~~will be issued only after the applicant has signed a benefit sharing agreement—such as a cooperative research and development agreement ~~(CRADA) that includes~~—to provide equitable benefit sharing ~~for~~ to the park research and resource management effort. ~~CRADAs are subject to review by the Director and the Office of the Solicitor. Permits for collections~~ Should any process be implemented to permit research and collecting associated with ~~the~~ development of commercial products ~~are subject to~~ and to require entering into a benefit sharing agreement, it will be done in accordance with policy guidance contained in Director's Order #77-6, and following completion of appropriate NEPA compliance.

Comment: 4.2.4 continues to express the intent that parks should benefit from commercially profitable discoveries.

(Also see Director's Order #74: Studies and Collecting; and Director's Order #77-6: Cooperative Research and Development Agreements)

4.3 Special Designations

~~The~~The Park Service recognizes that special designation labels apply to parts or all of some parks to highlight the additional management considerations that those designated areas warrant. These labels include Research Natural Area, Experimental Research Area, Wilderness Area, National Wild and Scenic River, National Natural Landmark, Biosphere Reserve, and World Heritage Site. These designations do not reduce the Service's authority for managing the parks, although in some cases they may create additional management requirements~~.~~ or considerations.

4.3.1 Research Natural Areas

Research Natural Areas contain prime examples of natural resources and processes, including significant genetic resources, that have value for long~~-~~-term observational studies or as

control areas for manipulative research taking place outside the parks. Superintendents recommend areas of parks to their regional director, who is authorized to designate them as Research Natural Areas~~.~~ when such a designation does not unacceptably impact the values and purposes of the park. Superintendents cooperate with other federal land managers in identifying park sites for designation, and in planning research and educational activities for this interagency program.

Activities in Research Natural Areas generally will be restricted to non~~-~~manipulative research, education, and other activities that will not detract from an area's research values.

4.3.2 Experimental Research Areas

Experimental Research Areas are specific tracts that are set aside and managed for approved manipulative research. Manipulative research is defined as research in which conscious alteration of existing conditions is part of the experiment. The limited situations that may warrant establishment of Experimental Research Areas are identified in the *Natural Resources Reference Manual 77*. Superintendents recommend areas of the park to their regional director, who is authorized to designate them as Experimental Research Areas~~.~~ when such a designation does not unacceptably impact the values and purposes of the park.

4.3.3 Wilderness Areas

See chapter 6.

4.3.4 National Wild and Scenic Rivers System

Parks containing one or more river segments listed in the national rivers inventory maintained by the ~~NPS~~National Park Service, or that have characteristics that might make them eligible for the National Wild and Scenic Rivers System, will comply with section 5(d)(1) of the Wild and Scenic Rivers Act, which instructs each federal agency to assess whether those rivers are suitable for inclusion in the system. Such assessments, and any resulting management requirements, may be incorporated into a park's general management plan or other management plan. No management actions ~~may~~will be taken that could adversely affect the values that qualify a river for inclusion in the National Wild and Scenic Rivers System.

(See Wild and Scenic Rivers 2.3.10. Also see Wild and Scenic Rivers Act)

4.3.5 National Natural Landmarks

Park sites that are among the best examples of a type of biotic community or geological feature in its physiographic province may be nominated to the Secretary of the Interior for inclusion in the National Registry of Natural Landmarks. As the agency responsible for maintaining the registry, the Park Service has developed criteria for eligibility (36 CFR Part 62).

4.3.6 Biosphere Reserves

Biosphere Reserves are sites that are part of a world-wide network of natural reserves recognized for their roles in conserving genetic resources; facilitating long-term research and monitoring; and encouraging education, training, and the demonstration of sustainable resource use. A Biosphere Reserve is usually representative of a biogeographic province.

~~Parks~~ With the approval of the NPS Director, parks may be nominated for recognition as Biosphere Reserves, or as constituents of Biosphere Reserves. Specific guidance for recognition is provided by the United States Man and Biosphere (MAB) program based on the general guidance of the United Nations Education, Scientific, and Cultural Organization ~~(UNESCO).~~. Working within the MAB program, the Service may assist in determining the suitability and feasibility of including parks in ~~U. S.~~ Biosphere Reserves, may participate in research and educational activities, and may furnish information on its Biosphere Reserves for inclusion in domestic and international information systems~~.~~ when such a designation does not unacceptably impact the values and purposes of the park.

The designation of park lands as Biosphere Reserves, or as constituents of Biosphere Reserves, does not alter the purposes for which the parks were established, change the management requirements, or reduce NPS jurisdiction over parks. To the extent practicable, superintendents of parks that are recognized as Biosphere Reserves will incorporate biosphere reserve objectives that are consistent with statutes, regulations and also incorporate these policies into general management plans, implementation plans, action plans, and park interpretive programs. Superintendents will pursue opportunities to use the biosphere reserve designation as a framework for local, regional, and international cooperation~~.~~ when such a designation does not unacceptably impact the values and purposes of the park.

4.3.7 World Heritage Sites

Comment: Text has been added to 4.3.7 to more thoroughly explain World Heritage designation.

Parks containing natural features believed to possess ~~"~~outstanding universal value to ~~mankind"~~humanity may ~~be nominated to~~ qualify for placement on the World Heritage List~~.~~ under criteria described in the World Heritage Committee Operational Guidelines and in accordance with the World Heritage Convention. Before they can be nominated, all such properties must be assessed according to World Heritage criteria, and before the United States can submit a nomination to the World Heritage Committee, the site must first be included on the U.S. Tentative List of Potential Future World Heritage Nominations.

Any park superintendent who believes that part or all of the park they manage should be considered for inscription on the World Heritage List must consult with the NPS Office of International Affairs, the NPS Director, and the Department before proceeding. U.-S. recommendations are approved by an interagency panel chaired by the Assistant Secretary for Fish and Wildlife and Parks, based on criteria promulgated by the World Heritage Committee. These criteria and the rules for U.-S. participation in the Convention Concerning the World Cultural and Natural Heritage are published in 36 CFR Part 73.

Once an area is designated a world heritage site, the Park Service will recognize the designation in public information and interpretive programs. Where appropriate, park superintendents should use the park's World Heritage status as a platform to promote sustainable tourism. Designation as a World Heritage Site will not alter the purposes for which the ~~parks were~~park was established, change the management requirements, ~~or~~ reduce NPS jurisdiction over ~~parks~~the park, or otherwise cause unacceptable impacts to park values and purposes.

(See World Heritage List Designation 5.1.3.2.3)

4.4 Biological Resource Management

4.4.1 General Principles for Managing Biological Resources

The National Park Service will maintain as parts of the natural ecosystems of parks all native plants and animals. The term "plants and animals" refers to all ~~five~~ of the commonly recognized kingdoms of living things and includes such groups as flowering plants, ferns, mosses, lichens, algae, fungi, bacteria, mammals, birds, reptiles, amphibians, fishes, insects, worms, crustaceans, and microscopic plants or animals. The Service will strive to achieve this maintenance by~~:~~

- ~~Preserving~~preserving and restoring the natural abundances, diversities, dynamics, distributions, habitats, and behaviors of native plant and animal populations and the communities and ecosystems in which they occur~~;~~,
- ~~Restoring~~ restoring native plant and animal populations in parks when they have been extirpated by past human-~~-~~caused actions~~;~~, and
- ~~Minimizing~~minimizing or mitigating human impacts on native plants, animals, populations, communities, and ecosystems, and the processes that sustain them.

4.4.1.1 Plant and Animal Population Management Principles

The individual plants and animals found within parks are genetically parts of species populations that may extend across both park and non-~~-~~park lands. As local populations within a group of populations naturally fluctuate in size, they become vulnerable to ~~natural or human- caused~~ extirpation during periods when their numbers are low. The periodic disappearance of local populations is common in some species, and the regional persistence of these species depends upon the natural recolonization of suitable habitat by individuals from the remaining local populations. Thus, providing for the persistence of a species in a park may require maintaining a number of local populations, often both within and outside the park.

In addition, some populations of vertebrate and invertebrate animals, such as bats, ~~caribou~~ungulates, warblers, marine turtles, frogs, salmon, whales, and butterflies, migrate at regular intervals into and out of parks. For these migratory populations, the parks provide only one of the several major habitats they need, and survival of the species in parks also depends on the existence and quality of habitats outside the parks. The Service will adopt

park resource preservation, development, and use management strategies ~~that are~~ intended to maintain the natural population fluctuations and processes that influence the dynamics of individual plant and animal populations, groups of plant and animal populations, and migratory animal populations in parks.

In addition to maintaining all native plant and animal species and their habitats inside parks, the Service will work with other land managers to encourage the conservation of the populations and habitats of these species outside parks whenever possible. To meet its commitments for maintaining native species in parks, the Service will cooperate with states, tribal governments, the U. S. Fish and Wildlife Service, and the ~~National Marine fisheries Service~~NOAA Fisheries, as appropriate, to~~:~~

- ~~Participate~~participate in local and regional scientific and planning efforts, identify ranges of populations of native plants and animals, and develop cooperative strategies for maintaining or restoring these populations in the parks~~;~~,
- ~~Suggest~~suggest mutually beneficial harvest regulations for
  - lands and waters outside the parks for populations that extend across park boundaries, such as resident deer or fishes~~;~~
  - for short-~~-~~distance seasonal migrant populations, such as elk or fishes~~;~~
  - or for long-~~-~~distance migrant populations, such as salmon~~;~~,
- ~~Develop~~develop data, through monitoring, for use in plant and animal management programs (such as local land management decision~~-~~ making for assessing resident plant and animal population trends, and in international management negotiations for such far-ranging seasonal migrants as geese, whales, and marine turtles~~);~~),
- ~~Present~~present information about species life cycles, ranges, and population dynamics in park interpretive programs for use in increasing public awareness of management needs for all species, both resident and migrant, that occur in parks~~;~~, and
- ~~Prevent~~prevent the introduction of exotic species into units of the ~~National Park System~~national park system, and, where reasonable, practicable, and consistent with park priorities, remove populations of these species that have already become established in parks~~.~~

4.4.1.2 Genetic Resource Management Principles

The Park Service will strive to protect the full range of genetic types (genotypes) of native plant and animal populations in the parks by perpetuating natural ~~evolutionary~~ processes and minimizing human interference with evolving genetic diversity.

The restoration of native plants and animals will be accomplished using organisms taken from populations as closely related genetically and ecologically as possible to park populations, preferably from similar habitats in adjacent or local areas. Deviations from this general policy may be made where the management goal is to increase the variability of the park gene pool to mitigate ~~past, human- induced~~ unnatural loss of genetic variability. Actions to transplant organisms for purposes of restoring genetic variability through gene flow between native breeding populations will be preceded by an assessment of the genetic compatibility of the populations.

The need to maintain appropriate levels of genetic diversity will guide decisions on what actions to take to manage isolated populations of species or to enhance the recovery of populations of rare, threatened, or endangered species. All resource management actions involving planting or relocating species, subspecies, or varieties will be guided by knowledge of local adaptations, ranges, and habitat requirements, and detailed knowledge of site ecological histories.

When native plants or animals are removed for any reason—such as hunting, fishing, pest management, or culling to reduce unnatural population conditions~~ resulting from human activities—~~ the Service will maintain the appropriate levels of natural genetic diversity.

(See Restoration of Native Plant and Animal Species 4.4.2.2; Restoration of Natural Systems 4.1.5)

4.4.1.3 Definition of Native and Exotic Species~~:~~

"Native species" are defined as all species that have occurred or now occur as a result of natural processes on lands designated as units of the national park system. Native species in a place are evolving in concert with each other. "Exotic species" are those species that occupy or could occupy park lands directly or indirectly as the result of deliberate or accidental ~~human activities. Exotic species are also commonly referred to as non- native, alien, or invasive species.~~introduction. Because an exotic species did not evolve in concert with ~~the~~ species native to the place, the exotic species is not a natural component of the ~~natural~~ ecosystem at that place. Exotic species are also commonly referred to as, or include, nonnative, alien, invasive, or noxious invasive species. Genetically modified organisms exist solely due to human activities and therefore are managed as exotic species in parks.

4.4.2 Management of Native Plants and Animals

Whenever possible, natural processes will be relied upon to maintain native plant and animal species, and to influence natural fluctuations in populations of these species. The Park Service may intervene to manage individuals or populations of native species only when such intervention will not cause unacceptable impacts ~~to~~on the populations of the species or ~~to~~on other components and processes of the ecosystems that support them, and when at least one of the following conditions exists:

- Management is necessary
  - because a population occurs in an unnaturally high or low concentration as a result of human influences (such as loss of seasonal habitat, the extirpation of predators, or the creation of highly productive habitat through agriculture or urban landscapes) and it is not possible to mitigate the effects of the human influences~~;~~,
  - to protect specific cultural resources of parks~~;~~,
  - to accommodate intensive development in portions of parks appropriate for, and dedicated to, such development~~;~~,
  - to protect rare, threatened, or endangered species~~;~~,

- to protect human health as advised by the U. S. Public Health Service (which includes the Centers for Disease Control and the NPS Public Health Service Program~~); ~~),
- to protect property in cases in which it is not possible to change the pattern of human activities~~; or~~ ,
- because failure to manage would result in more harmful impacts to park resources, or
- to maintain human safety in cases in which it is not possible to change the pattern of human activities.

- Or, removal of individuals or parts thereof

  - is part of an NPS research project described in an approved management plan, or is part of research being conducted by others who have been issued a scientific research and collecting permit~~; ~~,
  - is done to provide plants or animals for restoring native populations in parks or cooperating areas without diminishing the viability of the park populations from which the individuals are taken~~;~~, or
  - meets specific park management objectives.

~~The Service will assess the results of managing plant and animal populations by conducting follow- up monitoring or other studies to determine the impacts of the management methods on non- targeted, as well as targeted, components of the ecosystem.~~

Comment: The paragraph immediately below is retained in section 4.4.2.1 on the next page.

~~**4.4.2.1 NPS Actions That Remove Plants and Animals:**~~

~~Whenever the Service removes plants or animals, manages plant or animal populations to reduce their sizes, or allows others to remove plants or animals for an authorized purpose, the Service will seek to ensure that such removals will not cause unacceptable impacts to native resources, natural processes, or other park resources. Whenever the Service identifies a possible need for reducing the size of a park plant or animal population, the Service will use scientifically valid resource information obtained through consultation with technical experts, literature review, inventory, monitoring, or research to evaluate the identified need for population management, and to document it in the appropriate park management plan.~~

In planning and implementing plant and animal population management actions, the Park Service will follow established planning procedures, including provisions for public review and comment. The Service will consult, as appropriate, with other federal land-~~managing~~management agencies, the U. S. Fish and Wildlife Service, the ~~National Marine~~NOAA Fisheries ~~Service~~, state wildlife management agencies, other appropriate state agencies, tribal governments, and others. Such consultation will address (1) the management of selected animal populations, (2) research involving the taking of animal species of management interest to these agencies, and (3) cooperative studies and plans dealing with the public hunting and fishing of animal populations that occur across park boundaries. The Service's consultation, cooperation, and communication concerning fish and wildlife management will be consistent with Departmental policy articulated at 43 CFR Part 24. This Departmental policy recognizes the broad authorities and responsibilities of federal and state agencies with regard to the management of the nation's fish and wildlife resources, and

promotes cooperative management relationships among these agencies. In particular, the policy calls on the Service to consult with state agencies on certain fish and wildlife management actions, and encourages the execution of memoranda of understanding as appropriate to ensure the conduct of programs that meet mutual objectives.

The Park Service will assess the results of managing plant and animal populations by conducting follow-up monitoring or other studies to determine the impacts of the management methods on non-targeted, as well as targeted, components of the ecosystem.

4.4.2.1 NPS Actions That Remove Native Plants and Animals

Whenever the Park Service removes native plants or animals, manages native plant or animal populations to reduce their sizes, or allows others to remove native plants or animals for an authorized purpose, the Service will seek to ensure that such removals will not cause unacceptable impacts to native resources, natural processes, or other park resources. Whenever the Service identifies a possible need for reducing the size of a park's native plant or animal population, the Service will use scientifically valid resource information obtained through consultation with technical experts, literature review, inventory, monitoring, or research to evaluate the identified need for population management, and to document it in the appropriate park management plan.

In addition, the Park Service will manage such removals to prevent them from interfering broadly with~~:~~

- ~~Natural~~ natural habitats, natural abundances, and natural distributions of native species and natural processes~~;~~
- ~~Rare~~rare, threatened, and endangered plant or animal species or their critical habitats~~;~~
- ~~Scientific~~scientific study, interpretation, environmental education, appreciation of wildlife, or other public benefits~~;~~
- ~~Opportunities~~opportunities to restore depressed populations of native species~~; or~~
- ~~Breeding~~ breeding or spawning grounds of native species~~.~~

Where the need to reduce animal populations may be due to persistent human/~~-~~animal conflicts, the Park Service will determine whether or not it can eliminate or mitigate the conflicts by modifying or curtailing the conflicting visitor use or other human activities. Where visitor use or other human activities cannot be modified or curtailed, the Service may directly reduce the animal population by using several animal population management techniques, either separately or together. These techniques include relocation, public hunting on lands outside the park, public hunting on lands inside the park when authorized in the establishing legislation, habitat management, predator restoration, reproductive intervention, and destruction of animals by NPS personnel or their authorized agents. Where animal populations are reduced, destroyed animals may be left in natural areas of the park to decompose~~.~~ or be consumed by other organisms if there is no risk of disease transmission or other health and sanitary concerns associated with decomposition. Live animals or carcasses may be removed from parks according to the provisions of applicable laws, agreements, and regulations, including the granting of preference to Native Americans.

(See Pest Management 4.4.5. Also see Director's Order #18: Wildland ~~fire~~Fire Management; and #60B)

4.4.2.2 Restoration of Native Plant and Animal Species

The Park Service will strive to restore extirpated native plant and animal species to parks whenever all of the following criteria are met~~:~~.

- Adequate habitat to support the species either exists or can reasonably be restored in the park, and if necessary also on adjacent public lands and waters, and, once a natural population level is achieved, the population can be self- perpetuating~~;~~ .
- The species does not, based on an effective management plan, pose a serious threat to the safety of people in parks, park resources, or persons or property outside park boundaries~~;~~.
- The genetic type used in restoration most nearly approximates the extirpated genetic type~~; and~~ .
- The species disappeared, or was substantially diminished, as a direct or indirect result of human-~~-~~induced change to the species population or to the ecosystem.
- The impacts on park management including the opportunities for enjoyment of park resources and values have been carefully considered.

Programs to restore animal species may include confining animals in small field enclosures during restoration efforts, but only until the animals have become accustomed to the new area, or they have become sufficiently established to minimize threats from predators, poaching, disease, or other factors. Programs to restore animal species may also include confining animals in cages for captive breeding to increase the number of offspring for release to the wild or to manage the population's gene pool. Programs to restore plant species may include propagating plants in greenhouses, gardens, or other confined areas to develop propagation materials (propagules) for restoration efforts or to manage a population's gene pool.

(See Restoration of Natural Systems 4.1.5)

4.4.2.3 Management of Threatened or Endangered Plants and Animals

The Park Service will survey for, protect, and strive to recover all species, native to national park system units, that are listed under the Endangered Species Act. The Service will fully meet its obligations under the NPS Organic Act and the Endangered Species Act to both pro-actively conserve listed species and prevent detrimental effects on these species. To meet these obligations, the Service will~~:~~ undertake the following actions.

- Cooperate with both the U. S. Fish and Wildlife Service and the ~~National Marine~~NOAA Fisheries ~~Service~~ to ensure that ~~National Park Service~~ NPS actions comply with ~~both the written requirements and the spirit of~~ the Endangered Species Act. It is particularly important that this cooperation includes the full range of activities associated with the Endangered Species Act, including consultation, conferencing, informal discussions, and securing ~~of~~ all necessary scientific and/-or recovery permits.

- Whenever there is a disagreement about the science or effectiveness of a proposed action on behalf of the U.S. Fish and Wildlife Service, the Assistant Secretary for Fish and Wildlife and Parks will be the final authority.
- Whenever there is a disagreement about the [illegible] action by the NOAA Fisheries, the issue will be discussed at appropriate levels at the Departments of Commerce and Interior and, if necessary, referred to the Council on Environmental Quality.

Comment: These new criteria are added to clarify how disagreements will be resolved.

- Undertake active management programs to inventory, monitor, restore, and maintain listed species' habitats, control detrimental non-native species, ~~control~~ manage detrimental visitor access, and re-establish extirpated populations as necessary to maintain the species and the habitats upon which they depend.
- Manage designated critical habitat~~, essential habitat,~~ and recovery areas to maintain and enhance their value for the recovery of threatened and endangered species.
- Cooperate with other agencies to ensure that the delineation of critical habitat, ~~essential habitat,~~ and/or recovery areas on park-managed lands provides needed conservation benefits to the total recovery efforts being conducted by all the participating agencies.
- Participate in the recovery planning process, including the provision of members on recovery teams and recovery implementation teams where appropriate.
- Cooperate with other agencies, states, and private entities to promote candidate conservation agreements aimed at precluding the need to list species.
- Conduct actions and allocate funding to address endangered, threatened, proposed, and candidate species.

The National Park Service will inventory, monitor, and manage state and locally listed species in a manner similar to its treatment of federally listed species, to the greatest extent possible. In addition, the Service will inventory other native species that are of special management concern to parks (such as rare, declining, sensitive, or unique species and their habitats) and will manage them to maintain their natural distribution and abundance.

The Service will determine all management actions for the protection and perpetuation of federal~~ly~~, state, or locally listed species through the park management planning process, and will include consultation with lead federal and state agencies as appropriate.

4.4.2.4 Management of Natural Landscapes

~~Landscapes~~ Natural landscapes disturbed by natural phenomena, such as landslides, earthquakes, floods, hurricanes, tornadoes, and fires, will be allowed to recover naturally unless manipulation is necessary to mitigate for excessive disturbance caused by past human effects, to preserve cultural and historic resources as appropriate based on park planning documents, or to protect park developments or the safety of people using those developments. Landscape and vegetation conditions altered by human activity may be manipulated where the park management plan provides for restoring the lands to a natural condition. Management activities to restore human-altered landscapes may include, but are not restricted to~~:~~

- ~~Removing~~removing constructed features, restoring natural topographic gradients, and revegetating with native park species on acquired inholdings and on sites from which previous development is being removed~~;~~,
- ~~Restoring~~restoring natural processes and conditions to areas disturbed by human activities such as fire suppression~~;~~,
- ~~Rehabilitating~~rehabilitating areas disturbed by visitor use or by the removal of hazard trees~~;~~, and
- ~~Maintaining~~maintaining open areas and meadows in situations in which they were formerly maintained by natural processes that now are altered by human activities.

Landscape revegetation efforts will use seeds, cuttings, or transplants representing species and gene pools native to the ecological portion of the park in which the restoration project is occurring. Where a natural area has become so degraded that restoration with gene pools native to the park has proven unsuccessful, improved varieties or closely related native species may be used.

Landscape restoration efforts will use geological materials and soils obtained in accordance with geological and soil resource management policies. Landscape restoration efforts may use, on a temporary basis, appropriate soil fertilizers or other soil amendments so long as that use does not unacceptably alter the physical, chemical, or biological characteristics of the soil and biological community, and does not degrade surface or ground-waters.

(See Restoration of Natural Systems 4.1.5; Cultural Landscapes 5.3.5.2)

4.4.2.5 Maintenance of Altered Plant Communities

In altered plant communities managed for a specified purpose, plantings will consist of species that are native to the park or that are historically appropriate for the period or event commemorated. Communities altered to maintain habitat for threatened or endangered species may only use native plants, and the manipulation of existing plants will be carried out in a manner designed to enhance the recovery of the threatened or endangered species, or the recovery of the natural functioning of the plant and animal community of which the endangered species is a natural part. Use of exotic plants must conform to exotic species policy. Use of non–natural plantings in altered communities may be permitted under any of the following conditions~~:~~.

- In localized, specific areas, screen plantings may be used to protect against the undesirable impacts of adjacent land uses, provided that the plantings do not result in the invasion of exotic species.
- Where necessary to preserve and protect the desired condition of specific cultural and historic resources and landscapes, plants and plant communities generally will be managed to reflect the character of the landscape that prevailed during the historic period. Efforts may be made to extend the lives of specimen trees dating from the historic period being commemorated. An individual tree or shrub known to be of historic value that is diseased beyond recovery and has become hazardous will be removed and may be replaced. While specimen trees or shrubs that need to be perpetuated are still healthy,

their own progeny will be propagated from seeds or through vegetative reproduction, such as cuttings.

- To ensure that NPS actions comply with the Endangered Species Act, the Park Service will cooperate with both the U.S. Fish and Wildlife Service and NOAA Fisheries. It is particularly important that this cooperation includes the full range of activities associated with the Endangered Species Act, including consultation, conferencing, informal discussions, and securing of all necessary scientific and/or recovery permits.
- Whenever there is a disagreement about the science or effectiveness of a proposed action on behalf of the U.S. Fish and Wildlife Service, the Assistant Secretary for Fish and Wildlife and Parks will be the final authority.
- Whenever there is a disagreement about the science or effectiveness of a proposed action by the NOAA Fisheries, the issue will be discussed at appropriate levels at the Departments of Commerce and Interior and, if necessary, referred to the Council on Environmental Quality.
- Where cultivated crop plants may be needed for livestock or agricultural uses that are allowed as part of the cultural landscape, authorized by federal law, or retained as a property right.
- Where needed for intensive development areas. Such plantings will use native or historic species and materials to the maximum extent possible. Certain native species may be fostered for aesthetic, interpretive, or educational purposes.

Exotic species may not be used to vegetate vista clearings in otherwise~~-~~ natural vegetation.

Limited, recurring use of soil fertilizers or other soil amendments may be allowed only as needed to maintain the desired condition of the altered plant community, and only where such use does not unacceptably alter the physical, chemical, or biological characteristics of the soil and biological community, and does not degrade surface or ground-waters.

(See Management of Threatened or Endangered Plants and Animals 4.4.2.3, Management of Exotic Species 4.4.4; Cultural Landscapes 5.3.5.2)

4.4.~~3~~3 Harvest of Plants and Animals by the Public

Public harvesting of designated species of plants and animals, or their components, may be allowed in park units when~~:~~

- ~~Hunting~~hunting, trapping, subsistence use, or other harvesting is specifically authorized by statute or regulation and not subsequently prohibited by regulation~~;~~ ,
- ~~Harvest~~harvest of certain plant parts or unoccupied seashells for personal consumption or use is specifically authorized by the superintendent in accordance with 36 CFR 2. 1(c)(1~~);~~),
- ~~Recreational~~recreational fishing is not specifically prohibited~~;~~, or
- ~~Commercial~~commercial fishing is specifically authorized by statute or regulation.

Where harvesting is ~~allowed and subject to NPS control~~a discretionary activity, the Service will allow harvesting only when the monitoring requirement contained in section 4.4.2 and

the criteria in section 4.4.2.1, above, have been met, and the Service has determined that the harvesting will not unacceptably impact park resources or natural processes, including the natural distributions, densities, age--class distributions, and behavior of~~:~~

- ~~Harvested~~harvested species~~; ~~,
- ~~Native~~native species that the harvested species use for any purpose~~;~~, or
- ~~Native~~native species that use the harvested species for any purpose.

The Service will manage harvesting programs, and any associated habitat management programs intended to restore and maintain habitats supporting harvested plant or animal populations, to conform with applicable federal and state regulations and in consultation and cooperation, as appropriate, with individual states or tribal governments.

Habitat manipulation for harvested species may include the restoration of a disturbed area to its natural condition so it can become self--perpetuating, but will not include the artificial manipulation of habitat to increase the numbers of a harvested species above its natural range in population levels.

The Service may encourage the intensive harvesting of exotic species in certain situations when needed to meet park management objectives.

In some situations, the ~~Park~~ Service may stock native or exotic animals for recreational harvesting purposes, but only when ~~such stocking will not impair park natural resources or processes, and:~~

- ~~The~~ the stocking is of fish into constructed large reservoirs or other significantly altered large water bodies and the purpose is to provide for recreational fishing~~;~~, or
- ~~Such~~such stocking is in ~~a national recreation~~an area ~~or preserve~~ that has ~~historically~~continually been stocked by a government agency (in these situations, stocking only of the same species may be continued~~);~~), or
- ~~Congressional~~congressional intent for stocking is expressed in statute or a House or Senate report accompanying a statute.

The Service will not stock waters that are naturally barren of harvested aquatic species.

4.4.4 Management of Exotic Species

Exotic species will not be allowed to displace native species if displacement can be prevented.

4.4.4.1 Introduction or Maintenance of Exotic Species

In general, new exotic species will not be introduced into parks. In rare situations, an exotic species may be introduced or maintained to meet specific, identified management needs when all feasible and prudent measures to minimize the risk of harm have been taken, and it is~~:~~

- ~~o~~ ~~A~~ a closely related race, subspecies, or hybrid of an extirpated native species~~;~~, or
- ~~An~~ it is an improved variety of a native species in situations in which the natural variety cannot survive current, human-altered environmental conditions~~;~~, or ~~Used~~
- used to control another, already-established exotic species~~;~~, or ~~made this a bullet~~
- ~~o~~ ~~Needed~~it is needed to meet the desired condition of a historic resource, but only where it is noninvasive, is prevented from being invasive by such means as cultivating (for plants)~~,~~ or tethering, herding, or pasturing (for animals). In such cases, the exotic species used must be known to be historically significant, to have existed in the park during the park's period of historical significance, to be a contributing element to a cultural landscape, or to have been commonly used in the local area at that time~~;~~, or
- ~~o~~ ~~An~~it is an agricultural crop used to maintain the character of a cultural landscape~~;~~, or
- ~~o~~ ~~Necessary~~it is necessary to provide for intensive visitor use in developed areas, and both of the following conditions exist:
    - ~~Available~~available native species will not meet park management objectives~~;~~, and
    - ~~The~~ the exotic species is managed so it will not spread or become a pest on park or adjacent lands~~;~~ ,or
- ~~o~~ ~~A~~ it is a sterile, non–invasive plant that is used temporarily for erosion control~~;~~, or
- ~~o~~ ~~Directed~~it is directed by law or expressed legislative intent.

Domestic livestock such as cattle, sheep, goats, horses, mules, burros, reindeer, and llamas are exotic species that are maintained in some parks for (1) purposes of commercial herding, pasturing, grazing, or trailing~~;~~, (2) for recreational use~~;~~, or ~~for~~ (3) administrative use for maintaining the historic scene or supporting park operations. The policies applicable to the grazing of commercial domestic livestock are discussed in chapter 8, section 8.-6.-8. The Service will phase out the commercial graz-ing of livestock whenever possible, and will manage recreational and administrative uses of livestock to prevent those uses from unacceptably impacting park ~~natural~~ resources.

4.4.4.2 Removal of Exotic Species Already Present

All exotic plant and animal species ~~that are~~ not maintained to meet an identified park purpose will be managed—up to and including eradication—if (1) control is prudent and feasible, and (2) the exotic species~~:~~

- ~~Interferes~~interferes with natural processes and the perpetuation of natural features, native species or natural habitats~~; or~~
- ~~Disrupts~~disrupts the genetic integrity of native species~~; or~~
- ~~Disrupts~~disrupts the accurate presentation of a cultural landscape~~; or~~
- ~~Damages~~damages cultural resources~~; or~~
- ~~Significantly~~significantly hampers the management of park or adjacent lands~~; or~~
- ~~Poses~~poses a public health hazard as advised by the U. S. Public Health Service (which includes the Centers for Disease Control and the NPS Public Health Program)~~; or~~
- ~~Creates~~creates a hazard to public safety~~.~~

High priority will be given to managing exotic species that have, or potentially could have, a substantial impact on park resources, and that can reasonably be expected to be successfully

controllable. Lower priority will be given to exotic species that have almost no impact on park resources or that probably cannot be successfully controlled.

The decision to initiate management should be based on a determination that the species is exotic. For species determined to be exotic and where management appears to be feasible and effective, superintendents should (1) evaluate the species' current or potential impact on park resources; (2) develop and implement exotic species management plans according to established planning procedures; (3) consult, as appropriate, with federal~~ and~~, tribal state, and local agencies; and (4) invite public review and comment, where appropriate. Programs to manage exotic species will be designed to avoid causing significant damage to native species, natural ecological communities, natural ecological processes, cultural resources, and human health and safety.

(Also see Executive Order # 13112 (Invasive Species))

4.4.5 Pest Management

All park employees, concessioners, contractors, permittees, licensees, and visitors on all lands managed or regulated by the National Park Service will comply with NPS pest management policies.

4.4.5.1 Pests

Pests are living organisms that interfere with the purposes or management objectives of a specific site within a park, or that jeopardize human health or safety. Decisions concerning whether or not to manage a pest or pest population will be influenced by whether the pest is an exotic or a native species. Exotic pests will be managed according to both the policies in this section (4.4.5) and the exotic species policies in section 4.~~-~~4.~~-~~4. Native pests will be allowed to function unimpeded, except as noted below. Many fungi, insects, rodents, disease organisms, and other organisms that may be perceived as pests are, in fact, native organisms existing under natural conditions and are natural elements of the ecosystem. Also, native pests that were evident in pesticide~~-~~-free times are traditional elements in park cultural settings~~:~~.

The Service may control native pests to~~:~~

- ~~Conserve~~conserve threatened, rare, or endangered species, or unique specimens or communities~~;~~
- ~~Preserve~~preserve, maintain, or restore the historical integrity of cultural resources~~;~~
- ~~Conserve~~conserve and protect plants, animals, and facilities in developed areas~~;~~
- ~~Prevent~~ prevent outbreaks of a pest from invading uninfested areas outside the park~~; or~~
- ~~Manage~~manage a human health hazard when advised to do so by the U. S. Public Health Service (which includes the Centers for Disease Control and the NPS Public Health Program), or to otherwise protect against a significant threat to human safety~~.~~

4.4.5.2 Integrated Pest Management Program

The Service conducts an integrated pest management (IPM) program to reduce risks to the public, park resources, and the environment from pests and pest-related management strategies. IPM Integrated pest management is a decision-making process that coordinates knowledge of pest biology, the environment, and available technology to prevent unacceptable levels of pest damage, by cost-effective means, while posing the least possible risk to people, resources, and the environment.

The Service, and each park unit, will use an IPM approach to address pest issues. Proposed pest management activities must be conducted according to the IPM process prescribed in Director's Order #77 7: Integrated Pest Management. Pest issues will be reviewed on a case-by-case basis. Controversial issues, or those that have potential to negatively impact the environment, must be addressed through established planning procedures and be included in an approved park management or IPM plan. IPM procedures will be used to determine when to implement pest management actions, and which combination of strategies will be most effective for each pest situation.

Under the Service's IPM program, all pesticide use on lands managed or regulated by the Service, whether that use was authorized or unauthorized, must be reported annually.

4.4.5.3 Pesticide Use

A pesticide, as defined by the Federal Insecticide, Fungicide and Rodenticide Act, is any substance or mixture that is used in any manner to destroy, repel, or control the growth of any viral, microbial, plant, or animal pest. Except as identified in the next paragraph, all prospective users of pesticides in parks must submit pesticide use requests, which will be reviewed on a case-by-case basis, taking into account environmental effects, cost, and staffing, and other relevant considerations. The decision to incorporate a chemical, biological, or bio-engineered pesticide into a management strategy will be based on a determination by a designated IPM specialist that it is necessary, and that all other available options are either not acceptable or not feasible.

Insect repellents, bear deterrent sprays, and insecticides applied to persons or to livestock must conform to NPS policies and approval procedures, except that pesticides used under the following conditions do not require approval:

- Cleansers cleansers and disinfectants used in restrooms and restaurants;
- Personal personal insect repellents, insecticides, and bear deterrent sprays that employees or park visitors personally obtain and use to meet personal needs; or
- Insect insect repellents and insecticides applied to personally owned pets and pack and saddle stock.

4.4.5.4 Biological Control Agents and Bio-engineered Products

The application or release of any bio-control agent or bioengineered product relating to pest management activities must be reviewed by designated IPM specialists in accordance with Director's Order #77-7, and conform to the exotic species policies in section 4.4.4.

4.4.5.5 Pesticide Purchase and Storage

Pesticides must not be stockpiled. No pesticides may be purchased unless they are authorized and expected to be used within one year from the date of purchase. Pesticide storage, transport, and disposal will comply with procedures established by (1) the Environmental Protection Agency; (2) the individual states in which parks are located; and (3) Director's Order #30A: Hazardous and Solid Waste Management, Director's Order #77-~~-~~1: Wetland Protection, and Director's Order 77-~~-~~7.

(See Planning for Natural Resource Management 4.1.1; Genetic Resource Management Principles 4.4.1.2; Management of Exotic Species 4.4.4)

4.5 Fire Management

Wildland fire may contribute to or hinder the achievement of park management objectives. Naturally ignited wildland fire is a process that is part of many of the natural systems that are being sustained in parks. ~~Humanignited~~However, fires that do not meet management objectives often cause the ~~unnatural~~ destruction of park natural resources. ~~Wildland fire may contribute to or hinder the achievement of park management objectives.~~ Therefore, park fire management programs will be designed to meet park resource management objectives while ensuring that firefighter and public safety are not compromised.

Each park with vegetation capable of burning will prepare a fire management plan and will address the need for adequate funding and staffing to support its fire management program~~.~~ consistent with federal law and Departmental fire management policies. The plan will be designed to guide a program that responds to the park's natural and cultural resource objectives; provides for safety considerations for park visitors, employees, neighbors, and developed facilities; and addresses potential impacts ~~to~~ on park resources and public and private property adjacent to the park. ~~An environmental assessment~~The fire management plan will include guidance on programmatic post-fire stabilization and rehabilitation strategies commensurate with potential impacts. Environmental and cultural resource compliance documentation developed in support of the plan will consider the effects on air quality, water quality, health and safety, and natural and cultural resource management objectives. Preparation of the plan and ~~environmental assessment will include~~ supporting documents will include consultation and collaboration with adjacent communities, interest groups, state and federal agencies, and tribal governments~~.~~, and cooperative agency status will be granted if requested by eligible adjacent communities, state and federal agencies, and tribal governments.

All fires burning in natural or landscaped vegetation in parks will be classified as either ~~wildland fires or~~ *wildfires, prescribed fires*~~. All~~, or *wildland fire use*. All wildfires will be effectively managed through application of the appropriate strategic and tactical management options~~.~~ consistent with federal law and Departmental fire management policies. These options will be selected after comprehensive consideration of the resource values to be protected, firefighter and public safety, ~~and~~ costs~~.~~, availability of firefighting resources, weather conditions, and the type and amount of fuel load.

Prescribed fires are those fires ignited by park managers to achieve resource management and fuel treatment objectives. ~~Prescribed~~Wildland fire use is the application of the appropriate management response to naturally ignited wildland fires to accomplish specific resource management objectives in predefined areas outlined in approved fire management plans. Both prescribed fire activities and wildland fire use will include monitoring programs that record fire behavior, smoke behavior, fire decisions, and fire effects to provide information on whether specific objectives are met.

All parks will use a systematic decision~~-~~-making process in compliance with Departmental policy to determine the most appropriate management strategies for ~~all unplanned ignitions~~wildland fire use, and for any prescribed fires that are no longer meeting resource management objectives.

Management strategies will be consistent with federal law and Departmental fire management policies. Parks lacking an approved fire management plan may not use resource benefits as a primary consideration influencing the selection of a suppression strategy, but they must consider the resource impacts of suppression alternatives in their decisions. Until a plan is approved, parks must immediately suppress all wildland fires, taking into consideration park resources and values to be protected, firefighter and public safety, ~~and~~ costs~~.~~, availability of firefighting resources, weather conditions, the type and amount of fuel load, and post-fire resource stabilization and rehabilitation needs. Parks will use methods to suppress wildland fires that minimize impacts of the fire and suppression action~~ and the fire~~, and are commensurate with effective control, firefighter and public safety, and resource values to be protected.

Suppression activities conducted within wilderness~~, including the categories of designated, recommended, potential, proposed, and study areas,~~ will be consistent with the "minimum requirement" concept identified in chapter 6 and Director's Order #41: Wilderness ~~Preservation and Management~~Stewardship.

(See General Management Concepts 4.1; Partnerships 4.1.4; Restoration of Natural Systems 4.1.5; Air Resource Management 4.7; Fire Detection, Suppression, and Post- fire Rehabilitation and Protection 5.3.1.2; Fire Management 6.3.9; Visitor Safety 8.2.5.1; Structural Fire Protection and Suppression 9.1.8. Also see Director's Order #18: Wildland Fire Management)

4.6 Water Resource Management

4.6.1 Protection of Surface Waters and Groundwaters

The Service will manage to perpetuate surface waters and groundwaters as integral components of park aquatic and terrestrial ecosystems.

4.6.2 Water Rights

Water for the preservation and management of the national park system will be obtained and used in accordance with legal authorities. The ~~Park~~ Service will consider all available authorities on a case-~~-~~by-~~-~~case basis and will pursue those that are the most appropriate to protect water-~~-~~related resources in parks. While preserving its legal remedies, the Service will work cooperatively with state water administrators to protect park resources, ~~and~~ while respecting all other legal uses of water. The Service will ~~participate~~use the principles of cooperation, consultation, and communication in the conservation of water resources during negotiations ~~to~~ that seek the resolution of conflicts among multiple water claimants. Water essential for NPS needs will be purchased if it is not otherwise available. NPS consumptive use of water will be efficient and frugal, especially in water-~~-~~scarce areas.

~~All~~ In most instances, all rights to the use of water diverted from or used on federal lands within the national park system by the United States or its concessioners, lessors, or permittees will be perfected in the name of the United States~~.~~ subject to existing rights.

Park waters— either surface waters or groundwater—~~will~~ may be withdrawn for consumptive use only when such withdrawal is absolutely necessary for the use and management of the park. All park water withdrawn for domestic or administrative uses will be returned to the park watershed system once it has been treated to a degree that ensures that there will be no impairment of park resources.

The Service may enter into contracts providing for the sale or lease of water to persons, and states~~, or~~ (and their political subdivisions) that provide public accommodations or services for park visitors outside the park, but within the immediate vicinity of a park, and that have no reasonable alternative sources of water. The Service will authorize such contracts only if the water transfer does not jeopardize or unduly interfere with the natural or cultural resources of the park~~,~~ and the government's costs are fully recovered. The Service will generally authorize only short-~~-~~term, truly emergency, sales or leases of water. The Service will follow the requirements and procedures of Director's Orders #35A and #35B when considering the sale or lease of park water.

(See Decision- making Requirements to Avoid Impairments 1.4.7; External Threats to Park Resources and Values 1.5~~)~~; Management of Native Plants and Animals 4.4.2)

4.6.3 Water Quality

The pollution of surface waters and groundwaters by both point and non~~-~~-point sources ~~can~~may impair the natural functioning of aquatic and terrestrial ecosystems~~,~~ and diminish the utility of park waters for visitor use and enjoyment. The Service will determine the quality of park surface and groundwater resources and avoid, whenever possible, the pollution of park waters ~~by human activities occurring within and outside of parks.~~from any source. The Service will~~:~~

- ~~Work~~work with appropriate governmental bodies to obtain the highest possible standards available under the Clean Water Act for the protection for park waters~~;~~

- ~~Take~~take all necessary actions to maintain or restore the quality of surface waters and ground-waters within the parks consistent with the Clean Water Act and all other applicable federal, state, and local laws and regulations~~; and~~
- ~~Enter~~enter into agreements with other agencies and governing bodies, as appropriate, to secure their cooperation in maintaining or restoring the quality of park water resources~~.~~

(See Pest Management 4.4.5; Soil Resource Management 4.8.2.4; Backcountry Use 8.2.2.4; Mineral Exploration and Development 8.7; Grazing by Domestic and Feral Livestock 8.6.8; Water Supply Systems 9.1.5.1; Wastewater Treatment Systems 9.1.5.2; Waste Management and Contaminant Issues 9.1.6; Facilities for Water Recreation 9.3.4.2. Also see Director's Order #83: Public Health Programs)

4.6.4 _Floodplains

In managing floodplains on park lands, the National Park Service will (1) manage for the preservation of floodplain values; (2) minimize potentially hazardous conditions associated with flooding; and (3) comply with the NPS Organic Act and all other federal laws and Executive orders related to the management of activities in flood-~~-~~prone areas, including Executive Order 11988~~ (~~: Floodplain Management~~), NEPA, ~~, the National Environmental Policy Act, applicable provisions of the Clean Water Act, and the Rivers and Harbors Appropriation Act of 1899. Specifically, the Service will~~:~~

- ~~Protect~~protect, preserve, and when practicable restore the natural resources and functions of floodplains~~;~~
- ~~Avoid~~avoid the long- and short-~~-~~term environmental effects associated with the occupancy and modification of floodplains~~; and~~
- ~~Avoid~~avoid direct and indirect support of floodplain development and actions that could adversely ~~affect~~ impact the natural resources and functions of floodplains or increase flood risks~~.~~

When it is not practicable to locate or relocate development or ~~inappropriate human~~ activities to a site outside and not affecting the floodplain, the Service will~~:~~

- ~~Prepare~~prepare and approve a statement of findings, in accordance with procedures described in Director's Order 77-~~-~~2: Floodplain Management~~; and~~
- ~~Use~~use non~~–~~structural measures as much as practicable to reduce hazards to human life and property~~,~~ while minimizing the impact ~~to~~on the natural resources of floodplains~~; and~~
- ~~Ensure~~ensure that structures and facilities are designed to be consistent with the intent of the standards and criteria of the National Flood Insurance Program (44 CFR Part 60)~~.~~

(See Siting Facilities to Avoid Natural Hazards 9.1.1.6)

4.6.5 _Wetlands

The Service will manage wetlands in compliance with NPS mandates and the requirements of Executive Order 11990~~ (~~: Wetland Protection~~)~~, the Clean Water Act, ~~and~~ the Rivers and

Harbors Appropriation Act of 1899, and the procedures described in Director's Order 77-1: Wetland Protection. The Service will (1) provide leadership and take action to prevent the destruction, loss, or degradation of wetlands; (2) preserve and enhance the natural and beneficial values of wetlands; and (3) avoid direct and indirect support of new construction in wetlands unless there are no practicable alternatives and the proposed action includes all practicable measures to minimize harm to wetlands.

The Service will implement a "no net loss of wetlands" policy. In addition, the Service will strive to achieve a longer-term goal of ~~net gain of~~increasing wetlands across the national park system through restoration of previously degraded or destroyed wetlands~~.~~, consistent with federal statutes, policies, and Executive Order 11990.

When natural wetland characteristics or functions have been degraded or lost due to previous or on-going human actions, the Service will, to the extent practicable, restore them to ~~predisturbance~~ natural conditions.

The Service will conduct or obtain parkwide wetland inventories to help ensure proper planning with respect to the management and protection of wetland resources. Additional, more detailed wetland inventories will be conducted in areas ~~that are~~ proposed for development or ~~are~~ otherwise susceptible to degradation or loss due to human activities.

When practicable, the Service will not simply ~~protect~~preserve, but will seek to enhance, natural wetland values by using them for educational, recreational, scientific, and similar purposes that do not disrupt natural wetland functions.

For proposed new development or other new activities, plans, or programs that are either located in wetlands, or otherwise have the potential for direct or indirect adverse impacts on~~,~~ wetlands, the Service will employ the following sequence:

- Avoid adverse wetland impacts to the extent practicable~~;~~.
- Minimize impacts that cannot be avoided~~; and~~.
- Compensate for remaining unavoidable adverse wetland impacts by restoring wetlands that have been previously destroyed or degraded.

Compensation for wetland impacts or losses will require that at least ~~one~~1 acre of wetlands of similar quality and function be restored (which is preferred) or created for each acre destroyed or degraded.

Actions proposed by the ~~NPS~~Park Service that have the potential to cause adverse impacts on wetlands must be addressed in an environmental assessment or an environmental impact statement. If the preferred alternative will result in adverse impacts on wetlands, a statement of findings must be prepared and approved in accordance with Director's Order #77-~~-~~1.

(See Decision-making Requirements to Avoid Impairments 1.4.7; Siting Facilities to Avoid Natural Hazards 9.1.1.6)

4.6.6 Watershed and Stream Processes

The Park Service will to the extent possible manage watersheds as complete hydrologic systems, and will minimize ~~human~~unnatural disturbance to the natural upland processes that deliver water, sediment, and woody debris to streams. These processes include runoff, erosion, and disturbance to vegetation and soil caused by fire, insects, ~~meteorologic~~meteorological events, and mass movements. The Service will manage streams to protect stream processes that create habitat features such as floodplains, riparian systems, woody debris accumulations, terraces, gravel bars, riffles, and pools. Stream processes include flooding, stream migration, and associated erosion and deposition.

The Service will achieve the protection of watershed and stream features primarily by avoiding impacts to watershed and riparian vegetation, and by allowing natural fluvial processes to proceed unimpeded. When conflicts between infrastructure (such as bridges and pipeline crossings) and stream processes are unavoidable, NPS managers will first consider relocating or redesigning facilities, rather than manipulating streams. Where stream manipulation is unavoidable, managers will use techniques that are visually non–obtrusive and that protect natural processes to the greatest extent practicable.

(See Floodplains 4.6.4; Shorelines and Barrier Islands; 4.8.1.1; Facility Planning and Design 9.1.1. Also see "Unified Federal Policy for a Watershed Approach to Federal Land and Resource Management," 65 FR 62566, October 18, 2000)

4.7 Air Resource Management

4.7.1 Air Quality

Comment: The NPS will continue to use all authorities at its disposal, and work cooperatively with others, to protect air quality within the parks.

The National Park Service has a responsibility to protect air quality under both the 1916 Organic Act and the Clean Air Act (CAA). Accordingly, the Service will seek to perpetuate the best possible air quality in parks to protect (1) ~~preserve~~ natural resources and systems; (2) ~~preserve~~ cultural resources; and (3) ~~sustain visitor~~ public enjoyment, human health, and scenic vistas. Vegetation, visibility, water quality, wildlife, historic and pre-historic structures and objects, cultural landscapes, and ~~most~~ other elements of a park environment ~~are~~ may be sensitive to air pollution ~~and~~. Such air-pollution-sensitive resources are referred to as "air quality--related values." The Service will assume an aggressive role in promoting and pursuing measures to protect these values from the adverse impacts of air pollution. In cases of doubt as to the impacts of existing or potential air pollution on park resources, the Service will err on the side of protecting air quality and related values for future generations.

Superintendents will take actions consistent with their affirmative responsibilities under the ~~CAA~~ Clean Air Act to protect air--quality--related values in Class I areas. Class I areas are national parks over 6,000 acres and national wilderness areas over 5,000 acres that were in existence on August 7, 1977. The ~~CAA~~act establishes a national goal of preventing any future, and remedying any existing, human--made visibility impairment in Class I areas. The Service supports that goal, and will ~~take advantage of opportunities created by~~ work

cooperatively with the ~~CAA~~Environmental Protection Agency and state and tribal regulatory agencies within the requirements of the Clean Air Act to help achieve ~~it.~~ this national goal.

The ~~CAA~~Clean Air Act also recognizes the importance of integral vistas, which are those views perceived from within Class I areas of a specific landmark or panorama ~~located~~ outside the boundary of the Class I area. Integral vistas have been identified by the Park Service and are listed in *Natural Resources Reference Manual 77*. There are no regulations requiring special protection of these integral vistas, but the Service will strive to protect these park-related resources through cooperative means.

Although the ~~CAA~~Clean Air Act gives the highest level of air quality protection to Class I areas, it provides many opportunities for the Service to participate in the development of pollution control programs to preserve, protect, and enhance the air quality of all units of the ~~National Park System.~~national park system. Regardless of Class I designation, the Service will take advantage of these opportunities~~.~~

and work cooperatively to achieve the CAA goals. Air resource management requirements will be integrated into NPS operations and planning, and all air pollution sources within parks~~—~~—including prescribed fire~~-~~, wildland fire use management, and visitor use activities ~~—~~—will comply with all federal, state, and local air quality regulations and permitting requirements. Superintendents will make reasonable efforts to notify visitors and employees when air pollution concentrations within an area exceed the national or state air quality standards established to protect public health. Furthermore, because the current and future quality of park air resources depends heavily on the actions of others, the Service will acquire the information needed to effectively and cooperatively participate in ~~decision~~decision making that affects park air quality. The Service will~~:~~

- ~~Inventory~~inventory the air quality-~~-~~related values associated with each park~~;~~
- ~~Monitor~~monitor and document the condition of air quality and related values~~;~~
- ~~Evaluate~~evaluate air pollution impacts, and identify causes~~;~~
- ~~Minimize~~minimize air quality pollution emissions associated with park operations, including the use of prescribed fire and wildland fire use and visitor use activities~~; and~~
- ~~Ensure~~ensure healthful indoor air quality in NPS facilities~~.~~

External programs needed to remedy existing~~,~~ and prevent future~~,~~ adverse impacts on park resources and values from human-caused air pollution will be ~~aggressively~~ pursued by ~~Service~~ the Service's cooperation and participation in the development of federal, state, and local air pollution control plans and regulations. Permit applications for major new air pollution sources will be reviewed, and potential impacts will be assessed. If ~~it is determined~~the Service determines that any such new source might cause or contribute to an adverse impact on air-~~-~~quality-~~-~~related values, the ~~NPS~~Service will work cooperatively with the permitting authority to secure technological solutions or other measures to eliminate the adverse impact. If these efforts do not succeed, then the Service will recommend that the Assistant Secretary for Fish and Wildlife and Parks, who serves as the federal land manager for park units under the Clean Air Act, recommend to the permitting authority that the construction permit be denied or modified to eliminate the adverse impact~~s.~~

. The public~~'s~~ understanding of ~~park~~ air quality issues and the positive role and efforts of the Service toward improving the air quality in parks will be promoted through educational and interpretive programs.

(See External Threats and Opportunities 1.5; Fire Management 4.5; Environmental Monitoring and Control 5.3.1.4; Resource Issue Interpretation and Education 7.5.3; Visitor Safety and Emergency Response 8.2.5; Energy Management 9.1.7)

4.7.2 Weather and Climate

Parks containing significant natural resources will gather and maintain baseline climatological data for perpetual reference.

Because any human ~~attempt to~~activities that modify weather ~~has~~have the potential to alter the natural conditions in parks, the Service will not conduct intentional weather~~-~~ modification activities, and will through cooperation, consultation and communication seek to prevent intentional weather~~-~~ modification activities conducted by others ~~from affecting~~that affect park weather, climate, and resources.

(See NPS- conducted or NPS- sponsored Inventory, Monitoring, and Research Studies 4.2.1; Miscellaneous Management Facilities 9.4.5)

4.8 Geologic Resource Management

The ~~Park~~ Service will preserve and protect geologic resources as integral components of park natural systems. As used here, the term "geologic resources" includes both geologic features and geologic ~~proccesses.~~processes. The Service will (1) assess the impacts of natural processes and human~~-related events~~ activities on geologic resources; (2) maintain and when practicable, restore the integrity of existing geologic resources; (3) integrate geologic resource management into ~~Service~~NPS operations and planning; and (4) interpret geologic resources for park visitors.

4.8.1 Protection of Geologic Processes

The Service will to the greatest extent possible allow natural geologic processes to proceed unimpeded. Geologic processes are the natural, physical, and chemical forces that act within natural systems, as well as upon human developments, across a broad spectrum of space and time. Such processes include, but are not limited to, exfoliation, erosion and sedimentation, glaciation, karst processes, shoreline processes, and seismic and volcanic activity. Geologic processes will be addressed during planning and other management activities in an effort to reduce hazards that can threaten the safety of park visitors and staff and the long-~~-~~term viability of the park infrastructure.

Intervention in natural geologic processes will be permitted only when~~:~~

- ~~Directed~~directed by Congress~~;~~,

- ~~Necessary~~ necessary in emergencies that threaten human life and property~~;~~,
- ~~There~~there is no other feasible way to protect natural resources, park facilities, or historic properties~~;~~, or
- ~~Intervention~~intervention is necessary to restore impacted conditions and processes, such as restoring habitat for threatened or endangered species.

4.8.1.1 Shorelines and Barrier Islands

Natural shoreline processes (such as erosion, deposition, dune formation, overwash, inlet formation, and shoreline migration) will be allowed to continue without interference.

Where ~~human~~unnatural activities or structures have altered the nature or rate of natural shoreline processes, and especially when the park shoreline is part of a larger system, the Service will, in consultation with appropriate state and federal agencies, investigate alternatives for mitigating the effects of such activities or structures and for restoring a more natural condition~~s.~~. The Service will comply with the provisions of Executive Order 11988 ~~(~~: Floodplain Management~~)~~ and state coastal zone management plans prepared under the Coastal Zone Management Act of 1972.

Any shoreline manipulation measures proposed to protect cultural resources may be approved only after an analysis of the degree to which such measures would impact natural resources and processes, so that an informed decision can be made through an assessment of alternatives.

Where erosion control is required by law, or where present developments must be protected ~~in the short run~~ to achieve park management objectives, including high~~-~~ density visitor use, the Service will use the most effective ~~and naturalappearing~~ method feasible to achieve a naturally appearing result, while minimizing impacts outside the target area.

New developments will not be placed in areas subject to wave erosion or active shoreline processes unless (1) the development is required by law; or (2) the development is essential to meet the park's purposes, as defined by its establishing act or proclamation, and

- ~~No~~no practicable alternative locations are available~~,~~
- ~~The~~ the development will be reasonably assured of surviving during its planned life span, without the need for shoreline control measures~~, and~~
- ~~Steps~~steps will be taken to minimize safety hazards and harm to property and natural resources~~.~~

(See Floodplains 4.6.4; Cultural Resources Chapter 5; Siting Facilities to Avoid Natural Hazards 9.1.1.6. Also see Director's Order #77-~~-~~2: Floodplain Management)

4.8.1.2 Karst

The Service will manage karst terrain to maintain the inherent integrity of its water quality, spring flow, drainage patterns, and caves. Karst processes (the processes by which water

dissolves soluble rock such as limestone) create areas typified by sinkholes, underground streams, caves, and springs.

Local and regional hydrological systems resulting from karst processes can be directly influenced by surface land use practices. If existing or proposed developments do or will significantly alter or adversely impact karst processes, these impacts will be mitigated. Where practicable, these developments will be placed where they will not have an effect on the karst system.

4.8.1.3 Geologic Hazards

Naturally- occurring geologic processes, which the ~~NPS~~ Park Service is charged to preserve unimpaired, can be hazardous to humans and park infrastructure. These include earthquakes, volcanic eruptions, mudflows, landslides, floods, shoreline processes, tsunamis, and avalanches. The Service will work closely with specialists at the U. S. Geological Survey and elsewhere, and with local, state, ~~and~~ federal, and tribal disaster management officials, to devise effective geologic hazard identification and management strategies. Although the magnitude and timing of future geologic hazards are difficult to forecast, park managers will strive to understand future hazards and, once the hazards are understood, minimize their potential impact on visitors, staff, and developed areas. Before interfering with natural processes that are potentially hazardous, superintendents will consider alternatives, such as developing an early warning system, relocating facilities, or closing an area to visitors ~~or relocating facilities.~~

. The Service will try to avoid placing new visitor and other facilities in geologically hazardous areas. Superintendents will examine the feasibility of phasing out, relocating, or providing alternative facilities for park developments subject to hazardous processes, consistent with other sections of these management policies.

(See Siting Facilities to Avoid Natural Hazards 9.1.1.6)

4.8.2 Management of Geologic Features

The Service will protect geologic features from ~~the~~unacceptable adverse ~~effects of human activity~~impacts, while allowing natural processes to continue. The term “geologic features” describes the products and physical components of geologic processes. Examples of geologic features in parks include rocks, soils, and minerals; geysers and hot springs in geothermal systems; cave and karst systems; canyons and arches in erosional landscapes; sand dunes, moraines, and terraces in depositional landscapes; dramatic or unusual rock outcrops and formations; and paleontological and paleoecological resources such as fossilized plants or animals~~,~~ or their traces.

4.8.2.1 Paleontological Resources and Their Contexts

Paleontological resources, including both organic and mineralized remains in body or trace form, will be protected, preserved, and managed for public education, interpretation, and

scientific research. The Service will study and manage paleontological resources in their paleoecological context (that is, in terms of the geologic data associated with a particular fossil that provides information about the ancient environment).

Superintendents will establish programs to inventory paleontological resources and systematically monitor for newly exposed fossils, especially in areas of rapid erosion. Scientifically significant resources will be protected by collection or by on-~~-~~site protection and stabilization. The Service will encourage and help the academic community to conduct paleontological field research in accordance with the terms of a scientific research and collecting permit. Fossil localities and associated geologic data will be adequately documented when specimens are collected. Paleontological resources found in an archeological context are also subject to the policies for archeological resources. Paleontological specimens that are to be retained permanently are subject to the policies for museum objects.

The Service will take appropriate action to prevent damage to~~,~~ and unauthorized collection of~~,~~ fossils. To protect paleontological resources from harm, theft, or destruction, the Service will ensure, ~~where~~ when necessary, that information about the nature and specific location of these resources remains confidential, in accordance with the National Parks Omnibus Management Act of 1998.

Parks will only exchange fossil specimens ~~only~~ with other museums and public institutions dedicated to the preservation and interpretation of natural heritage and qualified to manage museum collections. Fossils to be deaccessioned in an exchange must fall outside of the park's scope of collection statement. Exchanges must follow deaccession procedures in the NPS *Museum Handbook*, Part II, chapter 6.

The sale of original paleontological specimens is prohibited in parks.

The Service generally will avoid purchasing fossil specimens. Casts or replicas should be acquired instead. A park may purchase fossil specimens for the park museum collection only after making a written determination that~~:~~

- ~~The~~the specimens are scientifically significant, and are accompanied by detailed locality data and pertinent contextual data~~;~~,
- ~~The~~ the specimens were legally removed from their site of origin, and all transfers of ownership have been legal~~;~~,
- ~~The~~ the preparation of the specimens meets professional standards~~;~~,
- ~~The~~ the alternatives for making these specimens available to science and the public are unlikely~~;~~, and
- ~~Acquisition~~acquisition is consistent with the park's enabling legislation and "Scope of Collection Statement~~,~~," and will ensure the specimens' availability in perpetuity for public education and scientific research.

All ~~National Park Service~~NPS construction projects in areas with potential paleontological resources must be preceded by a preconstruction surface assessment prior to disturbance. For

any occurrences noted, or when the site may yield paleontological resources, the site will be avoided, or the resources will, if necessary, be collected and properly cared for ~~prior to~~before the initiation of the construction disturbance. Areas with potential paleontological resources must also be monitored during construction projects.

(See Natural Resource Information 4.1.2; Studies and Collections 4.2; Independent Research 5.1.2; Artifacts and Specimens 10.2.4.5. Also see 36 CFR 2.5)

4.8.2.2 Caves

As used here, the term "caves" includes karst~~ (~~, such as limestone and gypsum caves~~)~~, and non-~~-~~karst caves~~ (~~, such as lava tubes, littoral caves, and talus caves~~)~~. The Service will manage caves in accordance with approved cave management plans to perpetuate the natural systems associated with the caves, such as karst and other drainage patterns, air flows, mineral deposition, and plant and animal communities. Wilderness and cultural resources and values will also be protected.

No developments or uses, including those that allow for general public entry, such as pathways, lighting, and elevator shafts, will be allowed in, above, or adjacent to caves until it can be demonstrated that they will not unacceptably impact natural cave resources and con ditions, including sub~~-~~surface water movements~~.~~, and that access will not result in unacceptable risks to public safety. Developments already in place above caves will be removed if they are impairing or threatening to impair natural conditions or resources.

Parks will strive to close caves or portions of caves to public use, or to ~~control~~manage such use, when such actions are required for the protection of cave resources or for human safety. Some caves or portions of caves may be managed exclusively for research, with access limited to permitted research personnel. All recreational use of undeveloped caves will be governed by a permit system. "Significant" caves will be identified using the criteria established in the 43 CFR Part 37 regulations for the Federal Cave Resources Protection Act of 1988 (FCRPA). As further established by the ~~FCRPA~~act, specific locations of significant cave entrances may be kept confidential and exempted from ~~FOIA~~Freedom of Information Act requests.

(See Decision- making Requirements to Avoid Impairments 1.4.7; Information Confidentiality 1.7.3; Caves 6.3.11.2)

4.8.2.3 Geothermal and Hydrothermal Resources

Comment: First sentence below is moved to end of paragraph.

~~Thermal resources within units of the national park system will be protected, preserved, and managed as a critical component of the units' natural resource systems, and for public education, interpretation, and scientific research.~~ Thermal resources, also known as geothermal or hydrothermal systems, are comprised of a subsurface heat source, heat conduit rock formations, and air and/~~-~~or water that circulates through the formations and may discharge at the surface, creating features such as geysers, hot springs, mudpots, fumaroles, unique/-rare mineral precipitates and formations, and hydrophilic biotic communities.

Thermal resources in units of the national park system will be protected, preserved, and managed as a critical component of the units' natural resource systems, and for public education, interpretation, and scientific research.

Superintendents will strive to maintain the natural integrity of thermal systems, including the movement of air and/-or water through the heated rock, cold water recharge, the proximity of the hot and warm water to the heat source, and the hydrostatic pressure and elevated temperature.

Superintendents will work to prevent unacceptable adverse impacts caused by the development of thermal resources. Such impacts include the loss of surface thermal features~~;~~, land subsidence~~;~~, an increase in seismic activity~~;~~, the release of noxious gases~~;~~, noise and surface disturbance from drilling or power plant construction~~;~~, and the release of polluted water or brines. Because thermal systems may extend well beyond park boundaries, the ~~NPS~~Service will work ~~closely~~through cooperative consultation and communication with tribes, federal~~, state, and tribal~~ agencies, states, and local governments to delineate the full extent of thermal resources, and to protect those that occur within parks. In protecting park thermal resources, superintendents should consider authorities available under the Geothermal Steam Act of 1970, as amended; state water rights; and mineral leasing laws.

As required by the Geothermal Steam Act, the ~~NPS~~Service will maintain a list of significant thermal features within park units. The criteria and procedures for designating significant thermal resources within parks are specified within the Geothermal Steam Act Amendments of 1988. In cooperation with the U. S. Geological Survey, the ~~NPS~~Park Service will conduct a monitoring program for the designated significant thermal features.

4.8.2.4 Soil Resource Management

The Service will actively seek to understand and preserve the soil resources of parks, and to prevent, to the extent possible, the unnatural erosion, physical removal, or contamination of the soil, or its contamination of other resources. Parks will obtain ~~surveys of soils~~ adequate soil surveys for the management of park resources. All soil surveys will follow National Cooperative Soil Survey Standards. Products will include soil maps, determinations of the physical and chemical characteristics of soils, and the interpretations needed to guide resource management and development decisions.

Management action will be taken by superintendents to prevent—~~-~~or if that is not possible, to minimize—adverse, potentially irreversible impacts on soils. Soil conservation and soil amendment practices may be implemented to reduce impacts. Importation of off-~~-~~site soil or soil amendments may be used to restore damaged sites. Off-~~-~~site soil normally will be salvaged soil, not soil removed from pristine sites, unless the use of pristine site soil can be achieved without causing any overall ~~ecosystem~~resource impairment. ~~Prior to~~Before using any off-~~-~~site materials, parks must develop a prescription, and select the materials that will be needed to restore the physical, chemical, and biological characteristics of original native soils without introducing any exotic species.

When soil excavation is an unavoidable part of an approved facility development project, the Service will minimize soil excavation, erosion, and off-~~-~~site soil migration during and after the development activity.

When use of a soil fertilizer or other soil amendment is an unavoidable part of restoring a natural landscape or maintaining an altered plant community, the use will be guided by a written prescription. The prescription will be designed to ensure that such use of soil fertilizer or soil amendment does not unacceptably alter the physical, chemical, or biological characteristics of the soil, biological community, or surface or ground-waters.

(See Evaluating Environmental Impacts 4.1.3; Natural Re source Collections 4.2.3; Floodplains 4.6.4; Wetlands 4.6.5; Facility Planning and Design 9.1.1)

4.9 Soundscape Management

The ~~National Park Service will preserve, to the greatest extent possible, the~~ natural ~~soundscapes~~ soundscape of ~~parks. Natural soundscapes exist in the absence of human-caused sound. The natural soundscape~~ a park is the aggregate of all the natural sounds that occur in ~~parks~~that park, together with the physical capacity for transmitting natural sounds. Natural sounds occur within and beyond the range of sounds that humans can perceive, and can be transmitted through air, water, or solid materials.

Since sound is a physical phenomenon, the soundscape of a park can be objectively quantified by direct recordings, measurements, or both. Some natural sounds in the natural soundscape are also part of the biological or other physical resource components of the park. Examples of such natural sounds include~~:~~

- ~~Sounds~~sounds produced by birds, frogs, or katydids to define territories or aid in attracting mates~~;~~
- ~~Sounds~~sounds produced by bats or porpoises to locate prey or navigate~~;~~
- ~~Sounds~~sounds received by mice or deer to detect and avoid predators or other danger~~; and~~
- ~~Sounds~~sounds produced by physical processes, such as wind in the trees, claps of thunder, or falling water~~.~~

The Service will restore degraded soundscapes to the natural condition wherever ~~possible~~practicable, and will protect natural soundscapes from degradation due to unacceptable noise ~~(undesirable human-caused sound).~~ . Whether or not a particular sound reaches a level where it would be characterized as “noise” depends on various factors including source, magnitude, intensity, frequency, and duration. Because noise can impact both park resources and visitor experiences, noise management is an integral component of overall park management. With respect to park visitors, what constitutes unacceptable noise will depend on visitor sensitivities and expectations.

Using appropriate management planning, superintendents will identify what level~~s~~ of ~~human-caused sound can be accepted within~~noise is consistent with the park’s enabling legislation or proclamation and the management ~~purposes~~objectives of ~~parks. The frequencies, magnitudes,~~

~~and durations of human- caused sound considered~~the park. What is an acceptable noise level will vary throughout ~~the~~any given park and among parks, being generally greater in developed areas and generally less~~er~~ in undeveloped areas~~. In and adjacent to parks, the Service will monitor human activities that generate noise that adversely affects park soundscapes, including noise caused by mechanical or electronic devices.~~ and similarly, generally greater in urban areas and less in rural or remote areas. The Service, through cooperation, consultation, and communication, will take action to prevent or minimize all noise that, through frequency, magnitude, or duration, ~~adversely affects~~unacceptably impacts the natural soundscape or other park resources or values~~, or that exceeds levels that have been identified as being acceptable to, or appropriate for, visitor uses at the sites being monitored.~~ .

Comment: New text acknowledges that a completely natural soundscape may not be practicable (or desirable) in all parks. The park planning process will identify where and to what extent natural sound is a desired condition and will identify steps to be taken to achieve that condition.

(See Use of Motorized Equipment 8.2.3; Overflights and Aviation Uses 8.4)

4.10 Lightscape Management

The Service will preserve, to the greatest extent ~~possible~~practicable, the natural lightscapes of parks, which are natural resources and values ~~that exist in the absence of human- caused light.~~enjoyed by many visitors. The absence of light in caves and at the bottom of deep bodies of water influences biological processes and the evolution of species, such as the blind cave cricket. The phosphorescence of waves on dark nights helps hatchling sea turtles orient to the ocean. The stars, planets, and earth's moon that are visible during clear nights influence humans and many other species of animals, such as birds that navigate by the stars or prey animals that reduce their activities during moonlit nights.

~~Recognizing~~Since improper outdoor lighting can impede the view and visitor enjoyment of a natural dark night sky, and recognizing the roles that light and dark periods and darkness play in natural resource processes~~ and the evolution of species~~, the Service will protect natural darkness and other components of the natural lightscape in parks. To prevent the loss of dark conditions and of natural night skies, the Service will minimize light pollution from park facilities, and also seek the cooperation of park visitors, neighbors, and local government agencies to prevent or minimize the intrusion of artificial light into the night scene of ~~the ecosystems of parks.~~park units. The Service will not use artificial lighting in areas such as sea turtle nesting locations, where the presence of the artificial lighting will disrupt dark-dependent natural biological resource components of a park.

The Service will~~:~~

- ~~Restrict~~restrict the use of artificial lighting in parks to those areas where security, basic human safety, and specific cultural resource requirements must be met~~;~~
- ~~Utilize~~ use minimal impact lighting techniques~~; and~~
- ~~Shield~~shield the use of artificial lighting where necessary to prevent the disruption of the night sky, natural cave processes, physiological processes of living organisms, and similar natural processes~~.~~

The decision about whether or not to install artificial lighting in particular circumstances is left to the discretion of the superintendent, ~~and is made through the~~who will follow an appropriate planning process.

(See Visitor Safety and Emergency Response 8.2.5, Facility Planning and Design 9.1.1; Integration of Facilities into the Park Environment 9.1.1.2; Energy Management 9.1.7)

Comment: The deleted first paragraph of 4.11 is moved down two paragraphs.

4.11 Chemical Information and Odors

~~The Service will preserve, to the greatest extent possible, the natural flow of natural chemical information and odors, by preventing (1) the release of human- generated chemicals that can block the release, deposition, or perception of natural chemicals; and (2) human actions that disrupt or commingle the pathways through which natural chemicals are dispersed.~~

~~Such~~Chemical information and odors are naturally produced and chemically based, and transmit information that is received by living organisms. Natural chemicals involved in the transmission of information are released by animals, plants, and geologic materials. Once released, these chemicals can be transmitted through air and water. Many animals can perceive these natural chemicals and modify their behaviors, such as mating, migration, feeding, predator avoidance, prey selection, and the establishment of social structures, as a response. Specific examples of relationships that involve natural chemical information and odors include, among others~~:~~,

- ~~Scent~~ scent posts where one animal deposits one or more chemicals by rubbing, urination, defecation, or other means, and where other animals can detect the passage of the first animal because of the odor produced by a deposited chemical~~;~~
- ~~Flowers~~ flowers that produce odors that attract insects, birds, and other animals, with resulting cross-~~-~~pollination of the flowers and reproduction of the species as the outcome~~;~~
- ~~Female~~female insects that release chemicals (pheromones) that attract males, with fertilization of the female's eggs and reproduction of the species as the outcome~~;~~
- ~~Stressed~~stressed trees that emit chemicals that some types of beetles use to find weakened trees, which they then successfully can colonize and use as habitat for reproducing themselves~~; and~~
- ~~Geologic~~geologic materials (soils or bedrock) that emit characteristic chemicals that fish can sense and use as guides to find the places in streams where they hatched and where they subsequently return to breed and deposit fertilized eggs, with reproduction of the species as the outcome~~.~~

The Service will preserve, to the greatest extent reasonable and practicable, the natural flow of natural chemical information and odors, by preventing or mitigating (1) the release of human-generated chemicals that can block the release, deposition, or perception of natural chemicals; and (2) unnatural actions that disrupt or commingle the pathways through which natural chemicals are dispersed.

The Service acknowledges that some of its management activities may necessarily alter the natural flow of natural chemical information and odors. The Service may, for example~~:~~,

- ~~Introduce~~ introduce pesticides or pheromones into parks as part of an integrated pest management program~~;~~
- ~~Construct~~construct and operate intensive development areas that eliminate animal scent stations and introduce unnatural chemicals~~;~~
- ~~Change~~change the vegetation and thereby change the kinds of natural plant chemicals released to the air~~;~~
- ~~Move~~move water from one drainage to another through water and sewer systems~~; or~~
- ~~Provide~~provide for the use of exhaust--emitting motors in the air, on land, and on water~~.~~

When~~ever~~ the Service engages in activities that disrupt the natural flow of natural chemical information or odors, it will comply with all applicable laws, regulations, and policies, and seek to minimize harm to the environment. In no case will the Service engage in an activity if it will impair park resources or values.

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Chapter 5: Cultural Resource Management

[**Cover page summary statement.]** The National Park Service will preserve and foster appreciation of the cultural resources in its custody, and will demonstrate its respect for the peoples traditionally associated with those resources, through appropriate programs of research, planning, and stewardship.

The National Park Service is the steward of many of America's most important cultural resources. These resources are categorized as archeological resources, cultural landscapes, ethnographic resources, historic and prehistoric structures, and museum collections. The Service's cultural resource management program involves~~:~~

- ~~Research~~research to identify, evaluate, document, register, and establish basic information about cultural resources and traditionally associated ~~1~~[3] peoples~~;~~
- ~~Planning~~planning to ensure that management processes for making decisions and setting priorities integrate information about cultural resources, and provide for cooperation, consultation, communication, and collaboration with outside entities~~; and~~
- ~~Stewardship~~ stewardship to ensure that cultural resources are preserved and protected, receive appropriate treatments (including maintenance), and are made available for public understanding and enjoyment~~.~~

The cultural resource management policies of the National Park Service are derived from a suite of historic preservation, environmental, and other laws, proclamations, ~~Executive~~executive orders, and regulations. A comprehensive list can be found in the *Cultural Resource Management Handbook* issued pursuant to Director's Order #28. Taken collectively, they provide the Service with the authority and responsibility for managing cultural resources in every unit of the national park system so that those resources may be preserved unimpaired for future generations. Cultural resource management will be carried out in a manner consistent with these legislative and regulatory provisions, and with implementing policies and procedures such as the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 Federal Register* ~~(FR)~~ *44716-740, or 48 FR 44716-740), and Standards and Guide lines for Federal Agency Historic Preservation Programs Pursuant to the National Historic Preservation Act (63 FR 20497-508).*

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[3] 1 For purposes of these *Management Policies*, social/ cultural entities such as tribes, communities, and kinship units are "traditionally associated" with a particular park when

- the entity regards the park's resources as essential to its development and continued identity as a culturally distinct people; and
- the association has endured for at least two generations (40 years); and
- the association began prior to the establishment of the park.

See "Evaluation and Categorization" 5.1.3.2; and "Ethnographic Resources" in the *Cultural Resource Management Handbook*.

Park superintendents and appropriately qualified cultural resource professionals will work together to carry out the ~~Park~~ Service's cultural resource management program. Other NPS staff and volunteers participating in cultural resource research, planning, and stewardship activities will be supervised by full~~-performance-level~~y qualified cultural resource professionals of the appropriate disciplines. Law enforcement professionals will consult with full~~-performance-level~~y qualified cultural resource professionals of the appropriate disciplines when investigating cultural resource crimes.

Comment: Alternative text regarding Career Development, Training and Management has been added in section 1.7.5.1 to cover all disciplines.

~~The Service will support its cultural resource profession~~
~~their disciplinary knowledge and skills and in promoting their professionalism through continuing education, graduate-level courses, seminars, training, teaching, attendance at professional conferences, and other programs sponsored by professional or scholarly institutions. NPS personnel with cultural resource responsibilities will acquire and maintain the knowledge, skills, and abilities necessary to carry out those responsibilities. All occupational groups in or associated with cultural resource research, planning, and stewardship activities will complete the relevant cultural resource competency requirements commensurate with their job and grade.~~

Park superintendents and cultural resource professionals will ensure that research about and stewardship of cultural resources are carried out only after adequate planning and consultation, cooperation, and communication with interested or affected individuals, groups, and other outside entities.

(See Decision-~~-~~making Requirements to Avoid Impairments 1.4.7. Also see NHPA [16 USC 470h-4]; Secretary of the Interior's Professional Qualification Standards [48 FR 44738-44739]; Employee Training and Development Planning and Tracking Kit [1996])

5.1 Research

5.1.1 National Park Service Research

The National Park Service will conduct a vigorous interdisciplinary program of research into the cultural resources of each park. The principal goals of such research will be to~~:~~

- ~~Ensure~~ ensure a systematic, adequate, and current information base representing the park's cultural resources and traditionally associated peoples, in support of planning, management, and operations~~;~~
- ~~Ensure~~ensure appropriate protection, preservation, treat~~-~~ment, and interpretation of cultural resources, employing the best current scholarship~~;~~
- ~~Develop~~develop approaches for managing park cultural and natural resources that ensure consideration of the views held by traditionally associated peoples and others, ~~as appropriate;~~ by emphasizing the principles of civic engagement including conservation through cooperation, consultation, and communication
- ~~Collect~~collect data on subsistence and other consumptive uses of park resources ~~in order~~ to reach informed decisions~~; and~~

- ~~Develop~~develop appropriate technologies and methods for monitoring, protecting, preserving, conserving, and treating cultural resources~~.~~

Adequate research to support informed planning and compliance with legal requirements will precede any final decisions about the treatment of cultural resources, or about park operations, development, and natural resource management activities that might affect cultural resources. Research will be periodically updated to reflect changing issues, sources, and methods. Research needs will be identified and justified in a park's approved resource management plan.

A written scope of work, research design, project agreement, proposal, or other description of work to be performed will be prepared and approved before any research is conducted. All archeological research, whether for inventory, data recovery, or other purposes, must comply with the Archaeological Resources Protection Act of 1979 (ARPA), the Antiquities Act, and the Native American Graves Protection and Repatriation Act (NAGPRA), as applicable. The National Park Service will not take or allow any action that reduces the research potential of cultural resources without first performing an appropriate level of research, consultation, and documentation. Because research involving physical intervention into cultural resources or the removal of objects or specimens is a destructive process entailing an irretrievable commitment of the resources, and ~~often~~ affecting traditional practices associated with the resources, research in parks will employ non~~-~~destructive methods to the maximum extent feasible.

The features of sites, landscapes, and structures will be left in place unless impracticable. Field data, objects, specimens, and features of sites and structures retrieved for preservation during cultural resource research and treatment projects, together with associated records and reports, will be managed within the park museum collection~~.~~ stored in NPS or non-NPS repositories, as appropriate, including repositories maintained by partners.

Research conducted by NPS personnel, contractors, and cooperative researchers will be subjected to peer review both inside and outside the Service~~,~~ to ensure that it meets professional standards, reflects current scholarship, and adheres to the principles of conduct for the appropriate discipline. The data and knowledge acquired through research will be recorded on permanent and durable (long~~-~~-lived) media, documented in the appropriate Service~~-~~wide databases, and placed permanently in park museum and library collections and park files. This information will be made widely available~~,~~ and be incorporated, as appropriate, into park planning documents, exhibits, and interpretive programs. As appropriate, information will be shared with proper state and tribal historic preservation offices and certified local governments.

Certain research data may be withheld from public disclosure to protect sensitive or confidential information about archeological, historic, or other NPS resources when doing so would be consistent with ~~FOIA.~~the Freedom of Information Act. In many circumstances, this will allow the ~~NPS~~Park Service to withhold information about ethnographic resources.

(See Park Planning Processes 2.3; Studies and Collections 4.2; Confidentiality 5.2.3; Research 7.5.4; Native American Use 8.5. Also see 36 CFR ~~Part~~ Parts 79 and 800; 43 CFR Parts 3, 7, and 10; NHPA; Secretary of the Interior's Standards and Guidelines for Preservation Planning [48 FR 44716--720]; Secretary of the Interior's Standards and Guidelines for Historical Documentation [48 FR 44728--730]; Director's Order #28: Cultural Resource Management; Cultural Resource Management Handbook 28)

5.1.2 Independent Research

The National Park Service will ~~promote~~encourage and support relationships with individuals and organizations qualified to perform research, and encourage them to direct their research toward park management objectives and the broader contexts within which park resources exist. The Park Service will encourage independent researchers to follow the Secretary of the Interior's standards and guidelines and those of the ~~Park~~ Service to the fullest extent possible, and will require that the views of traditionally associated peoples be fully considered.

Research that includes taking plants, fish, wildlife, rocks, or minerals must comply with the permit requirements of 36 CFR 2.-5. Permits that would allow cultural resources to be physically disturbed, or allow objects or specimens to be collected, will be issued only when there is compelling evidence that the proposed research is essential to significant research concerns, and that the purpose of the research can be reasonably achieved only by using park resources. As appropriate, permits may require researchers to provide for the long--term preservation and management of any recovered objects and specimens and for their cataloging, together with any associated records, in the NPS museum cataloging system. Independent researchers will be authorized to conduct archeological research on park lands only through the issuance of an ARPA or Antiquities Act permit by the appropriate NPS regional director. This permitting authority cannot be further delegated. As appropriate, parks will also issue other necessary permits, such as a special use permit. Archeological research conducted by independent researchers must comply with ~~NAGPRA,~~the Native American Graves Protection and Repatriation Act when applicable.

NPS facilities, collections, and assistance will be made available to qualified scholars conducting NPS--authorized research, as long as park operations are not substantially impeded or park resources adversely impacted thereby.

(See Independent Studies 4.2.2; Consultation 5.2.1; Natural and Cultural Studies, Research, and Collection Activities 8.10. Also see 43 CFR Parts 3, 7, and 10)

5.1.3 Identification and Evaluation of Resources

The ~~National~~ Park Service will conduct surveys to identify and evaluate the cultural resources of each park, assessing resources within their larger cultural, chronological, and geographic contexts. The resulting inventories will provide the substantive data required for (1) nominating resources to the National Register of Historic Places; (2) general park planning and specific proposals for preserving, protecting, conserving, and treating cultural resources; (3) land acquisition, development, and maintenance activities; (4) interpretation,

education, and natural and cultural resource management activities; and (5) compliance with legal requirements.

5.1.3.1 Inventories

The ~~Park~~ Service will (1) maintain and expand the following inventories about cultural resources in units of the national park system, (2) enter information into appropriate related databases, and (3) develop an integrated information system~~:~~. The inventories include the following:

- ~~Archeological~~ archeological sites inventory for historic and prehistoric archeological resources and the related Archeological Sites Management Information System (ASMIS) database~~;~~, or its successor
- ~~Cultural~~ cultural landscapes inventory of historic designed landscapes, historic vernacular landscapes, ethnographic landscapes, and historic sites, and the related Cultural Landscapes ~~Automated~~ Inventory ~~Management System (CLAIMS~~(CLI) database~~;~~, or its successor
- Ethnographic Resources Inventory (ERI) of places, including sites, structures, objects, landscapes, and natural resources with traditional cultural meaning and value to associated peoples and other resource users~~;~~, or its successor
- List of Classified Structures (LCS), encompassing historic and prehistoric structures~~; and~~
- National Catalog of Museum Objects, encompassing all cultural objects, archival and manuscript materials, and natural history specimens in NPS collections and the related automated version, the Automated National Catalog System (ANCS~~+~~+), or its successor~~).~~

(See Park Planning Processes 2.3; Confidentiality 5.2.3. Also see Secretary of the Interior's Standards and Guidelines for Identification [48 FR 44720-723]; Director's Order #28; Cultural Resource Management Handbook~~)~~ 36 CFR Part 79)

5.1.3.2 Evaluation and Categorization

Cultural resources will be professionally evaluated and categorized to assist in management decisions about their treatment and use. Cultural resources will be evaluated for significance using National Register Criteria for Evaluation (36 CFR 60.4), and those meeting the criteria will be nominated for listing. Museum collections are inappropriate for listing and will not be evaluated using these criteria. Some collections in their original structures can be included as contributing elements to a listed structure. As appropriate, cultural resources will be categorized using other management categories established by the National Park Service and listed in the *Cultural Resource Management Handbook*. Cultural resource professionals will evaluate cultural resources in consultation with the appropriate state and tribal historic preservation officers. Ethnographically meaningful cultural and natural resources, including traditional cultural properties, will be identified and evaluated in consultation with peoples having traditional associations to park resources. Examples of traditionally associated peoples include Acadians, African Americans, Hispanic Americans, and Native Americans. (For editorial convenience, in these *Management Policies* the term "Native Americans" includes American Indians, ~~Alaskan natives~~Alaska Natives, native peoples of the Caribbean,

native Hawaiians, and other native Pacific islanders.) Some ethnographically meaningful resources do not meet National Register Criteria for Evaluation, but will be inventoried in consultation with traditionally associated peoples and considered in management decisions about treatment and use.

(See Consultation 5.2.1. Also see Secretary of the Interior's Standards and Guidelines for Evaluation [48 FR 44723--726])

5.1.3.2.1 _National Register Nomination

Park resources that appear to meet the criteria for the National Register of Historic Places will be nominated—either individually, as components of historic districts, or within multiple property nominations—for listing by the Keeper of the National Register. National historic sites, national historical parks, and other parks significant primarily for their cultural resources are entered automatically in the National Register upon establishment. However, nomination forms will be prepared and submitted to document the qualifying and contributing features of such parks and other NationalRegister National Register-eligible resources within them.

(Also see 36 CFR Parts 60 and 63; Secretary of the Interior's Standards and Guidelines for Registration [48 FR 44726--728]; National Register Bulletins 16A and 16B [Guidelines for Completing National Register of Historic Places Forms])

5.1.3.2.2 _National Historic Landmark Designation

Historic and cultural units of the national park system are nationally significant by virtue of their authorizing legislation or Presidentialpresidential proclamation. National historic landmark designations are appropriate for park cultural resources that meet National national historic landmark criteria if the national significance of those resources is not adequately recognized in the park's authorizingenabling legislation or Presidentialpresidential proclamation. Cultural parks may warrant landmark designation as parts of larger areas encompassing resources associated with their primary themes. Modified National Register forms will be prepared and submitted to nominate such resources for landmark designation by the Secretary of the Interior.

Comment: Text has been added to 5.1.3.2.3 to more thoroughly explain World Heritage designation.

(Also see 36 CFR Part 65)

5.1.3.2.3 _Nominations for World Heritage List Designation

Park Parks containing cultural properties features believed to possess outstanding universal value to humanity may qualify for World Heritage List designation. Proposals forplacement on the nomination of such resources by the United States will be preparedWorld Heritage List under criteria described in the World Heritage Committee Operational Guidelines and submitted to documentin accordance with the case for this designation by the United Nations Educational, Scientific and Cultural Organization. World Heritage Convention. Before they can be nominated, all such properties must be assessed according to World Heritage criteria,

and before the United States can submit a nomination to the World Heritage Committee, the site must first be included on the U.S. Tentative List of Potential Future World Heritage Nominations.

Any park superintendent who believes that part or all of the park they manage should be considered for inscription on the World Heritage List must consult with the NPS Office of International Affairs, the NPS Director, and the Department before proceeding. U.S. proposed nominations are approved by an interagency panel chaired by the Assistant Secretary for Fish and Wildlife and Parks, based on criteria promulgated by the World Heritage Committee. These criteria and the rules for U.S. participation in the Convention Concerning the World Cultural and Natural Heritage are published in 36 CFR Part 73.

Once an area is designated a world heritage site, the Park Service will recognize the designation in public information and interpretive programs. Where appropriate, park superintendents should use the park's World Heritage status as a platform to promote sustainable tourism. Designation as a World Heritage Site will not alter the purposes for which the park was established, change the management requirements, reduce NPS jurisdiction over the park, or otherwise cause unacceptable impacts to park values and purposes.

(See World Heritage Sites 4.3.7. Also see 36 CFR Part 73)

5.2 Planning

Effective park stewardship requires informed decision- making about a park's cultural resources. This is best accomplished through a comprehensive planning process. Effective planning is based on an understanding of what a park's cultural resources are, and why those resources are significant. To gain this understanding, the Park Service must obtain baseline data on the nature and types of cultural resources~~,~~ and their (1) distribution; (2) condition; (3) significance; and (4) local, regional, and national contexts. Cultural resource planning, and the resource evaluation process that is part of it, will include consultation with cultural resource specialists and scholars having relevant expertise; traditionally associated peoples; and other stakeholders. Current scholarship and needs for research are considered in this process, along with the park's legislative history and other relevant information.

Planning decisions will follow analysis of how proposals might affect the values that make resources significant, and the consideration of alternatives that might avoid or mitigate potential adverse effects. Planning will always seek to avoid unacceptable harm to cultural resources~~,~~ and consider the values of traditionally associated groups. To ensure that approaches and alternatives for resource preservation and conservation have been identified and considered, planning processes that could affect cultural resources must include cultural resource specialists, traditionally associated peoples, and ~~other stakeholders~~others, and provide them with appropriate notification about opportunities to become involved.

The general management planning process will include goals and strategies for research on, consultation about, and stewardship of cultural resources, and for research on and

consultation with traditionally associated and other peoples. Planning for park operations, development, and natural resource management activities will integrate relevant concerns and program needs for identifying, evaluating, monitoring, protecting, preserving, conserving, and treating cultural resources.

Superintendents will ensure full consideration of the park's cultural resources and values in all proposals for operations, development, and natural resource programs, including the management of wilderness areas. When proposed undertakings may adversely affect national historic sites, national battlefields, and other predominantly cultural units of the national park system that were established in recognition of their national historical significance, superintendents will provide opportunities for the same level of review and consideration by the Advisory Council on Historic Preservation and the Secretary of the Interior that the Advisory Council's regulations require for undertakings that may adversely affect national historic landmarks (36 CFR 800.-10).

Each park will prepare and periodically update cultural resource components of the park's management plans. Resource plans will define ~~and~~any program activities needed to identify, evaluate, manage, monitor, protect, preserve, conserve, and treat the park's cultural resources, as well as provide for their enjoyment and understanding by the public.

(See Decision--making Requirements to Avoid Impairments 1.4.7; Strategic Planning 2.3.2; Implementation Planning 2.3.3. Also see Executive Order 13007; Secretary of the Interior's Standards and Guidelines for Federal Agency Historic Preservation Programs Pursuant to the National Historic Preservation Act [63 FR 20496--508]; Secretary of the Interior's Standards and Guidelines for Preservation Planning [48 FR 44716--720]; Secretary of the Interior's Standards for the Treatment of Historic Properties)

5.2.1 Consultation

The National Park Service is committed to the open and meaningful exchange of knowledge and ideas to enhance (1) the public's understanding of park resources and values~~,~~ and the policies and plans that affect them~~;~~, and (2) the Service's ability to plan and manage the parks by learning from others. Open exchange requires that the Park Service ~~seek and~~ employ ways to reach out to~~,~~ and consult with~~,~~ all those who have an interest in the parks.

Each park superintendent will communicate, cooperate, and consult with outside parties having an interest in the park's cultural resources or in proposed NPS actions that might affect those resources, and provide them with opportunities to learn about~~,~~ and comment on~~,~~ those resources and planned actions. Consultation may be formal, as when it is required pursuant to ~~NAGPRA~~ the Native American Graves Protection and Repatriation Act or Section 106 of the ~~NHPA~~National Historic Preservation Act, or it may be informal when there is not a specific statutory requirement. Consultation will be initiated, as appropriate, with tribal, state, and local governments; state and tribal historic preservation officers; the Advisory Council on Historic Preservation; other interested federal agencies; traditionally associated peoples; present--day park neighbors; and other interested groups.

Consultations on proposed ~~Park Service~~NPS actions will take place as soon as practical, and in an appropriate forum that ensures, to the maximum extent possible, effective cooperation, consultation, and communication and the identification of mutually acceptable alternatives. The Service will establish and maintain continuing relationships with outside parties to facilitate future collaboration, formal consultations, and the ongoing informal exchange of views and information on cultural resource matters.

~~Since~~Because national parks embody resources and values of interest to a national audience, efforts to reach out and consult must be national in scope. ~~But~~However, the Service will be especially mindful of consulting with traditionally associated peoples~~— those~~ whose cultural systems or ways of life have an association with park resources and values that pre~~-~~dates establishment of the park. Traditionally associated peoples may include park neighbors, traditional residents, and former residents who remain attached to the park area despite having relocated. ~~Examples of traditionally associated peoples include American Indians in the contiguous 48 states, Alaska Natives, African Americans at Jean Lafitte, Asian Americans at Manzanar, and Hispanic Americans at Tumacocori.~~ In addition, there are other individuals and groups with strong connections to the land through experiencing a significant life event within or near a park unit. The Service must also be sensitive to and carefully consider the views of those who have these powerful associations.

Comment: Note Footnote 1 – Definition of Traditionally Associated Peoples – at front of this chapter.

In particular, it is essential to consult traditionally associated peoples about~~:~~

- ~~Proposed~~ proposed research on, and stewardship of, cultural and natural resources with ethnographic meaning for the groups~~;~~
- ~~Development~~development of park planning and interpretive documents that may affect resources traditionally associated with the groups~~;~~
- ~~Proposed~~ proposed research that entails collaborative study of the groups~~;~~
- ~~Identification~~identification, treatment, use, and determination of affiliation of objects subject to ~~NAGPRA;~~ the Native American Graves Protection and Repatriation Act
- ~~Repatriation~~ repatriation of Native American cultural items or human remains based on requests by affiliated groups in accordance with ~~NAGPRA;~~ the Native American Graves Protection and Repatriation Act
- ~~Planned~~planned excavations and proposed responses to inadvertent discoveries of cultural resources that may be culturally affiliated with the groups~~;~~
- ~~Other~~ other proposed NPS actions that may affect the treatment and use of~~,~~ and access to~~,~~ cultural and natural resources with known or potential cultural meaning for the groups~~;~~ ~~and~~
- ~~Designation of National Register, national historic landmark, and world heritage sites.~~
- designation of National Register, National Historic Landmark and World Heritage Sites

Consultation with federally recognized American Indian tribes will be on a government~~-~~-to-government basis. The Service will notify appropriate tribal authorities (such as tribal historic preservation officers) about proposed actions when first conceived, and by subsequently consulting their appointed representatives whenever proposed actions may affect tribal interests, practices, and traditional resources (such as places of religious value).

When engaging in the consultation process, group meetings ~~may be held only~~are encouraged for the purpose of exchanging ~~views and~~ information~~,~~ and ~~to solicit~~obtaining individual ~~advice on~~ viewpoints to facilitate the development or modification of proposed NPS actions. ~~NPS~~The Park Service will give appropriate consideration to consensus advice presented to it when those recommendations have been developed independent of the Park Service. The Service may not ~~hold meetings to~~ obtain ~~consensus~~ advice from a group that it creates, controls, or manages unless the group is chartered pursuant to the Federal Advisory Committee Act (FACA). ~~FACA~~ This act does not apply to inter~~-~~governmental meetings held exclusively between NPS officials and elected ~~officers~~officials of state, local, or tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities~~,~~ when the meetings relate to intergovernmental responsibilities or administration.

(See Ethnographic Resources 5.3.5.3. Also see ARPA; NAGPRA; NEPA; NHPA [16 USC 470f]; 36 CFR Part 800; 40 CFR Parts 1500~~-~~1508; 41 CFR Part 101;, 43 CFR Parts 7 and 10; Executive Memorandum on Government~~-~~to-Government Relations with Native American Tribal Governments; Executive Order 13007; Executive Order 13175; 512 Department of the Interior Manual [DM] 2; Director's Order #71: Relationships with Indian Tribes; NPS Guide to the Federal Advisory Committee Act~~)~~. Also see Director's Order #75A: Civic Engagement and Public Involvement.)

5.2.2 Agreements

The National Park Service will seek to establish mutually beneficial agreements with interested groups to facilitate collaborative research, consultation, park planning, training, and cooperative management approaches with respect to park cultural resources and culturally important natural resources. The NPS goal ~~of the NPS~~ is to allow traditionally associated peoples to exercise traditional cultural practices in parks to the extent allowable by law, and consistent with the criteria listed in section 8.~~-~~2. To the extent this goal can be legally reached through agreements, park superintendents should do so.

When~~ever~~ parks have cultural resources ~~that are~~ owned or managed by others, agreements will clarify how the resources are to be managed. Agreements will provide ways for periodically reviewing their effectiveness and making mutually agreed~~-~~upon modifications, and for avoiding and resolving disagreements and disputes. All agreements will conform to the requirements of Director's Order #20: Agreements.

(See Decision~~-~~making Requirements to Avoid Impairments 1.4.7; Partnerships 1.9; Partnerships 4.1.4; Park Structures Owned or Managed by Others 5.3.5.4.8; Submerged Cultural Resources 5.3.5.1.7; Native American Use 8.5; Consumptive Uses 8.9. Also see Executive Order 13007; 36 CFR 2.1)

5.2.3 Confidentiality

Sensitive or confidential information is sometimes acquired during consultations and during other research, planning, and stewardship activities. Under certain circumstances, and to the

extent permitted by law, information about the specific location, character, nature, ownership, or acquisition of cultural resources on park lands will be withheld from public disclosure. If a question arises about withholding information, and disclosure could result in a significant invasion of privacy or a risk of harm to a cultural resource, the ~~Park~~ Service will consult the provisions of ARPA (16 USC 470hh); the National Parks Omnibus Management Act (16 USC 5937); and NHPA (16 USC 470w-~~-~~3) before making a decision.

Under some conditions, the Service may be required by law to disclose confidential information acquired during consultations, public meetings, and other research, planning, and stewardship activities, or in association with the acquisition of resources, including museum collections. Before these activities occur, NPS staff and authorized researchers will make every effort to inform affected parties that, while the information they provide will not be shared voluntarily, confidentiality cannot be guaranteed.

To the extent permitted by law, the Service will withhold from public disclosure (1) information provided by individuals who wish the information to remain confidential, and (2) the identities of individuals who wish to remain anonymous and who are protected from release by exemption under ~~FOIA.~~the Freedom of Information Act. In each instance, the Service will document its decision to disseminate or withhold sensitive or confidential information from public disclosure.

More detailed guidance on sensitive and confidential information can be found in Director's Order #66: The Freedom of Information Act and ~~Protected~~the Protection of Exempted Information; and the *Museum Handbook*, Part III.

(See Managing Information 1.7. Also see 43 CFR Part 2; 43 CFR 7.18; Privacy Act)

5.3 Stewardship

5.3.1 Protection and ~~Preservation~~Conserving of Cultural Resources

The National Park Service will employ the most effective concepts, techniques, and equipment to protect cultural resources against theft, fire, vandalism, overuse, deterioration, environmental impacts, and other threats, without compromising the integrity of the resources.

5.3.1.1 Emergency Management~~:~~

Measures to protect or rescue cultural resources in the event of an emergency, disaster, or fire will be developed as part of a park's emergency operations and fire management planning processes. Designated personnel will be trained to respond to all emergencies in a manner that maximizes visitor and employee safety and the protection of resources and property.

(See Emergency Preparedness and Emergency Operations 8.2.5.2. Also see 36 CFR Part 78)

5.3.1.2 Fire Detection, Suppression, and Post-~~-~~fire Rehabilitation and Protection

The ~~NPS~~Park Service will take action to prevent or minimize the impact of wildland, prescribed, and structural fires on cultural resources, including the impact of suppression and rehabilitation activities.

In the ~~preservation~~conservation of historic structures and museum and library collections, every attempt will be made to comply with national building and fire codes. When these cannot be met without significantly impairing a structure's integrity and character, the management and use of the structure will be modified to minimize potential hazards~~,~~ rather than modifying the structure itself.

Subject to the previous paragraph, when warranted by the significance of a historic structure or a museum or library collection, adequate and appropriate fire detection, warning, and suppression systems will be installed. ~~"~~Pre-~~-~~fire plans~~"~~ will be developed for historic structures and buildings housing museum or library collections~~, designed~~ to identify the floor plan, utilities, hazards, and areas and objects requiring special protection. This information will be kept current and made available to local and park fire personnel.

Park and local fire personnel will be advised of the locations and characteristics of cultural resources threatened by fire, and of any priorities for protecting them during any planned or unplanned fire incident. At parks with cultural resources, park fire personnel will receive cultural resource protection training. At parks that have wildland or structural fire ~~programs~~risks, cultural resource management specialists will receive fire prevention and ~~suppression~~emergency response training~~ and, when appropriate,~~. Cultural resources management specialists who assist with wildland fire programs will be certified for incident management positions commensurate with their individual ~~qualifications.~~ responsibilities.

Smoking will not be permitted in spaces housing museum or library collections, or in historic structures (except those used as residences in which smoking is permitted by the park superintendent).

(See Fire Management 4.5; Fire Management 6.3.9; Structural Fire Protection and Suppression 9.1.8. Also see Director's Order #18: Wildland Fire Management; Director's Order #58, and Reference Manual 58: Structural Fires)

5.3.1.3 Compensation for Damages

The National Park System Resource Protection Act authorizes the ~~Park~~ Service to take all necessary and appropriate steps to recover costs and damages from any person who destroys, causes the loss of, or injures any resource of the national park system. When such incidents involve cultural resources, the Service will~~:~~

- ~~Prevent~~prevent or minimize the destruction or loss of, or injury to, the cultural resource, or abate or minimize the imminent risk of such destruction, loss, or injury~~;~~
- ~~Assess~~assess and monitor damage to the cultural resource~~;~~
- ~~Recover~~recover any and all costs associated with the restoration or replacement of the cultural resource, or with the acquisition of an equivalent resource~~;~~

- ~~Recover~~recover the value of any significant loss of use of the cultural resource pending its restoration or replacement or the acquisition of an equivalent, or the value of the cultural resource in the event it cannot be restored or replaced~~; and~~
- ~~Recover~~recover any and all costs incurred in responding to, assessing, and/~~-~~or monitoring damage to the cultural resource~~.~~

(See Compensation for Injuries to Natural Resources 4.1.6)

5.3.1.4 Environmental Monitoring and Control

When necessary to preserve a historic structure or a museum collection, appropriate measures will be taken to control relative humidity, temperature, light, and air quality. When museum collections are housed in a historic structure, the needs of both the collection and the structure will be identified and evaluated, weighing relative rarity and significance, before environmental control measures are introduced. The environmental conditions of all areas housing museum collections will be regularly monitored, according to a schedule specific to each condition, to determine whether appropriate levels of relative humidity, temperature, and light are being maintained.

(See Air Quality 4.7.1. Also see Director's Order #24: Museum Management)

5.3.1.5 _Pest Management

The ~~Park~~ Service will follow an integrated pest management approach in addressing pest problems (including invasive vegetation) related to cultural resources. Pest occurrences will be dealt with on a case-~~-~~by-~~-~~case basis. Available pest management methods, as described in Director's Order #77-~~-~~7, will be reviewed to determine the most effective and lowest risk management strategy.

(See Pest Management 4.4.5)

5.3.1.6 ~~Carrying~~ User Capacity

~~Park superintendents will set, enforce, and monitor carrying capacities to limit public visitation to, or use of, cultural resources that would be subject to adverse effects from unrestricted levels of visitation or use. This~~Cultural resources will be managed to protect them and to ensure their appropriate use. Before setting any user capacities the superintendent will ~~include~~ (1) ~~reviewing~~ review the park's purpose; (2) ~~analyzing~~analyze existing visitor use of~~,~~ and related impacts to~~,~~ the park's cultural resources and traditional resource users; (3) ~~prescribing~~prescribe indicators and specific standards for acceptable and sustainable visitor use; and (4) identify~~ing~~ ways to address and monitor unacceptable impacts resulting from overuse. Studies to gather basic data and make recommendations on setting, enforcing, and monitoring ~~carrying~~user capacities for cultural resources will be conducted in collaboration with cultural resource specialists representing the appropriate disciplines~~.~~ as well as affected partners, communities, and tribes.

(See ~~Visitor~~User Carrying Capacity 8.2.1)

5.3.2 Physical Access for Persons with Disabilities

The National Park Service will provide persons with disabilities the highest feasible level of physical access to historic properties that is reasonable~~,~~ and is consistent with the preservation of each property's significant historical features~~.~~ and applicable law. Access modifications for persons with disabilities will be designed and installed to least affect the features of a property that contribute to its significance. Modifications to some features may be acceptable in providing access, once a review of options for the highest level of access has been completed. However, if it is determined that modification of particular features would impair a property's integrity and character in terms of the Advisory Council's regulations at 36 CFR 800. 9, such modifications will not be made. To the extent possible, modifications for access will benefit the greatest number of visitors, staff, and the public, and will be integrated with~~,~~ or in proximity to~~,~~ the primary path of travel for entrances and from parking areas. In situations where access modifications cannot be made, alternative methods of achieving program access will be adopted.

(See Access to Interpretive and Educational Opportunities 7.5.1; Accessibility for Persons with Disabilities 8.2.4; Accessibility for Persons with Disabilities 9.1.2; Accessibility of Commercial Services 10.2.6.2. Also see Director's Order #42: Accessibility for Visitors with Disabilities)

5.3.3 Historic Property Leases and Cooperative Agreements

The National Park Service may lease or permit the use of a historic property through a lease or cooperative agreement~~,~~ if such lease or cooperative agreement will ensure the property's preservation. Proposed uses must not unduly limit public appreciation of the property; interfere with visitor use and enjoyment of the park; or preclude use of the property for park administration, employee residences, or other management purposes judged more appropriate or cost-~~-~~effective.

Comment: Following paragraph moved to section 8.12 and reworded.

~~Each lease will be competitively offered. The government will receive at least fair market rental value, adjusted for investments required of the lessee. The term of the lease will be the shortest time needed for the proposed use, taking into account required lessee investments, the common practice for the type of lease, possible future alternatives for the property, and other relevant factors. No lease will exceed 50 years. As authorized by the National Parks Omnibus Management Act (16 USC 1a- 2(k)), a lessee may use a property to provide a commercial service if the service will be patronized by park visitors only to a minor extent.~~

Cooperative agreements to maintain, repair, rehabilitate, restore, or build upon a historic property can be entered into with state, local, and tribal governments; other public entities; educational institutions; and private non~~-~~profit organizations.

If a lease or cooperative agreement requires or allows the lessee or cooperator to maintain, repair, rehabilitate, restore, or build upon the property, it will require the work be done in

accordance with applicable Secretary of the Interior's standards and guidelines and other NPS policies, guidelines, and standards.

(See 8.12: Leasing and Cooperative Agreements. Also see NHPA [16 USC 470h--3]; 16 USC 460l- 22(-a); Omnibus Consolidated Appropriations Act, 1997 [16 USC 1g]; 36 CFR Part 18)

5.3.4 _Stewardship of Human Remains and Burials

Marked and unmarked prehistoric and historic burial areas and graves will be identified, evaluated, and protected. Every effort will be made to avoid impacting burial areas and graves when planning park development and managing park operations. Such burial areas and graves will not knowingly be disturbed or archeologically investigated unless threatened with destruction.

The Service will consult with American Indian tribes, other Native American groups, and other individuals and groups linked by demonstrable ties of kinship or culture to potentially identifiable human remains when such remains may be disturbed or are inadvertently encountered on park lands. Re--interment at the same park may be permitted, and may include remains that may have been removed from lands now within the park.

Native American human remains and photographs of such remains will not be exhibited. Drawings, renderings, or casts of such remains may be exhibited with the consent of culturally affiliated Indian tribes and native Hawaiian organizations. The exhibit of non-Native American human remains, or photographs, drawings, renderings, or casts of such remains, is allowed in consultation with traditionally associated peoples. The Service may allow access to, and study, publication, and destructive analysis of, human remains, but must consult with traditionally associated peoples and consider their opinions and concerns before making decisions on appropriate actions. In addition, such use of human remains will occur only with an approved research proposal that describes why the information cannot be obtained through other sources or analysis, and why the research is important to the field of study and the general public.

(See Cultural Resources 6.3.8; Consultation 7.5.5; Cemeteries and Burials 8.6.10. Also see ARPA; NAGPRA; 36 CFR Part 79; 43 CFR Part 10)

5.3.5 _Treatment of Cultural Resources

The ~~Park~~ Service will provide for the long--term ~~preservation~~conservation of, public access to, and appreciation of, the features, materials, and qualities contributing to the significance of cultural resources. With some differences by type, cultural resources are subject to several basic treatments, including (1) preservation in their existing states; (2) rehabilitation to serve contemporary uses, consistent with their integrity and character; and (3) restoration to earlier appearances by the removal of later additions and replacement of missing elements. Decisions regarding which treatments will best ensure the ~~preservation~~conservation and

public enjoyment of particular cultural resources will be reached through the planning and compliance process, taking into account~~:~~

- ~~The~~ the nature and significance of a resource, and its condition and interpretive value~~;~~
- ~~The~~ the research potential of the resource~~;~~
- ~~The~~ the level of intervention required by treatment alternatives~~;~~
- ~~The~~ the availability of data, and the terms of any binding restrictions~~; and~~
- ~~The~~ the concerns of traditionally associated peoples and other ~~stakeholders.~~ interested individuals and groups

Except for emergencies that threaten irreparable loss without immediate action, no treatment project will be undertaken unless supported by an approved planning document. appropriate to the proposed action.

The preservation of cultural resources in their existing states will always receive first consideration. Treatments entailing greater intervention will not proceed without the consideration of interpretive alternatives. The appearance and condition of resources before treatment, and changes made during treatment, will be documented. Such documentation will be shared with any appropriate state or tribal historic preservation office or certified local government, and added to the park museum cataloging system. Pending treatment decisions reached through the planning process, all resources will be protected and preserved in their existing states.

As a basic principle, anything of historical appearance that the National Park Service presents to the public in a park will be either an authentic survival from the past, or an accurate representation of ~~that~~what once ~~existing~~existed there. Reconstructions and reproductions will be clearly identified as such.

The Service will holistically approach the treatment of related cultural resources in a park. All cultural resource and natural resource values will be considered in defining specific treatment and management goals. Research will be coordinated and sequenced so that decisions are not made in isolation. Each proposed action will be evaluated to ensure consistency or compatibility in the overall treatment of park resources. The relative importance and relationship of all values will be weighed to identify potential conflicts between and among resource preservation goals, park management and operation goals, and park user goals. Conflicts will be considered and resolved through the planning process, which will include any consultation required by 16 USC 470f.

Although each resource type is most closely associated with a particular discipline, an interdisciplinary approach is commonly needed to properly define specific treatment and management goals for cultural resources. Policies applicable to the various resource types follow.

(See Park Management 1.4; Park Planning Processes 2.3; Planning 5.2; Cultural Resources 6.3.8. Also see NEPA; Secretary of the Interior's Standards for the Treatment of Historic Properties)

5.3.5.1 Archeological Resources

Archeological resources will be managed in situ, unless the removal of artifacts or physical disturbance is justified by research, consultation, preservation, protection, or interpretive requirements. Preservation treatments will include proactive measures that protect resources from vandalism and looting, and maintain or improve their condition by limiting damage due to natural and human agents. Data recovery actions will be taken only in the context of planning, consultation, and appropriate decision- making. Preservation treatments and data recovery activities will be conducted within the scope of an approved research design. Archeological research will use non-destructive methods of testing and analysis wherever possible. The Park Service will incorporate information about archeological resources into interpretive and, educational, and preservation, programs. Artifacts and specimens recovered from archeological resources, along with associated records and reports, will be maintained together in the park museum collection.

(Also see 36 CFR Part 79; Secretary of the Interior's Standards and Guidelines for Archeological Documentation [48 FR 44734-737]; Museum Handbook)

5.3.5.1.1 Preservation

Archeological resources will be maintained and preserved in a stable condition to prevent degradation and loss. The condition of archeological resources will be documented, regularly monitored, and evaluated against initial baseline data. Parks are encouraged to enlist concerned local citizens in site stewardship programs to patrol and monitor the condition of archeological resources. The preservation of archeological components of cultural landscapes, structures, and ruins are also subject to the treatment policies for cultural landscapes, historic and prehistoric structures, and historic and prehistoric ruins.

5.3.5.1.2 Stabilization

Archeological resources subject to erosion, slumping, subsidence, or other natural deterioration will be stabilized using the least intrusive and destructive methods. The methods used will protect natural resources and processes to the maximum extent feasible. Stabilization will occur only after sufficient research demonstrates the likely success of the proposed stabilizing action, and after existing conditions are documented.

5.3.5.1.3 Rehabilitation, Restoration, and Reconstruction

These terms are normally related to the treatment of historic structures and cultural landscapes. The Park Service will not normally undertake the rehabilitation, restoration, or reconstruction of archeological resources or features. Archeological studies undertaken in conjunction with the rehabilitation or restoration of cultural landscapes, structures, or ruins, or with the reconstruction of obliterated cultural landscapes or missing structures, will be guided by the treatment policies for archeological resources, as well as those for the other associated resource types.

5.3.5.1.4 Protection

Archeological resources will be protected against ~~human~~ agents of destruction and deterioration whenever practicable.

Archeological resources subject to vandalism and looting will be periodically monitored, and~~,~~ if reasonable, practicable, and appropriate, fencing, warning signs, remote-~~-~~sensing alarms, and other protective measures will be installed. Training and public education programs will be developed to make park staff and the public aware of the value of the park's archeological resources, and the penalties for destroying them. For public safety reasons, local citizens who are monitoring resources under site stewardship programs will be instructed to report incidents of vandalism and looting to law enforcement personnel for response.

(See Volunteers in Parks 7.6.1; Shared Responsibilities 8.3.3)

5.3.5.1.5 _Archeological Data Recovery

Archeological data recovery is permitted if justified by research or interpretation needs. Significant archeological data that would otherwise be lost as a result of resource treatment projects or uncontrollable degradation or destruction will be recovered in accordance with appropriate research proposals and preserved in park museum collections. Data will be recovered to mitigate the loss of significant archeological data due to park development, but only after~~:~~ the following:

- ~~The~~ the redesign, relocation, and cancellation of the proposed development have all been considered and ruled out as infeasible through the planning process~~;~~,
- ~~The~~the park development has been approved~~;~~, and
- ~~The~~the project has provided for data recovery, cataloging, and the initial preservation of recovered collections.

(See Planning 5.2)

5.3.5.1.6 _Earthworks

Appropriate— and, when feasible, native— vegetation will be maintained when necessary to prevent the erosion of prehistoric and historic earthworks, even when the historic condition might have been bare earth. Because earthwork restorations and reconstructions can obliterate surviving remains and are often difficult to maintain, other means of representing and interpreting the original earthworks will receive first consideration.

(See Management of Native Plants and Animals 4.4.2; Management of Exotic Species 4.4.4)

5.3.5.1.7 _Submerged Cultural Resources

Historic shipwrecks and other submerged cultural resources will be protected, to the extent permitted by law, in the same manner as terrestrial archeological resources. Protection activities involve inventory, evaluation, monitoring, interpretation, and establishing partner

ships to provide for the management of historic shipwrecks and other submerged cultural resources in units of the national park system. The Park Service will not allow treasure hunting or commercial salvage activities at or around historic shipwrecks or other submerged cultural resources located within park boundaries unless legally obligated to do so. Parks may provide recreational diving access to submerged cultural resources that are not susceptible to damage or the removal of artifacts. The Service will ensure that the activities of others in park waters do not adversely affect submerged cultural resources or the surrounding natural environment. The Service will consult with the owners of non–abandoned historic shipwrecks, and enter into written agreements with them to clarify how the shipwrecks will be managed by the ~~NPS.~~Park Service. Shipwrecks owned by a state government pursuant to the Abandoned Shipwreck Act of 1987 will be managed in accordance with the Abandoned Shipwreck Act Guidelines (55 FR 50116-~~-~~145, 55 FR 51528, and 56 FR 7875).

(See Recreational Activities 8.2.2. Also see 36 CFR Part 2; 485 DM 27; Director's Order #4: Diving Management)

5.3.5.2 Cultural Landscapes

The treatment of a cultural landscape will preserve significant physical attributes, biotic systems, and uses when those uses contribute to historical significance. Treatment decisions will be based on a cultural landscape's historical significance over time, existing conditions, and use. Treatment decisions will consider both the natural and built characteristics and features of a landscape, the dynamics inherent in natural processes and continued use, and the concerns of traditionally associated peoples.

The treatment implemented will be based on sound preservation practices to enable long-term preservation of a resource's historic features, qualities, and materials. There are three types of treatment for extant cultural landscapes~~: ~~preservation, rehabilitation, and restoration.

(See Decision-~~-~~making to Avoid Impairments 1.4.7. Also see Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes)

5.3.5.2.1 Preservation

A cultural landscape will be preserved in its present condition if~~: That~~ that condition allows for satisfactory protection, maintenance, use, and interpretation; or ~~Another~~another treatment is warranted but cannot be accomplished until some future time.

5.3.5.2.2 Rehabilitation

A cultural landscape may be rehabilitated for contemporary use if~~:~~

- ~~It~~it cannot adequately serve an appropriate use in its present condition~~;~~, and
- ~~Rehabilitation~~rehabilitation will retain its essential features, and will not alter its integrity and character or conflict with approved park management objectives.

5.3.5.2.3 Restoration

A cultural landscape may be restored to an earlier appearance if~~:~~

- ~~All~~all changes after the proposed restoration period have been professionally evaluated, and the significance of those changes has been fully considered~~;~~,
- ~~Restoration~~restoration is essential to public understanding of the park's cultural associations~~;~~,
- ~~Sufficient~~sufficient data about that landscape's earlier appearance exist to enable its accurate restoration~~;~~, and ~~The~~
- the disturbance or loss of significant archeological resources is minimized and mitigated by data recovery.

5.3.5.2.4 Reconstruction of Obliterated Landscapes

No matter how well conceived or executed, reconstructions are contemporary interpretations of the past~~,~~ rather than authentic survivals from it. The National Park Service will not reconstruct an obliterated cultural landscape unless~~:~~

- ~~There~~there is no alternative that would accomplish the park's interpretive mission~~;~~,
- ~~Sufficient~~sufficient data exist to enable its accurate reconstruction~~,~~ based on the duplication of historic features substantiated by documentary or physical evidence~~,~~ rather than on conjectural designs or features from other landscapes~~;~~,
- ~~Reconstruction~~reconstruction will occur in the original location~~;~~,
- ~~The~~the disturbance or loss of significant archeological resources is minimized and mitigated by data recovery~~;~~, and
- ~~Reconstruction~~reconstruction is approved by the NPS Director.

A landscape will not be reconstructed to appear damaged or ruined. General representations of typical landscapes will not be attempted.

5.3.5.2.5 Biotic Cultural Resources~~.~~

Biotic cultural resources, which include plant and animal communities associated with the significance of a cultural landscape, will be duly considered in treatment and management. The cultural resource and natural resource components of the park's resource management plan will jointly identify acceptable plans for the management and treatment of biotic cultural resources. The treatment and management of biotic cultural resources will anticipate and plan for the natural and human-~~-~~induced processes of change. The degree to which change contributes to or compromises the historic character of a cultural landscape, and the way in which natural cycles influence the ecological processes within a landscape, will both be understood before any major treatment is undertaken. Treatment and management of a cultural landscape will establish acceptable parameters for change, and manage the biotic resources within those parameters.

(See Maintenance of Altered Plant Communities 4.4.2.5)

5.3.5.2.6 Land Use and Ethnographic Value

Many cultural landscapes are significant because of their historic land use and practices. When land use is a primary reason for the significance of a landscape, the objective of treatment will be to balance the perpetuation of use with the retention of the tangible evidence that represents its history. The variety and arrangement of cultural and natural features in a landscape often have sacred or other continuing importance in the ethnic histories and cultural vigor of associated peoples. These features and their past and present-day uses will be identified, and the beliefs, attitudes, practices, traditions, and values of traditionally associated peoples will be considered in any treatment decisions.

Contemporary use of a cultural landscape is appropriate if it~~:~~

- ~~Does~~does not adversely affect significant landscape characteristics and features~~;~~, and
- ~~Either~~either follows the historic use or does not impede public appreciation of it.

All uses of cultural landscapes are subject to legal requirements, policy, guidelines, and standards for natural and cultural resource preservation, public safety, and special park uses.

5.3.5.2.7 New Construction

Contemporary alterations and additions to a cultural landscape must not radically change, obscure, or destroy its significant spatial organization, materials, and features. New buildings, structures, landscape features, and utilities may be constructed in a cultural landscape if~~:~~

- ~~Existing~~existing structures and improvements do not meet essential management needs~~; ~~,
- ~~New~~new construction is designed and sited to preserve the landscape's integrity and historic character~~;~~, and
- ~~Unless associated with an approved restoration or reconstruction, ~~the alteration~~s, additions~~, addition, or related new construction, unless associated with an approved restoration or reconstruction, is differentiated from, yet compatible with, the landscape's historic character.

New additions will meet the *Secretary of the Interior's Standards for Rehabilitation.*

5.3.5.3 Ethnographic Resources

Park ethnographic resources are the cultural and natural features of a park that are of traditional significance to traditionally associated peoples. These peoples are the contemporary park neighbors and ethnic or occupational communities that have been associated with a park for two or more generations (40 years), and whose interests in the park's resources began ~~prior to~~before the park's establishment. Living peoples of many cultural backgrounds~~— American Indians, Inuit (Eskimos), Native Hawaiians, African Americans, Hispanics, Chinese Americans, Euro- Americans, and farmers, ranchers, and fishermen —~~ may have a traditional association with a particular park.

Traditionally associated peoples generally differ as a group from other park visitors in that they typically assign significance to ethnographic resources—places closely linked with their own sense of purpose, existence as a community, and development as ethnically distinctive peoples. These places may be in urban or rural parks, and may support ceremonial activities or represent birthplaces of significant individuals, group origin sites, migration routes, or harvesting or collecting places. ~~While~~Although these places have historic attributes ~~that are~~ of great importance to the group, they may not necessarily have a direct association with the reason the park was established, or be appropriate as a topic of general public interest. Some ethnographic resources might also be traditional cultural properties. A traditional cultural property is ~~one~~a property that is eligible for inclusion in the National Register of Historic Places because of its association with the cultural practices or beliefs of a living community that are (1) rooted in that community's history, and (2) important in maintaining the continuing cultural identity of the community.

The Service's primary interest in these places stems from its responsibilities under

- ~~The~~ the NPS Organic Act — to conserve the natural and historic objects within parks unimpaired for the enjoyment of future generations~~;~~
- the National Historic Preservation Act (NHPA) — to preserve, conserve, and encourage the continuation of the diverse traditional prehistoric, historic, ethnic, and folk cultural traditions that underlie and are a living expression of our American heritage~~;~~
- the American Indian Religious Freedom Act (AIRFA) — to protect and preserve for American Indians access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites~~;~~
- the Archaeological Resources Protection Act (ARPA) — to secure, for the present and future benefit of the American people, the protection of archeological resources and sites ~~which~~ that are on public lands~~; and~~
- the National Environmental Policy Act (NEPA) — to preserve important historic, cultural, and natural aspects of our national heritage~~; and~~
- Executive Order 13007 — to (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites~~.~~

The Service must therefore be respectful of these ethnographic resources, and carefully consider the effects that NPS actions may have on them. When religious issues are evident, the Service must also consider constraints imposed on federal agency actions by the ~~first and fourteenth amendments~~First and Fourteenth Amendments to the U.S. Constitution.

The National Park Service will adopt a comprehensive approach that considers parks and traditionally associated and other peoples as interrelated members of an ecosystem. As an aid to appreciating the diverse human heritage and associated resources that characterize the national park system, the Service will identify the present-day peoples whose cultural practices and identities were, and often still are, closely associated with each park's cultural and natural resources.

~~ANILCA~~The Alaska National Interest Lands Conservation Act recognizes the importance of maintaining the Alaska Native cultures and rural lifestyles, and contains several provisions that authorize activities by the ~~NPS~~ Park Service that would assist in the cultural preservation of Alaska Native communities~~.~~ and rural lifestyles. For many rural Alaskans, the land and the way of life are inseparable. The Service will explore opportunities in Alaska to forge a mutually beneficial relationship between Alaska Natives, rural residents, and the ~~NPS.~~Park Service. In Alaska and elsewhere, the Service will try to strengthen the ability of traditional and indigenous peoples to perpetuate their culture and to enrich the parks with traditional knowledge and a deeper sense of place.

Ethnographic information will be collected through collaborative research that recognizes the sensitive nature of such information. Cultural anthropologists/~~-~~ethnographers will document the meanings that traditionally associated groups assign to traditional natural and cultural resources and the landscapes they form. The park's ethnography file will include this information, as well as data on the traditional management practices and knowledge systems that affect resource uses~~,~~ and the short- and long~~-~~-term effects of use on the resources.

(See Confidentiality 5.2.3. Also see Director's Order #29: Ethnography Program)

5.3.5.3.1 _Resource Access and Use

Consistent with the requirements of the Organic Act, NHPA, AIRFA, ARPA, NEPA, and Executive Order 13007 cited in section 5.~~-~~3.~~-~~5.~~-~~3 above, the Service will strive to allow American Indians and other traditionally associated peoples access to, and use of, ethnographic resources. Continued access to and use of ethnographic resources is often essential to the survival of family, community, or regional cultural systems, including patterns of belief and sociocultural and religious life. However, the Service may not allow access and use if it would violate the criteria listed in section 8.~~2.~~ 1.

The Service generally supports traditional access and use, and is considering policy and regulatory revisions that will clarify when reasonable accommodations can be made under NPS authorities to allow greater access and use. Park superintendents may reasonably control the times when, and the places where, specific groups may have exclusive access to particular areas of a park.

With regard to consumptive use of park resources, current NPS policy is reflected in regulations published at 36 CFR 2.1. These regulations allow superintendents to designate certain fruits, berries, nuts, or unoccupied seashells ~~which~~ that may be gathered by hand for personal use or consumption if it will not adversely affect park wildlife or the reproductive potential of a plant species, or otherwise adversely affect park resources. The regulations do not authorize the taking, use, or possession of fish, wildlife, or plants for ceremonial or religious purposes, except where specifically authorized by ~~Federal~~federal statute or treaty rights, or where hunting, trapping, or fishing are otherwise allowed. These regulations are currently under review, and NPS policy is evolving in this area.

Regulations addressing traditional subsistence uses that are authorized in Alaska by ~~ANILCA~~the Alaska National Interest Lands Conservation Act are published at 36 CFR Part 13. Some park~~-~~-specific enabling acts (e.~~-~~g., Big Cypress National Preserve and Kaloka-Honokohau National Historical Park) allow subsistence or other traditional uses of park resources.

(See Native American Use 8.5; Special Park Uses 8.6; Collecting Natural Products 8.8; Consumptive Uses 8.9)

5.3.5.3.2 _Sacred Sites

The National Park Service acknowledges that American Indian tribes, including native Alaskans, treat specific places containing certain natural and cultural resources as sacred places having established religious meaning, and as locales of private ceremonial activities. Consistent with Executive Order 13007, the Service will, to the extent practicable, accommodate access to and ceremonial use of Indian sacred sites by religious practitioners from recognized American Indian and ~~Alaska native~~ Alaskan Native tribes, and avoid adversely affecting the physical integrity of such sacred sites.

In consultation with the appropriate groups, the Service will develop a record about such places, and identify any treatments preferred by the groups. This information will alert superintendents and planners to the potential presence of sensitive areas, and will be kept confidential to the extent permitted by law. The Service will collaborate with affected groups to prepare mutually agreeable strategies for providing access to ordinarily gated or otherwise~~-~~ inaccessible locales, and for enhancing the likelihood of privacy during religious ceremonies. Any strategies ~~that are developed~~ must comply with constitutional and other legal requirements. To the extent feasible and allowable by law, accommodations will also be made for access to~~,~~ and the use of~~,~~ sacred places when interest is expressed by other traditionally associated peoples, especially native Hawaiians and other Pacific islanders, and by American Indian peoples and others who often have a long~~-~~-standing connection and identity with a particular park or resource.

Various ethnic groups, local groups with recently developed ties to resources in neighboring parks, and visitors to family and national cemeteries and national memorials also might use park resources for traditional or individual religious ceremonies. Mutually acceptable agreements may be negotiated with known groups to provide access to~~,~~ and the use of~~,~~ such places, consistent with constitutional and other legal constraints.

(See Confidentiality 5.2.3; Resource Access and Use 5.3.5.3.1; Native American Use 8.5; First Amendment Activities 8.6.3. Also see Director's Orders #66: The Freedom of Information Act and ~~Protected Resource~~the Protection of Exempted Information, and #71B: Sacred Sites; NHPA [16 USC 470w~~-~~3]; Executive Order 13007; 512 DM 3)

5.3.5.3.3 _Research

The ~~Park~~ Service will maintain a program of professional cultural anthropological/ ethnographic research~~,~~ that is designed to provide NPS managers with information about relationships between park resources and associated peoples. Research will be undertaken in cooperation with associated peoples in an interdisciplinary manner whenever reasonable, especially in studies of natural resource use and ethnographic landscapes. Research findings will be used to inform planning, cultural, and natural resource management decision-making, ~~and~~ as well as for interpretation~~, as well as~~ and to help managers meet responsibilities to associated peoples and other stakeholders in the outcomes of NPS decisions. Information required for an ethnographic resource inventory will be drawn from ethnographic research reports to the fullest extent possible.

Collaborative research dealing with recent or contemporary cultural systems and the resources of park~~-~~-associated peoples will involve the groups in the design and implementation of the research and the review of research findings to the fullest possible extent. The Service will provide individuals or groups involved with~~,~~ or directly affected by~~,~~ the research with copies or summaries of the reports, as appropriate.

(See Park Planning Processes 2.3; Studies and Collections 4.2; Consultation 7.5.5; Native American Use 8.5. Also see Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes)

5.3.5.4 Historic and Prehistoric Structures

The treatment of historic and prehistoric structures will be based on sound preservation practice to enable the long~~-~~-term preservation of a structure's historic features, materials, and qualities. There are three types of treatment for extant structures~~:~~ preservation, rehabilitation, and restoration.

(Also see Secretary of the Interior's Standards for the Treat-ment of Historic Properties)

5.3.5.4.1 Preservation

A structure will be preserved in its present condition if~~:~~

- ~~That~~ that condition allows for satisfactory protection, maintenance, use, and interpretation~~;~~, or
- ~~Another~~another treatment is warranted but cannot be accomplished until some future time.

5.3.5.4.2 Rehabilitation

A historic structure may be rehabilitated (rehabilitation does not apply to prehistoric structures) for contemporary use if~~:~~

- ~~It~~it cannot adequately serve an appropriate use in its present condition~~;~~, and

- ~~Rehabilitation~~rehabilitation will retain its essential features and will not alter its integrity and character or conflict with approved park management objectives.

5.3.5.4.3 _Restoration

A structure may be restored to an earlier appearance if~~:~~

- ~~All~~all changes after the proposed restoration period have been professionally evaluated, and the significance of those changes has been fully considered~~;~~,
- ~~Restoration~~restoration is essential to public understanding of the park's cultural associations~~;~~,
- ~~Sufficient~~sufficient data about that structure's earlier appearance exist to enable its accurate restoration~~;~~, and
- ~~The~~ the disturbance or loss of significant archeological resources is minimized and mitigated by data recovery.

5.3.5.4.4 _Reconstruction of Missing Structures

No matter how well conceived or executed, reconstructions are contemporary interpretations of the past rather than authentic survivals from it. The National Park Service will not reconstruct a missing structure unless~~:~~

- ~~There~~there is no alternative that would accomplish the park's interpretive mission~~;~~,
- ~~Sufficient~~sufficient data exist to enable its accurate reconstruction based on the duplication of historic features substantiated by documentary or physical evidence~~,~~ rather than on conjectural designs or features from other structures~~;~~,
- ~~Reconstruction~~reconstruction will occur in the original location~~.~~ ~~The~~, and the disturbance or loss of significant archeological resources is minimized and mitigated by data recovery~~;~~, and
- ~~Reconstruction~~reconstruction is approved by the NPS Director.

A structure will not be reconstructed to appear damaged or ruined. Generalized representations of typical structures will not be attempted.

(See Environmental Monitoring and Control 5.3.1.4; Physical Access for Persons with Disabilities 5.3.2; Historic and Prehistoric Ruins 5.3.5.4.10)

5.3.5.4.5 _Movement of Historic ~~Structure~~ Structures

Proposals for moving historic structures will consider the effects of movement on the structures, their present environments, their proposed environments, and the archeological research value of the structures and their sites. No historic structure will be moved if its preservation would be adversely affected, or until the appropriate recovery of significant archeological data has occurred. Prehistoric structures will not be moved.

A nationally significant historic structure may be moved only if~~:~~

- ~~It~~it cannot practically be ~~preserved~~conserved on its present site~~;~~, or
- ~~The~~ the move constitutes a return to a previous his-toric location, and the previous move and present location are not important to the structure's significance.

A historic structure of less--than--national significance may be moved if~~:~~

- ~~It~~it cannot practically be preserved on its present site~~;~~, or
- ~~Its~~ its present location is not important to its significance, and its relocation is essential to public understanding of the park's cultural associations.

In moving a historic structure, every effort will be made to reestablish its historic orientation, immediate setting, and general relationship to its environment.

The ~~Park~~ Service will not acquire historic structures for relocation to parks.

5.3.5.4.6 New Construction

In preference to new construction, every reasonable consideration will be given to using historic structures for park purposes compatible with their preservation and public appreciation. Additions may be made to historic structures when essential to their continued use, and when new construction will not destroy historic materials, features, and spatial relationships that characterize the structure. Structural additions will harmonize in size, scale, proportion, and materials with, but be readily distinguishable from, the older work, and will not intrude upon the historic scene. New additions will meet the *Secretary of the Interior's Standards for Rehabilitation*.

In those areas of parks managed for the preservation, protection, and interpretation of cultural resources and their settings, new structures, landscape features, and utilities will be constructed only if:

- ~~Existing~~existing structures and improvements do not meet essential park management needs~~;~~, and
- ~~New~~new construction is designed and sited to preserve the integrity and character of the area.

Unless associated with an approved restoration or reconstruction, all alterations, additions, or related new construction will be differentiated from~~,~~ yet compatible with~~,~~ the historic character of the structure.

(See Rehabilitation 5.3.5.4.2; Use of Historic Structures 5.3.5.4.7; Adaptive Use 9.1.1.4. Also see Executive Order 13006; NHPA)

5.3.5.4.7 Use of Historic Structures

The National Historic Preservation Act (NHPA) (16 USC 470h--2(-a)(-1)) and Executive Order 13006 require each federal agency—prior to acquiring, constructing, or leasing

buildings—-to use, to the maximum extent feasible, historic properties available to it, whenever operationally appropriate and economically prudent. The NHPA also requires each agency to implement alternatives for the adaptive use of historic properties it owns, if that will help ensure the properties' preservation. Therefore, compatible uses for structures will be found whenever possible. This policy will help prevent the accelerated deterioration of historic structures due to neglect and vandalism. Unused significant historic structures should be stabilized and protected through appropriate measures, such as "mothballing," until long-term decisions are made through the planning process.

All uses of historic structures are subject to preservation and public safety requirements. No administrative or public use will be permitted that would threaten the stability or character of a structure, the museum objects within it, or the safety of its users, or that would entail alterations significantly compromising its integrity.

(See Fire Detection, Suppression, and Post--fire Rehabilitation and Protection 5.3.1.2; Physical Access for Persons with Disabilities 5.3.2; Adaptive Use 9.1.1.3; Energy Management 9.1.7; Historic Structures 9.4.3.3)

5.3.5.4.8 _Park Structures Owned or Managed by Others

~~Structures and~~ Park structures and related property owned or managed by others will be managed in accordance with NPS policies, guidelines, and standards to the extent permitted by the Service's interest. This includes structures and property owned but not occupied by the Service, and structures and property owned by others in which the Service has a less-than--fee interest or plays a major management or preservation role. Interests acquired or retained by the Service will enable the application of this policy.

(See Land Protection Plans 3.3; Historic Property Leases and Cooperative Agreements 5.3.3; Historic Properties 10.2.2.3)

5.3.5.4.9 _Damaged or Destroyed Historic Structures

Historic structures damaged or destroyed by fire, storm, earthquake, war, or any other accident may be preserved as ruins; be removed; or be rehabilitated, restored, or reconstructed in accordance with these policies.

5.3.5.4.10 _Historic and Prehistoric Ruins

The stabilization of historic and prehistoric ruins will be preceded by studies leading to the recovery of any data that would be affected by stabilization work. Ruins and related features on unexcavated archeological sites will be stabilized only to the extent necessary to preserve research values or to arrest structural deterioration, recognizing that it is preferable to preserve archeological sites in situ than to excavate them. Archeological ruins to be exhibited will not be excavated until consultation has occurred with traditionally associated peoples, and adequate provisions are made for data recovery and stabilization. Structures will not be

deliberately reduced to ruins, and missing structures will not be reconstructed to appear damaged or ruined.

5.3.5.5 Museum Collections

The Service will collect, protect, preserve, provide access to, and use objects, specimens, and archival and manuscript collections (henceforth referred to collectively as "collections," or individually as "items") in the disciplines of archeology, ethnography, history, biology, geology, and paleontology~~,~~ to aid understanding among park visitors, and to advance knowledge in the humanities and sciences. As appropriate, the Service will consult with culturally affiliated or traditionally associated peoples before treating or reproducing items in NPS collections that are subject to ~~NAGPRA.~~ the Native American Graves Protection and Repatriation Act.

(Also see Museum Handbook)

5.3.5.5.1 Preservation

An item in a museum collection will be preserved in its present condition through ongoing preventive care if~~:~~

- ~~That~~ that condition is satisfactory for exhibit or research~~;~~, or
- ~~Another~~another treatment is warranted~~,~~ but it cannot be accomplished until some future time.

An item will be stabilized if~~:~~

- ~~Preventive~~preventive measures are insufficient to reduce deterioration to a tolerable level~~;~~, or
- ~~The~~the item is so fragile that it will be endangered under any circumstances.

Active conservation treatment (intervention) will be minimized to reduce the possibility of compromising the item's integrity. All active treatment will be documented.

5.3.5.5.2 Restoration

An item in a museum collection may be restored to an earlier appearance if~~:~~

- ~~Restoration~~restoration is required for exhibit or research purposes~~;~~,
- ~~Sufficient~~sufficient data about that item's earlier appearance exist to enable its accurate restoration~~;~~, and
- ~~Restoration~~restoration will not modify that item's known original character.

Restoration will be accomplished using the techniques and materials that least modify the item and in such a manner that the materials can be removed at a later time with minimal adverse effect. Restored areas will be distinguishable from original material~~,~~ and be

documented. Restoration will take into account the possible importance of preserving signs of wear, damage, and former maintenance, ~~and~~ as well as other historical and scientific evidence.

5.3.5.5.3 Reproduction

Items needed for interpretive and educational presentations will be reproduced for such use when the originals are (1) unavailable~~;~~, or (2) would be subject to undue deterioration or loss~~;~~, or (3) are otherwise inappropriate for exhibit. If an object is inappropriate for exhibit because of its religious or spiritual significance to a traditionally associated people, it will be reproduced only after consultation with such people.

5.3.5.5.4 Acquisition, Management, and Disposition

Collections and related documentation essential to achieving the purposes and objectives of parks will be acquired and maintained in accordance with approved scope of collection statements for each park. When museum objects, specimens, or archival documents become available and fall within a park's approved scope of collection statement, every reasonable effort will be made to acquire them~~,~~ if they can be managed and made accessible according to Service standards.

Archeological objects systematically collected within a park, and natural history specimens systematically collected within a park for exhibit or permanent retention, will be managed as part of the park's museum collection. The management and care of museum collections will be addressed at all appropriate levels of planning. Requisite levels of care will be established through the interdisciplinary efforts of qualified professionals.

Museum collections will be acquired and disposed of in conformance with legal authorizations and current NPS procedures. The National Park Service will acquire only collections having legal and ethical pedigrees. Each park will maintain complete and current accession records to establish the basis for legal custody of the collections in its possession, including intellectual property rights when acquired. Each park will prepare museum catalog records to record basic property management data and other documentary information about the park's museum collection. Collections will be inventoried in accordance with current procedures. Archeological, cultural landscape, ethnographic, historic and prehistoric structure, historic furnishings, natural resource, and other projects that generate collections for parks will provide for cataloging and initial preservation of those collections in the project budget.

The Service may cooperate with qualified entities in the management, use, and exhibition of museum collections, and may loan items to~~,~~ or borrow items from~~,~~ such entities for approved purposes. The Service may de-~~-~~accession items using means authorized in the Museum Act and ~~NAGPRA.~~the Native American Graves Protection and Repatriation Act.

Interested persons will be permitted to inspect and study NPS museum collections and records in accordance with standards for the preservation and use of collections, and subject

to laws and policies regarding the confidentiality of resource data. At cost, copies of documents may be provided.

(See Natural Resource Collections 4.2.3; Confidentiality 5.2.3; Fire Detection, Suppression, and Post-~~-~~fire Rehabilitation and Protection 5.3.1.2; Environmental Monitoring and Control 5.3.1.4; Consultation 7.5.5; Special Park Uses 8.6; Museum Collections Management Facilities 9.4.2. Also see 16 USC 18f; 43 USC 1460; 36 CFR Part 79; 43 CFR Part 10; and Museum Handbook)

5.3.5.5.5 Historic Furnishings

When historic furnishings are present in their original arrangement in a historic structure, every effort will be made to preserve them as an entity. Such historic furnishings will not be moved or replaced unless required for their protection or repair, or unless the structure is designated for another use in an approved planning document. The original arrangement of historic furnishings will be properly documented. A structure may be refurnished in whole or in part if~~:~~

- ~~All~~all changes after the proposed refurnishing period have been professionally evaluated, and their significance has been fully considered~~;~~,
- ~~A~~a planning process has demonstrated that refurnishing is essential to public understanding of the park's cultural associations~~;~~, and
- ~~Sufficient~~sufficient evidence of the design and placement of the structure's furnishings exists to enable its accurate refurnishing without reliance on evidence from comparable structures.

Generalized representations of typical interiors will not be attempted except in exhibit contexts that make their representative nature obvious. Reproductions may be used in place of historic furnishings, but only when photographic evidence or prototypes exist to ensure the accurate re-~~-~~creation of historic pieces.

(See Park Planning Processes 2.3; Nonpersonal Services 7.3.2)

5.3.5.5.6 Archives and Manuscripts

Archival and manuscript collections are museum collections, and will be preserved, conserved, arranged, cataloged, and described in finding aids. They will be maintained and used in ways that preserve the collections and their context (provenance and original order) intact while providing controlled access. With few legal exemptions, the ~~Park~~ Service will make archives and manuscripts available to researchers. Electronic documents that are to be preserved in archival and manuscript collections will be migrated so that their information remains accessible.

All documentation associated with natural and cultural resource studies and other resource management actions will be retained in the park's museum collection for use in managing park resources over time. Parks will retain notes or copies of records significant to their

administrative histories when they periodically transfer their official records to federal record centers.

(See Confidentiality 5.2.3. Also see Director's Order #66: FOIA and the Protection of Exempted Information)

Chapter 6: Wilderness ~~Preservation and Management~~Stewardship

[Cover page summary statement.] ~~The National Park Service will evaluate all lands it administers for their suitability for inclusion within the national wilderness preservation system. For those lands that possess wilderness characteristics, no action that would diminish their wilderness suitability will be taken until after Congress and the President have taken final action. The superintendent of each park containing wilderness will develop and maintain a wilderness management plan to guide the preservation, management, and use of the park's wilderness area, and ensure that wilderness is unimpaired for future use and enjoyment as wilderness.~~ The Park Service has stewardship responsibility for more designated wilderness than any other land management agency. Wilderness designation represents a national affirmation of the importance of the wilderness values and character of these lands. Wilderness stewardship seeks to maintain the untrammeled condition of wilderness, considering both the tangible and intangible aspects of wilderness character, while making it accessible for appropriate human use and enjoyment.

Comment: "Stewardship" replaces "management" to better reflect the intent of the Wilderness Act that wilderness areas are places where natural processes and the forces of nature prevail without manipulation.

6.1 General Statement

The National Park Service will manage wilderness areas for the use and enjoyment of the American people in such ~~a~~ manner as will leave them unimpaired for future use and enjoyment as wilderness. ~~Management~~ Wilderness stewardship will include the protection of these areas, the preservation of their wilderness character, and the gathering and dissemination of information regarding their use and enjoyment as wilderness. The ~~public purpose~~purposes of wilderness in the national parks ~~includes~~ include the preservation of wilderness character and wilderness resources in an unimpaired condition, as well as for the public purposes of recreational, scenic, scientific, educational, conservation, and historical use consistent with that wilderness character.

The policies contained in this chapter are supplemented by Director's Order #41: Wilderness ~~Preservation and Management; and by~~ Stewardship Reference Manual ~~4, which accompanies the Director's Order. Those~~ and a series of technical guidance white papers developed by the NPS National Wilderness Steering Committee. Refer to those documents ~~should be referred to~~ for more detailed information on the topics covered in this chapter.

6.2 ~~Identification and Designation of the~~ The Wilderness ~~Resource~~ Review Process

Park superintendents are responsible for completing the wilderness review process for their park or park addition when it is directed by law, requested by the Secretary, or at the Director's discretion in response to issues identified through park planning. The National Park Service will use the following wilderness ~~study~~review process to consider ~~National Park Service~~ NPS areas for inclusion within the congressionally designated ~~national wilderness preservation system.~~ National Wilderness Preservation System.

6.2.1 Assessment of Wilderness ~~Suitability or Non- suitability~~ Eligibility

~~All lands administered by the National Park Service, including new units or additions to existing units since 1964, will be evaluated for their suitability for inclusion within the national wilderness preservation system. Additionally, lands that were originally assessed as non- suitable for wilderness because of a non- conforming or incompatible uses must be re-evaluated if the non- conforming uses have been terminated or removed. A wilderness suitability assessment will consist of a brief memorandum, from the regional director to the Director, that makes a managerial determination as to the suitability of the park lands for wilderness designation. The assessment must be completed no later than one year after the establishment of the park or the acquisition of new lands.~~

~~For existing parks in which wilderness suitability determinations have never been undertaken, the superintendent must complete the suitability assessment within one year of the effective date of this edition of NPS Management Policies. Also, for parks with land originally determined to be unsuitable, but where a non- conforming use has been terminated or removed, a reevaluation must be conducted within one year of the time in which the non-conforming use is terminated or removed.~~

Formerly called a suitability assessment, the eligibility assessment is an objective, factual determination of whether the park contains lands possessing wilderness character based on the criteria specified in section 2(c) of the Wilderness Act. It is the first step of the wilderness review process.

Comment: Substituting "eligibility" for "suitability" further clarifies that all areas eligible for wilderness designation are not necessarily considered suitable for designation.

6.2.1.1 _Primary ~~Suitability~~ Criteria for Determining Eligibility

~~National Park Service~~ NPS lands will be considered ~~suitable for wilderness~~eligible for wilderness (1) if they are federally owned, undeveloped, and at least 5,000 acres or ~~of~~ a sufficient size to make practicable their preservation and use in an unimpaired condition, and (2) if they possess the following characteristics (as identified in the Wilderness Act):
~~The~~

- the earth and its community of life are untrammeled by ~~humans, where humans are visitors and do not~~ man, where man himself is a visitor who does not remain~~;~~,
- ~~The~~ the area is undeveloped and retains its primeval character and influence, without permanent improvements or human habitation~~;~~,
- ~~The~~ the area generally appears to have been affected primarily by the forces of nature, with the imprint of ~~humans'~~man's work substantially unnoticeable~~;~~,
- ~~The~~ the area is protected and managed so as to preserve its natural conditions~~;~~, and
- ~~The~~the area ~~offers~~ has outstanding opportunities for solitude or a primitive and unconfined type of recreation.

6.2.1.2 _Additional Considerations in Determining ~~Suitability~~Eligibility

In addition to the primary suitability criteria, there are other considerations that should be taken into account in determining ~~suitability:~~ eligibility.

- A wilderness area may contain significant ecological, geological, or other features of scientific, educational, scenic, or historical value, although it does not need these things to be considered ~~suitable~~eligible for wilderness designation.
- Lands that have been logged, farmed, grazed, mined, or otherwise ~~utilized~~used in ways not involving extensive development or alteration of the landscape may also be considered ~~suitable~~eligible for wilderness designation if, at the time of assessment, the effects of these activities are substantially unnoticeable ~~or~~ and their wilderness character could be maintained or restored through appropriate management actions.

- An area will not be excluded from a determination of wilderness ~~suitability~~eligibility solely because established or proposed management practices require the use of tools, equipment, or structures, if those practices are necessary to meet the minimum requirements for the administration of the area as wilderness.
- ~~In the process of determining wilderness suitability, lands will not be excluded solely because of existing rights or privileges (e. g., mineral exploration and development, commercial operations, agricultural development, grazing, or stock driveways). If the National Park Service determines that these lands possess wilderness character, they may be included in the suitability determination so that they can be considered for designation as wilderness or potential wilderness.~~
- ~~Lands containing aboveground utility lines will normally not be considered as suitable for wilderness designation, but they can be considered as suitable for "potential" wilderness designation if there is a long- term intent to remove the lines. Although relocation outside wilderness is preferable, areas containing underground utility lines may be included if the area otherwise qualifies as wilderness and the maintenance of the utility line, including use of mechanized and motorized equipment, is administered under minimum requirement procedures identified in the park's wilderness management plan. No new utility lines may be installed in wilderness, and existing utility lines may not be extended or enlarged except as may be allowed pursuant to section 1106 of ANILCA (16 USC 1133(c)).~~
- Historic features that are primary attractions for park visitors will generally not be recommended as ~~suitable~~eligible for wilderness designation. However, an area that attracts visitors primarily for the enjoyment of solitude and unconfined recreation in a primitive setting may also contain cultural resource features and still be included in wilderness. Historic trails may serve and be maintained as part of the wilderness trail system, as identified and coordinated within an approved wilderness ~~management~~stewardship plan and the park's cultural resource plan. Structures of historical significance need not be deleted from wilderness area proposals. A recommendation may be made to include a historic structure in wilderness if (1) the structure would be only a minor feature of the total wilderness proposal~~;~~, and (2) the structure will remain in its historic state, without development.
- Dams within or affecting the area being studied do not make a waterway ineligible for wilderness designation. The nature and extent of impacts, and the extent to which the impacts can be mitigated, would need to be addressed in eligibility determinations.
- Overflights do not make an area ~~unsuitable~~ineligible for wilderness designation. The nature and extent of any overflight impacts, and the extent to which the impacts can be

mitigated, would need to be addressed in ~~subsequent wilderness studies.~~ eligibility determinations.

6.2.1.3 The Assessment Process

The Service will involve the public in the wilderness ~~suitability~~eligibility assessment process through notification of its intentions to conduct the assessment and publication of its determination, either as "~~suitable" or as "nonsuitable~~eligible" or as "ineligible" for further wilderness study. Notification will include the issuance of news releases to local and regional newspapers, and the publication of ~~a~~ final ~~suitability~~eligibility determination in the *Federal Register*. The established use of motorboats, motorized watercraft, oversnow vehicles, and small aircraft do not make an area ineligible for wilderness designation. The nature and extent of any impacts from these activities, and the extent to which the impacts resulting from these activities in the future can be mitigated, would need to be addressed in subsequent wilderness studies. The final determination of an area's ~~suitability, or nonsuitability~~eligibility, or ineligibility, as wilderness must be approved by the NPS Director before publication of the final ~~suitability~~eligibility determination in the *Federal Register*. For areas determined to be ~~non- suitable~~ineligible for wilderness designation, the wilderness preservation provisions in ~~the National Park Service~~ chapter 6 of these Management Policies are no longer applicable.

6.2.~~2~~2 Wilderness Studies

Lands and waters found ~~to possess the characteristics and values of wilderness, as defined in the Wilderness Act and determined suitable~~eligible pursuant to the wilderness ~~suitability~~eligibility assessment~~,~~ will be formally studied to develop the recommendation to Congress for wilderness designation. The National Park Service will continue to undertake wilderness studies ~~of~~on all lands that have been determined to be ~~suitable~~eligible as a result of the wilderness ~~suitability~~eligibility assessment. Also, studies will be made ~~of~~ for lands ~~for which~~ where subsequent legislation directs that wilderness studies be completed.

Wilderness studies will be supported by appropriate documentation of compliance with ~~NEPA~~the National Environmental Policy Act and ~~NHPA.~~the National Historic Preservation Act (16 USC 470, et seq.). The Council on Environmental Quality requires environmental impact statements for wilderness studies that will result in recommendations for designations (i.-e., proposals for legislation to designate as wilderness). The analysis of alternatives will include a discussion of how the Park Service intends to manage any eligible lands in each alternative that would not be included in the final proposal.

6.2.~~2.1 Potential~~3 Proposed Wilderness

Comment: See 6.2.5 for redraft of the following paragraph.

~~A wilderness study may identify lands that are surrounded by or adjacent to lands proposed for wilderness designation but that do not themselves qualify for immediate designation due to temporary, non- conforming, or incompatible conditions. The wilderness recommendation forwarded to the Congress by the President may identify these lands as "potential" wilderness for future designation as wilderness when the nonconforming use has been~~

~~removed or eliminated. If so authorized by Congress, these potential wilderness areas will become designated wilderness upon the Secretary's determination, published in the Federal Register, that they have finally met the qualifications for designation by the cessation or termination of the non- conforming use.~~

~~6.2.2.2 Proposed Wilderness~~

The findings and conclusions of a formal wilderness study will be forwarded from the Director to the Department of the Interior (Office of the Assistant Secretary~~'s Office~~ for Fish, Wildlife and Parks) as ~~"~~proposed~~"~~ wilderness. ~~The~~ This ~~proposed~~ Park Service proposal will identify park lands to be considered for ~~wilderness recommendation will identify park lands that are being recommended for immediate~~ wilderness designation~~, as well as any other lands identified as "potential" wilderness~~. The decision record will also address management and zoning plans for any lands that were originally deemed eligible for wilderness designation.

6.2.~~3~~ 4 Recommended Wilderness

The Secretary of the Interior is responsible for recommending to the President those lands under his/~~-~~her jurisdiction that qualify for inclusion within the ~~national wilderness preservation system.~~National Wilderness Preservation System. The Secretary performs this function through the Assistant ~~Secretary's Office~~Secretary for Fish and Wildlife and Parks by reviewing NPS proposed wilderness and either approving or revising the proposal. ~~The~~ If approved, the final result is forwarded by the Secretary ~~of the Interior~~ to the President for ~~his~~ consideration. At this point, these lands become "recommended" wilderness. The President is then responsible for transmitting ~~to both houses of Congress his~~ recommendations with respect to wilderness designation~~.~~ to both houses of Congress. These recommendations must be accompanied by maps and boundary descriptions. The transmittal of the recommendation from the President to the Congress marks the conclusion of the wilderness study process, although the National Park Service will continue to track the status of the wilderness recommendation in Congress ~~of the wilderness designation process.~~ .

6.2.~~4~~5 Designated Wilderness

After the President's formal transmittal of the ~~Secretary's wilderness~~ recommendation to ~~the~~ Congress, Congress considers the President's recommendation, and may subsequently enact the legislation needed to include the area within the ~~national wilderness preservation system~~National Wilderness Preservation System as "designated" ~~and/ or "potential" Wilderness.~~wilderness.

From time to time, Congress has established potential wilderness composed of lands that do not themselves qualify for immediate designation due to temporary, nonconforming, or incompatible conditions. If so authorized by Congress, these potential wilderness areas will become designated wilderness upon the Secretary's determination, published in the *Federal Register*, that they have met the qualifications for designation by the cessation or termination of the nonconforming use. The National Park Service will assist the Department and the Congress in this process as requested.

6.3 Wilderness Resource ~~Management~~ Stewardship

6.3.1 General Policy

For the purposes of applying these policies, the term "wilderness" will include the categories of ~~suitable~~eligible, study, proposed, recommended, and congressionally designated, wilderness. ~~Potential~~Lands that were originally deemed wilderness ~~may~~eligible, but which were not included in the wilderness recommendation sent to Congress, will no longer be ~~a subset of any~~managed under the provisions of these ~~five categories. The~~chapter 6 policies ~~apply regardless of category.~~ . They will, however, be managed in accordance with the same high standards to which all other NPS lands are managed, in full accord with all other provisions of these *Management Policies*. Each of these categories, and the respective NPS management responsibilities are described by these policies and in greater detail in Director's Order #41.

Comment: Lands not recommended for wilderness designation will be safeguarded under other NPS policies.

In addition to managing these areas for the preservation of the physical wilderness resources, planning for these areas must ensure that the wilderness character is likewise preserved. This policy will be applied to all planning documents affecting wilderness.
The National Park Service will take no action that would diminish the wilderness ~~suitability~~eligibility of an area possessing wilderness characteristics until the legislative process of wilderness designation has been completed. ~~Until that time, management decisions pertaining to lands qualifying as wilderness~~ For wilderness eligible and study lands, no actions that would diminish the existing wilderness character and values of the area will be taken. However, in eligible and study lands, established, existing, and otherwise nonconforming uses may be allowed to continue at current levels pending completion of the wilderness study. For proposed and recommended wilderness lands, management decisions will be made in expectation of eventual wilderness designation. ~~This policy also applies to potential wilderness, requiring it to be managed as wilderness to the extent that existing non-conforming conditions allow. The~~ In congressionally designated potential wilderness, management decisions will be in accordance with the letter and intent of Congress. To the extent intended by Congress, the National Park Service will seek to remove from potential wilderness the temporary, nonconforming conditions that preclude wilderness designation. All management decisions affecting wilderness will further apply the concept~~s~~ of "minimum requirement~~s~~" for the administration of the area regardless of wilderness category. The level of analysis will be commensurate with the scope and complexity of the decision to be made.

6.3.2 Responsibility

~~National Park Service~~NPS responsibility for carrying out wilderness ~~preservation~~stewardship mandates will be shared by the Director, regional directors, and superintendents of parks with ~~suitable~~eligible, study ~~area~~, proposed, recommended, congressionally designated potential, and designated wilderness. Interagency cooperation and coordination and training responsibilities for wilderness stewardship will also be carried out at the Washington, ~~D. C.,~~ region, and park levels. Specific wilderness ~~management~~stewardship responsibilities will be assigned at each of these administrative levels to carry out these responsibilities effectively

and to facilitate efforts establishing agency and interagency consistency in wilderness ~~management~~stewardship techniques.

Superintendents will provide the information needed to prepare ~~an annual wilderness report to Congress and to report~~the Annual Wilderness Report to the Director on the status of wilderness ~~management~~stewardship in the national park system. Based on this information, the Associate Director ~~for Operations and Education~~having National Wilderness Program oversight and responsibility will provide the Directorate with recommendations and advice to ~~permanently~~ establish a system of accountability, consistency, and continuity for ~~National Park Service~~NPS wilderness ~~management~~stewardship.

6.3.3 _Consistency

The National Park Service will seek to achieve consistency in wilderness ~~management~~stewardship objectives, techniques, and practices on both an agency and an interagency basis. Accordingly, the National Park Service will seek to maintain effective intra-agency and interagency communications, and will encourage, sponsor, and participate in intra-~~-~~agency and inter~~-~~agency training and workshops designed to promote the sharing of ideas, concerns, and techniques related to wilderness ~~management.~~stewardship. However, per Sec. 4(a)(3) of the Wilderness Act, the need for interagency consistency will in no way diminish any established ~~National Park Service~~NPS wilderness standards and values.

6.3.4 _Wilderness-~~-~~related Planning and Environmental Compliance

Comment: Chapter 6 now more clearly acknowledges the importance of public enjoyment.

~~Policies on wilderness planning and compliance include the following:~~ The Wilderness Act directs that these areas shall be devoted to the public purposes of conservation, recreation, scenic, scientific, educational, and historical use. Wilderness planning and compliance will be developed to assure that, where consistent with the Wilderness Act, optimum opportunities for the public to use and enjoy their wilderness areas are identified and provided, while also ensuring that future generations will have the same opportunities.

6.3.4.1 _Zoning for Wilderness

Accomplishing the six public purposes of wilderness cannot always be done on the same parcel of land simultaneously. Zoning, in both spatial and temporal dimensions, to appropriately allocate wilderness lands to accommodate all the legislated purposes may be required. When necessary, all categories of wilderness may be zoned for visitor experiences and resource conditions consistent with their wilderness values within the established management zoning system for each park. However, management zoning or other land use classifications cannot~~,~~ and will not~~,~~ diminish or reduce the maximum protection to be afforded lands with wilderness values. Transition zones adjacent to wilderness may be identified to help protect wilderness values, but no transitional or “buffer” zones are appropriate within wilderness boundaries.

6.3.4.2 _Wilderness ~~Management~~Stewardship Planning

The superintendent of each park containing wilderness resources will develop and maintain ~~a wilderness management plan or equivalent planning document~~plans to guide the ~~preservation, management,~~stewardship and use of these resources. ~~The wilderness management plan~~ Wilderness stewardship planning will identify desired future conditions, as well as establish indicators, standards, conditions, and thresholds ~~beyond~~above which management actions will be taken to ~~reduce human impacts to wilderness~~ protect wilderness character and resources.

The park's wilderness ~~management~~stewardship plan may be developed as a separate document or ~~as an action component of an~~integrated within a park's general management plan or other planning document~~.~~s. Wilderness ~~management plans~~ stewardship planning will be supported by appropriate documentation of compliance with ~~NEPA~~the National Environmental Policy Act and ~~NHPA.~~the National Historic Preservation Act. The plan will be developed with public involvement, and will contain specific, measurable management objectives that address the preservation and management of natural and cultural resources within wilderness as appropriate to achieve the purposes of the Wilderness Act and other legislative requirements.

(See Visitor/User Carrying Capacity 8.2.1)

6.3.4.3 Environmental Compliance

Proposals having the potential to impact wilderness resources will be evaluated in accordance with ~~National Park Service~~NPS procedures for implementing ~~NEPA.~~the National Environmental Policy Act. Those procedures include the use of categorical exclusions, environmental assessments (EAs), and/-or environmental impact statements (EISs). Administrative actions impacting wilderness must be addressed in either the EA or EIS accompanying the approved wilderness ~~management~~stewardship plan, or as a separate environmental compliance document.

Managers contemplating the use of aircraft or other motorized equipment or mechanical transportation within wilderness must first consider impacts to the character, aesthetics, and traditions of wilderness before considering the costs and efficiency of the equipment.

In evaluating environmental impacts, the National Park Service will take into account wilderness characteristics and values, including

- the primeval character and influence of the wilderness~~;~~,
- the preservation of natural conditions (including the lack of man-~~-~~made noise~~);~~, lights, and odors), and
- assurances that there will be outstanding opportunities for solitude, that the public will be provided with a primitive and unconfined type of recreational experience, and that wilderness will be preserved and used in an unimpaired condition. ~~Managers will be expected to appropriately address cultural resources management considerations in the development and review of environmental compliance documents impacting wilderness resources.~~

(Also see Director's Order #12: Conservation Planning and Environmental Impact Analysis)

6.3.5 Minimum Requirement

All management decisions affecting wilderness must be consistent with the minimum requirement concept. This concept is also a documented process used to determine ~~whether administrative~~if activities, projects, or programs affecting wilderness resources or the visitor experience are necessary, and how to minimize impacts. The minimum requirement concept will be applied as a two-~~-~~step process that determines~~:~~

~~Whether~~

- whether or not the proposed management action is appropriate or necessary for administration of the area~~ as wilderness~~, and ~~does not pose a significant impact to wilderness resources and character; and The~~
- the techniques and type~~s~~ of equipment needed to ensure that impact to wilderness resources and character is minimized.

In accordance with this policy, superintendents will apply the minimum requirement concept ~~to~~ in the context of wilderness ~~management~~stewardship planning, as well as to all other administrative practices, proposed special uses, scientific activities, and equipment use in wilderness. When determining minimum requirement, the potential disruption of wilderness character and resources will be considered before, and given significantly more weight than, economic efficiency and convenience. If a compromise of wilderness resources or character is unavoidable, only those actions that preserve wilderness character and/~~-~~or have localized, short-term adverse impacts will be acceptable.

~~While~~

Although park managers have flexibility in identifying the method used to determine minimum requirement within the approved wilderness ~~management~~stewardship plan, the method used must clearly weigh the benefits and impacts of the proposal, document the decision~~-making~~ process, and be supported by an appropriate environmental compliance document. Parks with no approved wilderness ~~management~~stewardship plan must develop a separate process to determine minimum requirement until the plan is finally approved. Parks will complete a minimum requirement analysis on those administrative practices and equipment uses that have the potential to impact wilderness resources or values. The minimum requirement concept cannot be used to rationalize permanent roads or inappropriate or unlawful uses in wilderness.

Administrative use of motorized equipment or mechanical transport will be authorized only~~:~~

~~If~~

- ~~o~~ if determined by the superintendent to be the minimum requirement needed by management to achieve the purposes of the area as wilderness, including the preservation of wilderness character and values~~;~~, or
- ~~o~~ ~~In~~ in emergency situations (search and rescue, homeland security, law enforcement) involving the health or safety of persons actually within the area. Such management activities will be conducted in accordance with all applicable regulations, policies, and guidelines, including minimum requirement protocols as practicable.

~~Such management activities will also be conducted in accordance with all applicable regulations, policies, and guidelines and, where practicable, will be scheduled to avoid creating adverse resource impacts or conflicts with visitor use.~~

For more detailed guidance, see Director's Order 41 and the National Wilderness Steering Committee Guidance Paper #3: "What Constitutes the Minimum Requirement in Wilderness?"

6.3.6 Scientific Activities in Wilderness

The statutory purposes of wilderness include scientific activities, and these activities are encouraged and permitted when consistent with the Service's responsibilities to preserve and manage wilderness.

6.3.6.1 General Policy

The National Park Service has a responsibility to support appropriate scientific activities in wilderness, and to use science to improve wilderness ~~management.~~stewardship. The Service recog~~-~~nizes that wilderness can and should serve as an important resource for long~~-~~-term research~~ into, and~~, study, and observation of~~,~~ ecological processes and the impact of humans on these ecosystems. The National Park Service further recognizes that appropriate scientific activities may be critical to the long~~-~~-term preservation of wilderness.

Scientific activities are to be encouraged in wilderness. Even those scientific activities (including inventory, monitoring, and research) that involve a potential impact to wilderness resources or values (including access, ground disturbance, use of equipment, ~~and~~ animal welfare~~)~~, etc.) should be allowed when the benefits of what can be learned outweigh the impacts on the wilderness resources or values. However, all such activities must also be evaluated using the minimum requirement concept and include documented compliance that assesses impacts against benefits to wilderness. This process should ensure that the activity is appropriate and ~~utilizes~~uses the minimum tool required to accomplish project objectives. Scientific activities involving prohibitions identified in section 4(~~-~~c) of the Wilderness Act (16 USC 1133(~~-~~c)) may be conducted within wilderness when~~:~~ the following conditions are met.

- The desired information is essential for the understanding health, management, or administration of wilderness, and the project cannot be reasonably modified to eliminate or reduce the nonconforming wilderness use(~~-~~s); or if it in~~-~~creases scientific knowledge, even when this serves no immediate wilderness ~~management~~ stewardship purposes, provided it does not compromise wilderness resources or character. The preservation of wilderness resources and character will be given significantly more weight than economic efficiency and/~~-~~or convenience.
- ~~Compliance with~~ NEPA compliance (including completion of documented categorical exclusions, environmental assessments/~~-~~findings of no significant impact, or environmental impact statements/~~-~~records of decision) and other regulatory compliance

(including compliance with ~~section~~Section 106 of ~~NHPA~~ the National Historic Preservation Act (16 USC 470f)) are accomplished and documented.

- All scientific activities will be accomplished in accordance with the terms and conditions adopted at the time the research permit is approved. Later requests for exceptions to the Wilderness Act will require additional review and approval.
- The project will not significantly interfere with other wilderness purposes (recreational, scenic, educational, conservation, or historical) over a broad area or for a long period of time.
- The minimum requirement concept is applied to implementation of the project.

Research and monitoring devices (e.~~-~~g., video cameras, data loggers, and meteorological stations) may be installed and operated in wilderness if (1) the desired information is essential for the administration and preservation of wilderness~~,~~ and cannot be obtained from a location outside of wilderness without significant loss of precision and applicability; and (2) the proposed device is the minimum requirement necessary to accomplish the research objective safely.

Park managers will work with researchers to make ~~National Park Service~~NPS wilderness area research a model for the use of low~~-~~-impact, less intrusive techniques. New technology and techniques will be encouraged if they are less intrusive and cause less impact. The goal will be for studies in ~~National Park Service~~NPS wilderness to lead the way in "light on the resource" techniques.

~~Devices located in wilderness will be removed when determined to be no longer essential. Permanent equipment caches are prohibited within wilderness. Temporary caches must be evaluated using the minimum requirement concept.~~

Comment: Text has been moved to 6.3.10.1 and 6.4.4.

All scientific activities, including the installation, servicing, removal, and monitoring of research devices, will apply minimum requirement concepts and be accomplished in compliance with *Management Policies*, Director's Orders, and procedures specified in the park's wilderness ~~management~~stewardship plan.

(See Studies and Collections 4.2; Social Science Studies 8.11)

6.3.6.2 _Monitoring Wilderness Resources~~:~~

In every park containing wilderness, the conditions and ~~long~~long term trends of wilderness resources will be monitored to identify the need for~~,~~ or effects of~~,~~ management actions. ~~The purpose of this monitoring~~ Monitoring will be conducted to identify threats and their source, both internal and external, for the purpose of mitigation if possible, and to ensure that the public purposes are being met, and that management actions and ~~visitor~~ impacts on wilderness resources and character do not exceed established standards and conditions ~~established in an approved park plan.~~

. As appropriate, wilderness monitoring programs may assess physical, biological, ~~and~~ cultural ~~resources~~, and social resources and impacts. ~~Monitoring programs may also need to~~

~~assess potential problems that may originate outside the wilderness, in order to determine the nature, magnitude, and probable source of those impacts.~~

Comment: The need to deal with impacts that originate outside the wilderness (and the park) is addressed below.

6.3.7 Natural Resources Management

The National Park Service recognizes that wilderness is a composite resource with interrelated parts. Without natural resources, especially indigenous and endemic species, a wilderness experience would not be possible. Natural resources are critical, defining elements of the wilderness resource, but need to be managed within the context of the whole ecosystem. Natural resource management plans will be integrated with~~,~~ and cross- reference~~,~~ wilderness ~~management~~stewardship plans. Pursuing a series of independent component projects ~~in wilderness~~, such as single- species management in wilderness, will not necessarily accomplish the over-~~-~~arching goal of wilderness ~~management.~~stewardship. Natural resources management in wilderness will include and be guided by a coordinated program of scientific inventory, monitoring, and research.

The principle of non~~-~~degradation will be applied to wilderness ~~management~~stewardship, and each wilderness area's condition will be measured and assessed against its own unimpaired standard. Natural processes will be allowed, ~~inso~~as far as possible, to shape and control wilderness ecosystems. Management should seek to sustain ~~the~~ natural distribution, numbers, population composition, and interaction of indigenous species. Management intervention should only be undertaken to the extent necessary to correct past ~~mistakes,~~impacts. If the impacts ~~of human use, and influences originating~~originate outside of wilderness boundaries, the park superintendent will communicate, cooperate, and consult with outside parties and seek solutions that will protect the resources.

Management actions, including ~~the~~ restoration of extirpated native species~~, the altering of~~ and altered natural fire regimes, the control~~ling~~ of invasive alien species, the management of endangered species, and the protection of air and water quality, should be attempted only when the knowledge and tools exist to accomplish clearly articulated goals.

(See Chapter 4: Natural Resource Management. Also see Director's Order #77 series on natural resources management)

6.3.8 Cultural Resources

~~Cultural resources that have been included within wilderness will be protected and maintained according to the pertinent laws and policies governing cultural resources, using management methods that are consistent with the preservation of wilderness character and values.~~The Wilderness Act specifies that the designation of any area of the park system as wilderness "shall in no manner lower the standards evolved for the use and preservation of" such unit of the park system under the various laws applicable to that unit (16 USC Section 1133(a)(3)). Thus, the laws pertaining to historic preservation also remain applicable within wilderness. In administering any area designated as wilderness, the responsible park

managers will include appropriate consideration of the application of this "savings" clause in their analyses and ultimate decisions.

Cultural resources that have been included within wilderness will be protected and maintained according to the pertinent laws and policies governing cultural resources, using management methods consistent with preservation of wilderness character and values. These laws include the Antiquities Act of 1906 and the Historic Sites~~, Buildings and Antiquities~~ Act of 1935, as well as the subsequent historic preservation legislation, including ~~NHPA, ARPA~~the National Historic Preservation Act, the Archaeological Resources Protection Act, and Native American Graves Protection and Repatriation Act (NAGPRA~~.~~). The American Indian Religious Freedom Act (AIRFA) reaffirms the ~~first~~First Amendment rights of Native Americans to access national park lands for the exercise of their traditional religious practices. The *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* projects provide direction for protection and maintenance. Cemeteries or commemorative features, such as plaques or memorials, that have been included in wilderness may be retained (including approved access to these sites), but no new cemeteries or additions to existing cemeteries may be made unless specifically authorized by federal statute, existing reservations, or retained rights. Native American human remains that were removed from wilderness areas and are subject to NAGPRA repatriation may be re-~~interned~~interred at~~,~~ or near~~,~~ the site from which they were removed. Native American religious areas and other ethnographic and cultural resources will be inventoried and protected. Native Americans will be permitted access within wilderness for sacred or religious purposes consistent with the intent of ~~AIRFA~~the American Indian Religious Freedom Act, the Wilderness Act, and other applicable authorities provided by federal statutes and Executive orders.

(See Chapter 5: Cultural Resource Management)

6.3.9 Fire Management

Fire management activities conducted in wilderness areas will conform to the basic purposes of wilderness. The park's fire management and wilderness ~~management~~ stewardship plans must identify and reconcile the natural and historic roles of fire in the wilderness~~, and~~. These plans will provide a prescription for response, if any, to natural and human-~~-~~caused wildfires~~. If a prescribed~~ based on fuel load, climatic conditions, potential for damage to property or loss of life both within and adjacent to wilderness, and availability of fire suppression resources. If a fire use program is implemented, these plans will also include the prescriptions and procedures under which the program will be conducted within wilderness.

Actions taken to suppress wildfires ~~will~~ must use the minimum requirement concept, unless (1) the on-site management officials determine that emergency conditions exist, and ~~will~~ (2) the fire should be ~~conducted~~ managed in such a way as to protect natural and cultural resources and to minimize the lasting impacts of the suppression actions. Information on developing a fire management program in wilderness is contained in Director's Order~~#~~ #18: Wildland Fire Management.

(See Fire Management 4.5~~.~~)

6.3.10 Management Facilities

Part of the definition of wilderness as provided by the Wilderness Act is "undeveloped federal land retaining its primeval character and influence, without permanent improvements." Accordingly, ~~authorizations~~the authorization of NPS administrative facilities located in wilderness will be limited to the types and minimum number essential to meet the minimum requirements for the administration of the wilderness area. A decision to construct, maintain, or remove an administrative facility will be based primarily on whether or not such a facility is required to preserve wilderness character or values, not on considerations of administrative convenience, economic effect, or convenience to the public or park staff. Maintenance or ~~the~~ removal of historic structures will also comply with cultural resource protection and preservation policies and directives, and ~~with~~ the concept of minimal requirement management techniques for wilderness.

6.3.10.1 Administrative Facilities

Administrative facilities (~~e. g.,~~for example ranger stations and/~~-~~or patrol cabins, fire lookouts, radio and/~~-~~or cellular telephone antennas, radio repeater sites, associated storage or support structures, drift fences, and facilities supporting trail stock operations) may be allowed in wilderness only if they are determined to be the minimum requirement necessary to carry out wilderness ~~management~~stewardship objectives and are specifically addressed within the park's wilderness ~~management~~stewardship plan or other appropriate planning documents. New roads will not be built in wilderness. Temporary vehicular access may be permitted only to meet the minimum requirements of emergency situations, and will be restored~~, according to~~ per an approved restoration plan~~,~~ as rapidly as possible. Where abandoned roads have been included within wilderness, they may be used as trails, restored to natural conditions, or managed as a cultural resource.

No permanent heliports, helipads, or airstrips will be allowed in wilderness unless specifically authorized by statute or legislation. Temporary landing facilities may be used to meet the minimum requirements of emergency situations. Site improvements determined to be essential for safety reasons during individual emergency situations may be authorized, but no site markings or improvements of any kind may be installed to support non~~-~~emergency use. In Alaska, any prohibitions or restrictions on the use of fixed~~-~~-wing aircraft should follow the procedures in 43 CFR 36.~~-~~11(~~-~~f).

~~*(See Overflights and Aviation Uses 8.4)*~~

Permanent storage caches are prohibited within wilderness unless necessary for health and safety purposes or when such caches are justified and documented through a minimum requirement analysis.

6.3.10.2 Trails in Wilderness

Trails will be permitted within wilderness when they are determined to be necessary for resource protection and/-or for providing for visitor use for the purposes of wilderness. The identification and inventory of the wilderness trail system will be included as an integral part of the wilderness ~~management~~stewardship plan or other appropriate planning document. Trails will be maintained at levels and conditions identified within the approved wilderness ~~management~~stewardship plan or other planning document. Trail maintenance structures (~~e.g.,~~ waterbars, gabions~~)~~, etc.) may be provided, under minimum requirement protocols, where they are essential for resource preservation, required to meet trail design and construction standards, or where significant safety hazards exist during normal use periods. Historic and/or prehistoric trails will be administered and maintained in keeping with approved cultural resource and wilderness ~~management~~stewardship plan requirements.

Borrow pits are not permitted in wilderness areas, with the exception of small-~~-~~quantity use of borrow material for trails, which must be in accordance with an approved wilderness ~~management~~stewardship plan or other applicable planning document.

6.3.10.3 ~~Shelters and~~ Campsites and Shelters

The construction of new shelters for public use will generally not be allowed, in keeping with the values and character of wilderness. An existing shelter may be maintained or reconstructed only if the facility is necessary to achieve specific wilderness ~~management~~stewardship objectives as identified in the park's wilderness and cultural resources management plans. The construction, use, and occupancy of cabins and other structures in wilderness areas in Alaska are governed by applicable provisions of ~~ANILCA and by~~ the Alaska National ~~Park Service~~Interests Lands Conservation Act and by NPS regulations in 36 CFR Part 13, and may be permitted only under conditions prescribed in the park's wilderness ~~management~~stewardship plan.

Although the development of facilities to serve visitors will generally be avoided, campsites may be designated when essential for resource protection and preservation or to meet other specific wilderness ~~management~~stewardship objectives. In keeping with the terms of the park's wilderness ~~management~~stewardship plan, campsite facilities may include a site marker, fire rings, tent sites, food-~~-~~storage devices, and toilets if these are determined by the superintendent to be the minimum facilities necessary for the health and safety of wilderness users, or for the preservation of wilderness resources and values. Toilets will be placed only in locations where their presence and use will resolve health and sanitation problems or prevent serious resource impacts, especially where reducing or dispersing visitor use is impractical or has failed to alleviate the problems. Picnic tables will generally not be allowed in wilderness.

6.3.10.4 Signs

Signs detract from the wilderness character of an area~~ and make the imprint of man and management more noticeable.~~. Only those signs necessary for visitor safety or to protect wilderness re~~-~~sources, such as those identifying routes and distances, will be permitted.

Where signs are used, they should be compatible with their surroundings and the minimum feasible size possible.

6.3.11 Wilderness Boundaries

Policies related to wilderness boundaries include the following: .

6.3.11.1 Legal Descriptions and Boundary Maps

Every park with designated wilderness will possess have a written legal description of the wilderness area and a map (or maps) that illustrates the legal description of the wilderness. Each park will ensure that the legal description and map(-s) are filed in the appropriate locations. Wilderness boundaries have the force of federal law, and may only be modified through the legislative process, unless minor adjustments and corrections are specifically authorized within the wilderness designation enabling legislation. that designated the wilderness.

6.3.11.2 Caves

All cave passages located totally within the surface wilderness boundary will be managed as wilderness. Caves that have entrances within wilderness but contain passages that may extend outside the surface wilderness boundary will be managed as wilderness. Caves that may have multiple entrances located both within and exterior to the surface wilderness boundary will be managed consistent with the surface boundary; those portions of the cave within the wilderness boundary will be managed as wilderness.

(See Caves 4.8.2.2)

6.3.11.3 Waters in Wilderness

The NPSPark Service will manage as wilderness all waters included within wilderness boundaries, and the lands beneath these waters (if owned by the United States)) as wilderness, in keeping with established jurisdictions and authorities and subject to all valid water rights established in accordance with applicable state law.

(See Water Resource Management 4.6)

6.4 Wilderness Use Management

The National Park Service will encourage and facilitate those uses of wilderness that are in keepingconsistent with the definitions and purposes of wilderness and that do not degrade wilderness resources and character. Appropriate restrictions may be imposed on any authorized activity in the interest of preservingif necessary to preserve wilderness character and resources or to ensure public safety.

When resource impacts or demands for use exceed established thresholds or capacities, superintendents may ~~limit~~manage or redirect use. Physical alterations, public education, general regulations, special regulations, and permit systems, as well as local restrictions, public use limits, closures, and designations implemented under the discretionary authority of the superintendent (36 CFR 1.-5 and 36 CFR Part 13; 43 CFR Part 36 for Alaska units), may all be used in managing use and protecting wilderness~~, if these actions are determined to be the minimally required level of management.~~ . Superintendents should use the least restrictive management prescription available and practicable to meet the resource protection needs while accommodating public use.

6.4.1 General Policy

Park visitors ~~need to~~ should accept wilderness on its own unique terms. Accordingly, the National Park Service will promote education programs that encourage wilderness users to understand and be aware of certain risks, including possible dangers arising from wildlife, weather conditions, physical features, and other natural phenomena ~~that are~~ inherent in the various conditions that comprise a wilderness experience and primitive methods of travel. The National Park Service will not modify the wilderness area to eliminate all risks ~~that are~~ normally associated with wilderness, but it will strive to provide users with general information concerning possible risks, any recommended precautions, related user responsibilities, and applicable restrictions and regulations~~, including those associated with ethno- graphic and cultural resources.~~ . Certain specific risks may be mitigated or managed if the mitigation or management of the risks does not degrade the wilderness character and resources.

6.4.2 Wilderness Interpretation and Education

In the context of interpretive and educational planning, ~~national~~ park units with wilderness resources will~~: (1)~~ operate public education programs designed to promote and perpetuate public awareness and enjoyment of~~,~~ and appreciation for~~,~~ wilderness character, resources, and ethics~~, while providing for acceptable use limits; (2)~~ . This education will focus on (1) fostering an understanding of the concept of wilderness that includes respect for the resource, willingness to exercise self-~~-~~restraint in ~~demanding access to~~accessing it, and an ability to adhere to appropriate, minimum-~~-~~impact techniques; and (~~3) encourage~~2) encouraging the public to use and accept wilderness on its own terms~~;~~, i.~~-~~e., the acceptance of an undeveloped, primitive environment and the assumption of the potential risks and responsibilities involved in using and enjoying wilderness areas. ~~National Park Service~~NPS interpretive plans and programs for wilderness parks will address the primary interpretive themes for wilderness. Education is among the most effective tools for dealing with wilderness~~-~~ use management problems and should ~~generally~~always be applied before more restrictive management tools.

(See Visitor Safety 8.2.5.1)

6.4.3 Recreational Use Management in Wilderness

~~Recreational uses of National Park Service wilderness~~ Wilderness areas offer outstanding opportunities for solitude or primitive and unconfined recreation. These wild and natural lands have been set aside by the American people for people to use, experience, and enjoy. Park managers should identify and encourage wilderness recreational opportunities. Recreational uses of NPS wilderness are generally those traditionally associated with wilderness and identified by Congress in the legislative record for the development of the Wilderness Act and in keeping with the language provided by ~~sections~~Sections 2(~~-~~a) and 2(c) of the ~~Act~~act itself (16 USC 1131(~~-~~a) and (c)). These recreational uses of wilderness will be of a type and nature that ensure that its use and enjoyment will leave it unimpaired for future use and enjoyment as wilderness, provide for the protection of the area as wilderness, and provide for the preservation of the wilderness character. Recreational uses in ~~National Park Service~~NPS wilderness areas will be of a nature that~~ enable~~

- enables the areas to retain their primeval character and influence~~; protect and preserve~~,
- protects and preserves natural conditions~~; leave~~,
- leaves the imprint of man's work substantially unnoticeable~~; provide~~,
- provides outstanding opportunities for solitude or primitive and unconfined types of recreation~~;~~, and~~ preserve~~
- preserves wilderness in an unimpaired condition.

~~*(See Management of*~~

For wilderness areas in Alaska, wilderness access is managed according to the provisions of the Alaska National Interests Lands Conservation Act.

6.4.3.1 Recreational Use ~~*8.2.2.1)*~~

~~6.4.3.1 Recreation Use~~ Evaluation

~~Recreational~~As with all legislated uses~~—~~ of wilderness, recreational activities, particularly new and emerging activities, that compromise the stated purposes and definitions of wilderness or unduly impact the wilderness resource or the visitor experience within wilderness~~—~~ will be evaluated to determine if these uses are appropriate~~,~~ or should be ~~limited~~managed or disallowed through use of the superintendent's compendium in 36 CFR 1.5~~.~~ or rulemaking. Evaluation or re~~-~~-evaluation should be accomplished within wilderness ~~management~~stewardship plans or ~~similar implementation plans.~~other planning documents and should be conducted in consultation with the public; tribal, local and state governments; and other stakeholders. Recreational uses that do not meet the purposes and definitions of wilderness should be prohibited in NPS wilderness.
~~Significant~~

Management actions that result in significant changes in patterns or increased levels of use will ~~not~~ be authorized ~~by special permit, administrative discretion, or authorities under the superintendents' compendia, except~~only in cases where sufficient information exists to adequately determine there is no significant impact on wilderness resources and values, including visitor experiences.~~ These increased levels of use and changes in patterns of existing use will normally not qualify for a categorical exclusion under NEPA.~~ Decisions

regarding significant changes in patterns and new levels of use will require environmental analysis and review, including opportunity for public comment, in accordance with ~~the~~NEPA requirements~~ of NEPA.~~.

(See Visitor Carrying Capacity 8.2.1)

6.4.3.2 Leave~~ no trace~~ No Trace and Tread Lightly!

~~"Leave no trace"~~Applicable outdoor recreation ethics developed by the Leave No Trace Center, and Tread Lightly! principles and practices~~ will~~, should be applied to all forms of recreation management within wilderness, including commercial operations. The Park Service will provide technical advice to these organizations and their boards to assist in the development of appropriate educational materials. Wilderness users will generally be required to carry out all refuse. Refuse is defined in 36 CFR 1.~~-~~4.

6.4.3.3 Use of Motorized Equipment

Public use of motorized equipment or any form of mechanical transport will be prohibited in wilderness except as provided for in specific wilderness legislation. Operating a motor vehicle or possessing a bicycle in designated wilderness outside Alaska is prohibited (see NPS regulations in 36 CFR 4.~~-~~30(~~-~~d)(~~-~~1)).

However, section 4(~~-~~d)(~~-~~1) of the Wilderness Act (16 USC 1133(~~-~~d)(~~-~~1)) authorizes the Secretary, where legislation designating the wilderness specifically makes this provision applicable, to allow the continuation of motorboat and aircraft use under certain circumstances in which those activities were established ~~prior to~~before wilderness designation. Section 4(~~-~~d)(~~-~~1) gives the Secretary the discretion to manage and regulate the activity in accordance with the Wilderness Act, the NPS Organic Act, and individual park enabling legislation. As authorized, the National Park Service will administer this use to be compatible with the purpose, character, and resource values of the particular wilderness area involved. The use of motorized equipment by the public in wilderness areas in Alaska is governed by applicable provisions of ~~ANILCA~~the Alaska National Interests Lands Conservation Act, NPS regulations in 36 CFR ~~part~~Part 13, and Department of the Interior regulations in 43 CFR ~~part~~Part 36. The specific conditions under which motorized equipment may be used by the public will be outlined in each park's wilderness ~~management~~stewardship plan.

(See Soundscape Management 4.9; Use of Motorized Equipment 8.2.3)

6.4.4 Commercial Services

Wilderness~~-~~-oriented commercial services that contribute to public education, safety and visitor enjoyment of wilderness values or that provide opportunities for primitive and unconfined types of recreation may be authorized if they meet the "necessary and appropriate" tests of the National Park Service Concessions Management Improvement Act of 1998 and section 4(~~-~~d)(~~-~~6) of the Wilderness Act (16 USC 1133(~~-~~d)(~~-~~5)), and if they are

consistent with the wilderness ~~management~~stewardship objectives contained in the park's wilderness ~~management~~stewardship plan, including the application of the minimum requirement concept. Activities such as guide services for outfitted horseback, hiking, ~~mountain~~mountain climbing, or river trips and similar activities may be ~~appropriate and may be~~ authorized if conducted under terms and conditions outlined in the park's wilderness ~~management~~stewardship plan and/~~-~~or in legislation authorizing these types of commercial use.

The only structures or facilities used by commercial services ~~that will be~~ allowed in wilderness will be temporary shelters, such as tents, or other specifically approved facilities that may be required within the wilderness ~~management~~stewardship plan for resource protection, visitor safety, and the preservation of wilderness values. Temporary facilities will generally be removed from the wilderness after each trip, unless such removal will cause additional degradation of the wilderness resources. ~~In Alaska, additional guidance for the~~ Temporary caches may be authorized for commercial services in wilderness only if necessary for public safety or to reduce damage to wilderness resources and when such caches are not visible to the public or otherwise do not degrade the wilderness character or resources. Authorized caches must be subject to the minimum requirement and will not be permitted for convenience. In Alaska, additional guidance for management of temporary facilities for hunting and fishing guides is found in ~~ANILCA~~the Alaska National Interests Lands Conservation Act, section 1316 (16 USC 3204). The use of permanent equipment and supply caches by commercial operators is prohibited within wilderness.

Comment: See 6.3.10.1 for discussion of permanent caches

Managers will ensure that commercial operators are in compliance with established ~~"Leave-no-trace"~~outdoor ethics, principles, and protocols.

(See Visitor Use 8.2; Commercial Use Authorization 10.3)

6.4.5 Special Events

~~The National Park Service will not sponsor or issue permits for special events to be conducted in wilderness if those events are inconsistent with wilderness resources and character, or if they do not require a wilderness setting to occur.~~Permits may be issued for special events that have a strong park and wilderness educational focus and are otherwise consistent with the public purposes of wilderness. Permits will not be issued ~~for special events~~ in NPS wilderness areas for special events that are commercial enterprises, or for organized competitive events~~;~~, such as activities involving animal, foot~~,~~ or watercraft races; ~~the~~ physical endurance of a person or animal; ~~organized~~ survival exercises; or war games~~; or similar exercises.~~ . Permit requests for special events that cause wilderness resource degradation or unduly intrude on the opportunities for solitude will be denied. Determining the terms and conditions for a special event in wilderness must be evaluated through the minimum requirement process.

(See Special Events 8.6.2. Also see 36 CFR 2.50)

6.4.6 Valid Existing ~~Private~~ Rights

Wilderness designation does not extinguish valid existing ~~private~~ rights (e.~~-~~g., fee~~-~~-simple interest, less~~-~~than~~-~~fee~~-~~ simple interest, valid mineral operations, rights~~-~~of~~-~~way, grazing permits, and water rights). The validity of ~~private~~existing rights within wilderness must be determined on a case~~-~~by~~-~~case basis. Valid ~~private~~existing rights in wilderness must be administered in keeping with the specific conditions and requirements of ~~the valid right.~~ those rights.

~~6.4.7 Grazing and Livestock Driveways~~

Comment: This topic is now covered in section 6.4.6.3, below.

~~Commercial grazing or driving of livestock in park wilderness will be allowed only as specifically authorized by Congress. Where these activities are authorized, they will be managed under conditions and requirements identified within the approved wilderness management plan and corresponding allotment management plans. The use of motorized vehicles, motorized equipment, or mechanical transport by grazing permit- tees will not be allowed except as provided for by a specific authority; i. e., a valid existing right, the enabling legislation, or a determination of minimum requirement by the NPS. The construction of livestock management facilities other than those specifically authorized by legislation is prohibited.~~

~~Non- commercial grazing of trail stock used as part of an approved livestock management program within wilderness may be authorized in accordance with National Park Service regulations and conditions outlined in the wilderness management plan or stock use management plan. All approved livestock use must ensure the preservation of wilderness resources and character. Superintendents will be responsible for monitoring livestock use in wilderness to the same degree as human use, and may use the same management tools and techniques, including~~

6.4.6.1 Rights-of-Way

Existing rights-of-way that have been included in wilderness should be allowed to terminate or be phased out where practicable. Rights-of-way subject to NPS administrative control should be administered under conditions outlined in wilderness stewardship plans or other applicable planning documents, which protect wilderness character and resources and limit the use of motorized or mechanical equipment. The Service will not issue any new rights-of-way or widen or extend any existing rights-of-way in wilderness.

Rights-of-way and access procedures affecting wilderness areas in Alaska are governed by applicable provisions of the Alaska National Interests Lands Conservation Act and regulations in 43 CFR 36 and 36 CFR 13.

6.4.6.2 Mineral Development

The National Park Service will seek to cooperatively remove or extinguish valid mining claims and nonfederal mineral interests in wilderness through authorized processes, including purchasing valid rights. In parks where Congress has authorized the leasing of federal minerals, the Park Service will take appropriate actions to preclude the leasing of lands or

minerals within wilderness whenever and wherever it is authorized to do so. Lands included within wilderness will be listed as "excepted areas" under applicable regulations in 43 CFR parts 3100 and 3500 (see section 3500.8).

Unless and until mineral interests and mining claims within NPS wilderness are eliminated, they must be managed pursuant to existing NPS regulations, policies, and procedures. (See 36 CFR part 9, subpart A, for mineral development on mining claims; 36 CFR part 9, subpart B, for nonfederal oil and gas development; and 43 CFR Parts 3100 and 3500 for federal mineral leasing.). A validity examination of unpatented claims in wilderness affected by a proposed plan of operations must be conducted by a certified mineral examiner before plan approval. Motorized use in wilderness on valid mineral claims is allowed only with an approved plan of operations and where there is no reasonable alternative. Motorized use for access can occur only on existing or approved roads. There will be no new roads or improvement of existing roads unless the claimant can demonstrate a legal right, or they are necessary for resource protection. Any plan of operations that is approved will include stipulations on operations and reclamation that will ensure that long-term effects on the wilderness area are substantially unnoticeable. For access to mining claims in NPS wilderness in Alaska, see 43 CFR 36.10.

(See 8.7 Mineral Exploration and Development)

6.4.6.3 Grazing and Livestock Driveways

Agricultural grazing or driving of livestock in park wilderness will be allowed only as specifically authorized by Congress. Where these activities are authorized, they will be managed under conditions and requirements identified within the approved wilderness stewardship plan, other applicable management plans, and corresponding allotment management plans. The use of motorized vehicles, motorized equipment, or mechanical transport by grazing permittees will not be allowed except as provided for by a specific authority, i.e., a valid existing right, the enabling legislation, or a determination of minimum requirement by the Park Service. The construction of livestock management facilities other than those specifically authorized by legislation is prohibited.

Recreational grazing of trail stock used as part of an approved livestock management program within wilderness may be authorized in accordance with NPS regulations and conditions outlined in the wilderness stewardship plan or stock use management plan. All approved livestock use must ensure the preservation of wilderness resources and character. Superintendents will be responsible for monitoring livestock use in wilderness to the same degree as human use, and may use the same management tools and techniques—including the application of the minimum requirement concept to manage livestock use that are available for managing other wilderness uses.

(See 8.6.8 Grazing by Domestic and Feral Livestock)

6.4.~~8 Rights-of-Way~~

Comment: The topic of rights-of-way is now covered in 6.4.6.1.

~~Existing rights- of- way that have been included in wilderness should be terminated or phased out where practicable. Rightsof- way subject to National Park Service administrative control should be administered under conditions outlined in the park's wilderness management plan that protect wilderness character and resources and limit the use of motorized or mechanical equipment. The Service will not issue any new rights- of- way or widen or extend any existing rights- of- way in wilderness. Rights- of- way and access procedures affecting wilderness areas in Alaska are governed by applicable provisions of ANILCA and regulations in 43 CFR part 36, and 36 CFR part 13.~~

~~*(See Existing Private Rights 6.4.6)*~~

Comment: The topic of Mineral Development is now covered in 6.4.6.2.

~~6.4.9 Mineral Development~~

~~The National Park Service will seek to remove or extinguish valid mining claims and non-federal mineral interests in wilderness through authorized processes, including purchasing valid rights. In parks where Congress has authorized the leasing of federal minerals, the NPS will take appropriate actions to preclude the leasing of lands or minerals within wilderness whenever, and wherever, it is authorized to do so. Lands included within wilderness will be listed as "excepted areas" under applicable regulations in 43 CFR parts 3100 and 3500 (see section 3500. 8).~~

~~Unless and until mineral interests and mining claims within Park Service wilderness are eliminated, they must be managed pursuant to existing National Park Service regulations, policies, and procedures. (See 36 CFR part 9, Subpart A, for mineral development on mining claims; 36 CFR part 9, subpart B, for non- federal oil and gas development; and 43 CFR parts 3100 and 3500, for federal mineral leasing.). A validity examination of unpatented claims in wilderness affected by a proposed plan of operations must be conducted by a certified mineral examiner prior to plan approval. Motorized use in wilderness is allowed only with an approved plan of operations on valid mineral claims and where there is no reasonable alternative. Motorized use for access can occur only on existing or approved roads. There will be no new roads or improvement of existing roads unless documented as being necessary for resource protection. Any plan of operations that is approved will include stipulations on operations and reclamation that will ensure that long- term effects on the wilderness area are substantially unnoticeable. For access to mining claims in NPS wilderness in Alaska, see 43 CFR 36. 10.~~

~~6.4.10~~7 Accessibility for Persons with Disabilities

The National Park Service has legal obligations to make available equal opportunities for people with disabilities in all programs and activities. This requirement includes the opportunity to participate in wilderness experiences. Management decisions responding to requests for special consideration to provide wilderness use by persons with disabilities must be in accord with the Architectural Barriers Act of 1968, the Rehabilitation Act of 1973 (as amended in 1978), and section 507(~~-~~c) of the Americans with Disabilities Act of 1990 (ADA) (42 USC 12207(~~-~~c)). Such decisions should balance the intent of access and wilderness laws, and find a way of providing the highest level of protection to the wilderness resource.

Section 17.-550 of the Secretary of the Interior's regulations regarding ~~the~~ enforcement of non–discrimination on the basis of disability in Department of Interior programs (43 CFR part 17, subpart E) states that agencies are not required to take any actions or provide access that would result in a fundamental alteration in the nature of a program or activity. However, the agency has the burden of proving that compliance would result in a fundamental alteration. This concept is also found in section 507 of ~~ADA.~~ the Americans with Disabilities Act.

(See Accessibility for Persons with Disabilities 8.2.4~~, and 9.1.2. Also see Director's Order #42: Accessibility for Visitors with Disabilities)~~

Chapter 7: Interpretation and Education

[Introduction to chapter 7~~—~~ cover page.] Through interpretive and educational programs, the National Park Service will instill in park visitors an understanding, appreciation, and enjoyment of the significance of parks and their resources. Interpretive and educational programs will encourage the development of a ~~personal~~citizen stewardship ethic, and broaden public and individual support for preserving conserving and the enjoyment of park resources.

The purpose of ~~National Park Service~~ NPS interpretive and educational programs is to provide memorable educational and recreational experiences, and to foster the development of a ~~personal~~citizen stewardship ethic. The Service's programs will do this by forging a connection between park resources, visitors, the enjoyment of park resources, the community, and park management. Programs will be successful when they use the right combination of original objects and places, firsthand experience, and effective media. ~~For the purposes of this chapter, the terms "visitor" and "park visitor" are defined as anyone who uses a park's interpretive and educational services, regardless of where such use occurs.~~

Comment: Section 1.4.3 still maintains that the "enjoyment" the NPS is required by the Organic Act to provide for includes enjoyment both by people who directly visit parks and by those who appreciate them from afar.

The Service will strive to maintain the organizational capability to deliver high~~-~~-quality interpretive services~~.~~ that meet the needs of the public. High~~-~~-quality interpretation will be the shared responsibility of all levels of NPS staff, from the Washington and regional directorates, through park superintendents and chief interpreters, to field interpreters and non~~-~~-interpretive staff. ~~It will~~High-quality interpretation should be achieved through interpretive and educational services, media, ongoing research, planning, technical excellence in implementation, a well~~-~~-trained staff, broad public input, and continual reevaluation.

Enjoyment of the parks and their resources is a fundamental part of the visitor experience. That experience ~~is~~ can be heightened when it progresses from enjoyment to an understanding of the reasons for a park's existence and the significance of its resources. ~~In order to~~To quantify the visitor experience, and in compliance with the Government Performance and Results Act (GPRA), the levels of visitor satisfaction, safety, understanding, and appreciation will be measured.

A fully developed park interpretive and educational program will offer visitors a variety of opportunities to gain understanding and appreciation of park sites and the values they represent. Such opportunities will provide knowledge of park resources and the care needed to protect them, and allow visitors to participate in a recreational activity or a dialogue about park resources. Director's Order #6 and Reference Manual 6 provide additional guidance for ~~the development of~~developing interpretive and educational programs.

7.1 Interpretive and Educational Programs

Each park's interpretive and educational program will be grounded in (1) park resources, (2) themes related to the park's legislative history and significance, and (3) park and Service-wide mission goals. The intent will be to provide each visitor with an interpretive experience that is enjoyable and inspirational~~,~~ within the context of the park's tangible resources and the values they represent. In addition, visitors should be made aware of the purposes and scope of the national park system. Interpretation will encourage dialogue~~,~~ and ~~accept~~respect that visitors have their own individual points of view. Factual information presented will be current, accurate, and based on current scholarship and science, ~~and delivered so as to convey park meanings,~~ with the understanding that ~~audience members~~ visitors can and will draw their own conclusions. Interpretation will also reach out to park neighbors and community decision- makers~~,~~ to stimulate discussions about the park and its values in local, regional, and national contexts. In addition, interpretive services will help park employees better understand the park's history, resources, processes, and visitors.

An effective park interpretive and educational program will include~~:~~ the following:

- ~~Informational~~informational and orientation programs that provide visitors with easy access to the information they need to have a safe and enjoyable park experience~~.~~
- ~~Interpretive~~ interpretive programs that provide both on- and off-~~-~~site presentations, and are designed to encourage visitors to form their own intellectual or emotional connections with the resource~~.~~ — All successful interpretive programs achieve significance by linking specific tangible artifacts, buildings, and places with ideas, events, and concepts. Interpretive programs facilitate a connection between the interests of visitors and the meanings of the park.
- ~~Curriculum-~~ curriculum-based educational programs that link park themes to national standards and state curricula~~,~~ and involve educators in planning and development~~.~~ — These programs usually include pre-~~-~~visit and post-~~-~~visit materials, address different learning styles, and include an evaluation mechanism~~, and provide learning experiences linked directly to clear objectives.~~. Programs ~~develop a thorough~~should result in an understanding of a park's resources in individual, regional, national, and global contexts, and of the park's place within the national park system.
- ~~Interpretive~~ interpretive media that provide visitors with relevant park information, and facilitate more in-~~-~~depth understanding of— and personal connection with— park themes and resources~~.~~

(See Air Quality 4.7.; Geologic Resource Management 4.8; Wilderness Interpretation and Education 6.4.2; Energy Management 9.1.7; Visitor Facilities 9.3)

7.2 Interpretive Planning

7.2.1. General

Interpretive services and facilities will be developed and operated in accordance with the NPS Organic Act and ~~Strategic Plan,~~ Servicewide strategic plan, and with each park's enabling legislation, general management plan, strategic plan, resource management plan, and comprehensive interpretive plan (CIP). A park's ~~CIP~~comprehensive interpretive plan

will be closely related to its general management plan. Standards for ensuring high-~~-~~quality interpretive and educational programs are prescribed in Director's Order #6 and Reference Manual 6.

The management plans, ~~CIP~~comprehensive interpretive plan, and other interpretive documents for each park will establish a balance of in-~~-~~park and outreach interpretive services, based upon criteria such as park significance statements and themes, levels and types of visitor use, the nature of park resources, and park management goals. A variety of tools, such as personal services, publications, exhibits, and audiovisual presentations, will be used to enhance a park's interpretive and educational programs, provide visitors with relevant information, and ~~ensure~~facilitate a high-quality park experience. Recognition that concessioners, cooperating associations, friends groups, and other partners may have an important role in providing interpretive and educational services is ~~most~~ important in planning for the overall visitor services program, and such entities should be included where appropriate in the planning process.

7.2.2 Comprehensive Interpretive Plan

All parks will have a current comprehensive interpretive plan (CIP) as defined in Director's Order #6 and Reference Manual 6. The ~~CIP~~comprehensive interpretive plan, initiated by the superintendent~~,~~ and prepared by field staff with support from a regional office or the Harpers Ferry Center (HFC), will form the overall long-~~-~~term vision and basis for decisions about interpretive and educational programs in the park. ~~It~~This plan will provide both long- and short-~~-~~range views~~,~~ and deal with all media and personal services~~. The CIP~~, and it will include the long-range interpretive plan, the annual interpretive plan, and the interpretive database.

7.3 Personal and Non~~-Personal~~personal Services

7.3.1 Personal Services

Personal interpretive services are those in which staff interact with visitors. Examples of personal service programs include the staffing of visitor centers and contact stations, talks, illustrated programs, conducted activities, demonstrations, performing arts, junior ranger programs, special events, and educational programs. Each park ~~will~~ should strive to offer a wide variety of personal service programs ~~that take~~while taking into ~~consideration~~account public demand, audience characteristics, and available time~~.~~ and resources.

7.3.2 Non-personal Services

Non~~-~~personal interpretive services are those that do not require the presence of staff. Media such as park folders and other publications, museum and visitor center exhibits, wayside exhibits, web pages, audiovisual presentations, and radio information systems are all examples. Non~~-~~personal services, which can reach large audiences, will maintain a consistent quality of presentation over time. In conjunction with personal services, they will

provide opportunities for visitor information, orientation, and understanding of park resources. A Service–wide standard for all NPS informational media will be established.

~~HFC~~Harpers Ferry Center will be responsible for interpretive media planning, design, and production for museum and visitor center exhibits, wayside exhibits, audiovisual productions, publications, and directional ~~signage.~~signs. Plans or proposals to be accomplished by parks and regions, including privately funded projects, may be reviewed by ~~HFC~~Harpers Ferry Center for appropriateness and quality of design and execution. Proposals from concessioners, cooperating associations, and others may also be reviewed. Projects excluded from the review process include site bulletins, bulletin boards, and other park-initiated or park-approved small projects of a non–permanent nature.

Parks will be responsible for the conservation of historic furnishings and artifacts on exhibit in parks. They may obtain conservation services from ~~HFC~~Harpers Ferry Center or from outside contractors.

(See Acquisition, Management, and Disposition 5.3.5.5.4; Historic Furnishings 5.3.5.5.5; Ethnographic Resources 5.3.5.3; Viewing Devices 9.3.1.6; Interpretation by Concessioners 10.2.4.3. Also see Director's Orders #52C: Park Signage and #70: Internet and Intranet Publications)

7.3.3 Electronic Interpretation

Parks should use electronic communications, such as the Internet and long-distance learning, to enhance their informational, orientation, interpretive, and educational programs. The National Park Service will maintain a site on the World Wide Web, managed consistent with Departmental information technology, security, E-Government, and other policies, to provide an opportunity for all parks and programs to reach beyond their borders to a world–wide audience. Each park will maintain a home page for the purpose of reaching this audience. Park home pages will comply with Director's Order #70: Internet and Intranet Publications~~.~~ ~~The world of electronic communications is rapidly and constantly changing, and the~~ ; whenever applicable, NPS web page management, content, and design will comply with Department of the Interior policies and directives. The world of electronic communications and technology is rapidly and constantly changing, and the Park Service will take advantage of developing new technologies that have the potential for even greater service to the visiting public.

~~7.4 Interpretive Competencies and Skills~~

Comment: See 1.7.5 for alternative text applicable to all NPS employees.

~~A high-quality interpretive and educational program requires a well-trained staff. Park managers will require NPS interpretive personnel, and any non-NPS groups or individuals that provide interpretive and educational services to the public on behalf of the NPS, to develop the knowledge, skills, and abilities necessary for effective interpretation. All NPS interpreters will meet the certification standards for their essential competencies identified in the interpretive development program.~~

~~*(See Interpretive and Educational Partnerships*~~

7.4 Requirements for All Interpretive and Educational Services

The following must be considered in the development of all personal and nonpersonal services.

7.~~*6; Cooperating Associations 7.6.2; Interpretation by Concessioners 10.2*~~.4.~~*3)*~~

~~7.5 Requirements for All Interpretive and Educational Services~~

~~The following must be considered in the development of all personal and non- personal services:~~

~~7.5.~~1 Access to Interpretive and Educational Opportunities

The National Park Service will ensure, to the greatest extent possible, that persons with disabilities receive the same interpretive opportunities as ~~non- disabled~~ persons~~.~~ without disabilities. Interpretive and educational programs, exhibits, audiovisual programs, publications, and all other interpretive media will comply with Department of the Interior regulations at 43 CFR ~~part~~Part 17, subpart E, and with standards required by the Architectural Barriers Act. Accordingly, the ~~Park~~ Service will ensure that persons with disabilities have the opportunity to participate in~~,~~ and benefit from~~,~~ all programs and activities in the most integrated setting appropriate. Additionally, the Service will take all feasible steps to ensure effective communication with individuals with hearing and visual impairments by providing appropriate auxiliary aids, where necessary, ~~in order~~ to afford the opportunity to participate in~~,~~ and enjoy the benefits of~~,~~ NPS programs and activities. These steps should include but not be limited to providing sign~~-~~ language interpreters for visitors with hearing impairments, and providing audio, Braille, and large~~-~~-print versions of printed materials for those with visual or cognitive disabilities.

Efforts will also be made to ensure that interpretive and educational programs meet the special needs of children, senior citizens, non~~-~~-English~~-~~-speaking visitors, and the economically disadvantaged. Foreign~~-~~ language translations of park publications will be provided in those parks visited by substantial numbers of non~~-~~-English~~-~~-speaking visitors.

(See Physical Access for Persons with Disabilities 5.3.2; Accessibility for Persons with Disabilities 8.2.4; Accessibility for Persons with Disabilities 9.1.2; Accessibility of Commercial Services 10.2.6.2. Also see Director's Order #42; Reference Manual 41; 43 CFR 17.550)

7.~~5~~4.2 Interpretive and Educational Services Beyond Park Boundaries

Outreach services are an active part of a balanced visitor services program. A planned outreach program is essential to each unit of the national park system, and ~~firmly establishes~~it helps establish parks as parts of the local, national, and global communities.

Outreach should be used to disseminate park information~~,~~ and interpretive and educational programs~~,~~ beyond park boundaries. All parks ~~have a responsibility~~are encouraged to offer interpretive and educational opportunities to members of the public who are unable to make on-~~-~~site visits.

7.~~5~~4.3 Resource Issue Interpretation and Education

Park managers are increasingly called upon to make difficult resource decisions, some of which may be highly controversial. Interpretive and educational programs can help build public understanding of~~,~~ the decision-making processes and ~~support for, such decisions and initiatives, and for the NPS mission in general. Therefore, parks~~what considerations led to a particular decision. These interpretive and educational programs should present multiple perspectives on the issue and be respectful of the different opinions and values of those who were directly affected by the decision. Parks should, in balanced and appropriate ways, thoroughly integrate resource issues and initiatives of local and Service~~-~~wide importance into their interpretive and educational programs. Whenever possible, the appropriate interpretive managers at the national, regional, or park level should be involved in the process. In instances in which programming affects resources managed by other agencies, such agencies should be consulted during program planning.

For resource issue interpretation to be effective, frontline interpretive staff must be informed about the reasoning that guided the decision-~~-~~making process, and interpreters must present balanced views~~.~~ and be respectful of the different opinions and values of the visitors. Resource issue interpretation should be integrated into both on- and off-~~-~~site programs, as well as into printed and electronic media when~~ever~~ appropriate.~~ The education of residents and officials of gateway and neighboring communities, the region, and the state(s) surrounding a park about resource issues and broad initiatives is often the most effective means of eliminating resource threats and gaining support for the Service's policy choices.~~ The balanced interpretation of resource issues and broad initiatives can often be an effective means of gaining support for the Service's decisions, especially when combined with demonstrated respect for different opinions and values, and for the needs of residents and officials in gateway and neighboring communities, the region, and the state(s) surrounding a park.

7.~~5.~~4.4 Research

Interpretive and educational programs will be based on current scholarship and research about the history, science, and condition of park resources, and on research about the needs, expectations, and behavior of visitors. To accomplish this, and to offer the most current and accurate programs to the public, a dialogue must be established and maintained among interpreters, education specialists, resource managers, scientists, archeologists, sociologists, ethnographers, historians, and other experts~~, for the purpose of offering the most current and accurate programs to the public.~~ .

(See Park Planning Processes 2.3)

7.4.5.5 Consultation

The National Park Service will present factual and balanced presentations of the many American cultures, heritages, and histories. Consultation with diverse constituencies is essential to the development ofdeveloping effective and meaningful interpretive and educational programs, because it (1) such consultation ensures appropriate content and accuracy, and (2) identifies multiple points of view and potentially sensitive issues. When appropriate, state and local agencies involved in heritage tourism and history (such as state historic preservation officers) should be included in consultations to provide diverse perspectives, expand the content of programs, and foster more coordination and partnerships. Acknowledging multiple points of view does not require interpretive and educational programs to provide equal time, or to disregard the weight of scientific or historical evidence.

The Service will actively consult traditionally associated peoples and other cultural and community groups in the planning, development, presentation, and operation of park interpretive programs and media relating to their cultures and histories. Cooperative programs will be developed with tribal governments and cultural groups and traditionally associated peoples to help the NPS Park Service present accurate perspectives on their cultures. Ethnographic or cultural anthropological data and concepts will also be used in interpretive programs, as appropriate. The Service will not display Native American human remains or photographs of those remains. Drawings, renderings, or casts of such remains will not be displayed without the consent of the culturally affiliated Indian tribes and or native Hawaiian organizations. The Service may exhibit non--Native American remains, photographs, drawings, renderings, or casts thereof, in after appropriate consultation with traditionally associated peoples. The Service will consult with culturally affiliated or traditionally associated peoples to determine the religious status of any object whose sacred nature is suspected but not confirmed. These consultations will occur before such an object is exhibited or any action is taken that may have an adverse effect on its religious qualities.

(See Evaluation and Categorization 5.1.3.2; Stewardship of Human Remains and Burials 5.3.4; Ethnographic Resources 5.3.5.3; Museum Collections 5.3.5.5). Also see Director's Order #75A: Civic Engagement and Public Involvement.)

7.54.6 Cultural Demonstrators

Cultural demonstrators can provide unique insights into their cultures. In order toTo facilitate their successful interaction with the public, parks may provide cultural demonstrators with training and direction. Cultural demonstrators (in parks outside the National Capital Region) who are not NPS employees may be permitted to sell self--made handcraft items to park visitors, keeping the proceeds for themselves, where such handcrafts are related to the park's interpretive themes. This is allowed under 16 USC 1a--2(-g), which authorizes the sale of products produced in the conduct of living exhibits, interpretive demonstrations, or park programs. When this practice is permitted, all materials used in creating such items must be the private property of the demonstrator, and collected from outside the park. The superintendent may permit this practice through a cooperative agreement, special use permit, concession contract, or other legal contract.

Titles 8 and 13 of ~~ANILCA~~the Alaska National Interest Land Conservation Act regulate the taking of fish, wildlife, and other natural resources for subsistence and other purposes in the Alaska parks.

(See Special Events 8.6.2; Collecting Natural Products 8.8; Merchandise 10.2.4.4. Also see 36 CFR 5.3; 60 FR 17639)

7.~~5~~4.7 Historic Weapons

All uses of historic weapons in parks will strictly comply with the "Historic Weapons Demonstrations Safety Standards" contained in Reference Manual 6, and will follow the procedures specified therein for the particular weapon(~~-~~s) being used.

Weapons firing demonstrations conducted in areas administered by the ~~NPS~~Park Service are restricted to reproduction black~~-~~-powder weapons only. Original NPS museum weapons will not be used; no exemptions will be granted. Requests by outside groups or individuals to use non~~-~~-NPS original weapons will follow the exemption request procedure prescribed in Reference Manual 6, and will be granted or denied in writing by the superintendent.

7.~~5~~4.8 Battle Reenactments

~~Battle re- enactments and demonstrations of battle tactics~~When performed with the degree of authenticity essential to park interpretive programs, battle reenactments are inherently and unacceptably hazardous to participants and observers. Therefore, battle reenactments that involve exchanges of fire between opposing lines, the taking of casualties, hand~~-~~-to~~-~~-hand combat, or any other form of simulated warfare~~,~~ are prohibited in all parks. ~~Battle re-enactments create an atmosphere inconsistent with the memorial qualities of the battlefields and other military sites placed in the Service's trust.~~

Comment: Edits to text above provide a more widely accepted reason as to why reenactments are prohibited.

7.~~6~~5 Interpretive and Educational Partnerships

In planning and implementing interpretive and educational programs, superintendents should consider the use of volunteers, concessioners, cooperating associations, field schools and institutes, friends groups, and private individuals to supplement park staff and funds. Such services will not be used as a replacement or substitute for a park's basic interpretive operation. To ensure quality control and appropriateness, NPS interpretive staff will be involved with the planning, approval, training, monitoring, and evaluation of all interpretive services provided by others. Non~~-~~-NPS personnel providing interpretive services should be offered an opportunity to complete the appropriate interpretive development program training module(~~-~~s), and/~~-~~or seek certification in the appropriate ~~competency(ies).~~ competencies).

(See Interpretive Competencies and Skills 7.4; Cooperating Associations 7.6.2; Interpretation by Concessioners 10.2.4.3)

7.~~6~~5.1 Volunteers in the Parks

Volunteer services may be used in various aspects of park operations under the authority of the Volunteers in the Parks Act of 1969. Pursuant to this legislation, volunteers may be recruited without regard to civil service regulations~~;~~, and they are covered for tort liability and work--injury compensation~~;~~ and may be reimbursed for out--of--pocket expenses while participating in the program.

Volunteers will be accepted without regard to race, creed, religion, age, sex, color, national origin, disability, or sexual orientation. Volunteers will not displace NPS employees. NPS housing may be used for volunteers only if available and not needed for NPS employees. Director's Order #7 and Reference Manual 7 provide additional guidance for the volunteer program.

(See Protection 5.3.5.1.4; Housing Management Plans 9.4.3.4. Also see Handbook 36 on Housing)

7.~~6~~5.2 Cooperating Associations

When appropriate, cooperating associations will join the National Park Service in presenting interpretive and educational programs, and in supporting research efforts as authorized in 16 USC 1--3, 6, and 17j-(-2)-e. Enabled by a standard, non--negotiable cooperating association agreement, cooperating associations may, consistent with a park's scope--of--sales statement, purchase for re-sale~~,~~ or produce for sale~~,~~ interpretive~~ and~~ , educational, and inspirational items that are directly related to the understanding and interpretation of the park or the national park system. Associations may offer appropriate and approved interpretive services that support but do not supplant interpretive and educational services offered by the ~~NPS.~~Park Service. Associations may accept donations on behalf of the Service when appropriate~~,~~ and when conducted through approved fund--raising efforts. ~~Service~~NPS housing may be used for cooperating association employees only if available and not needed for NPS employees. Guidance for managing NPS partnerships with cooperating associations is included in Director's Order #32 and Reference Manual 32.

(See Housing Management Plans 9.4.3.4. Also see Director's Order #21: Donations and Fundraising; Handbook 36 on Housing)

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Chapter 8: Use of the Parks

[Cover page summary statement] National parks belong to all Americans, and all Americans should feel welcome to visit, enjoy, and experience the parks. The National Park Service will promote and regulate ~~appropriate~~ use of the parks, and will provide the services necessary to meet the basic needs of park visitors and to achieve ~~each park's mission goals.~~ park purposes.

8.1 General

Many different types of uses take place in the ~~hundreds~~units of ~~parks that comprise~~ the national park system. Some of those uses are carried out by the National Park Service, but many more are carried out by park visitors, permittees, lessees, and licensees. The 1916 Organic Act, which created the National Park Service, directs the Service to conserve park resources ~~"~~and "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 1970 National Park System General Authorities Act, as amended in 1978, prohibits the Service from allowing any activities that would cause derogation of the values and purposes for which the parks have been established (except as directly and specifically provided by Congress). ~~Taken together, these two laws impose on NPS managers a strict mandate to protect park resources and values, and a responsibility to actively manage all park uses and, when necessary, to regulate their amount, kind, time, and place. (Throughout Management Policies, the term "impairment" is construed to also encompass "derogation.")~~ Taken together, these two laws require NPS managers to manage the amount, kind, time, and place of park uses in such a way that future generations can enjoy park resources and values, and appreciate their national significance in as good or better condition than the generation that preceded them.

8.1.1 Appropriate Use

Comment: In sections 8.1 and 8.2 below, the criteria for appropriate use and unacceptable impacts are adapted and enhanced from the 2001 criteria.

Providing opportunities for ~~appropriate~~ the public ~~enjoyment is an important part~~to visit and enjoy their national parks is a core element of the Service's mission. Other park uses—those unrelated to use by the general public ~~enjoyment~~—may sometimes be allowed as a ~~right or a~~ privilege if they are not otherwise prohibited by law or regulation. In exercising its discretionary authority, the Service will allow ~~only~~ uses that are ~~(1) appropriate to the purpose for which the park was established, and (2) can~~ determined to be ~~sustained without causing unacceptable impacts to park resources or values.~~ appropriate. "Appropriate uses" are those uses that, in the professional judgment of the responsible NPS manager, will not

~~Recreational activities and other uses that would impair a park's resources, values, or purposes cannot be allowed. The only exception is when an activity that would cause impairment is directly and specifically mandated by Congre~~

Comment: Activities mandated by Congress are addressed beginning on line 9 of page 173.

~~The fact that a park use may have an impact does not necessarily mean it will impair park resources or values for the enjoyment of future generations. Impacts may affect park resources or values and still be within the limits of the discretionary authority conferred by~~

~~the Organic Act. However, negative or adverse environmental impacts are never welcome in national parks, even when they fall far short of causing impairment. For this reason, the Service will not knowingly authorize a park use that would cause negative or adverse impacts unless it has been fully evaluated, appropriate public involvement has been obtained, and a compelling management need is present. In those situations, the Service will ensure that any negative or adverse impacts are the minimum necessary, unavoidable, cannot be further mitigated, and do not constitute impairment of park resources and values.~~

- Cause an unacceptable impact
- be inconsistent with the park purposes or values
- unreasonably interfere with park programs or activities
- disrupt the operations of park concessions or contractors
- create an unsafe or unhealthful environment for visitors or employees
- result in significant conflict with other appropriate uses
- diminish opportunities for current or future generations to enjoy park resources or values

Subject to the above criteria, appropriate uses may include

Comment: The 3 categories of uses listed below are subject to the same criteria for review and approval as any other uses.

- uses that have occurred historically in a park and when the type and/or the level of impact has not increased significantly
- uses that may represent new technology
- uses whose impacts can be successfully mitigated or eliminated through
  - visitor education
  - temporal, spatial, or numerical limitations on the use
  - the application of best available technology
  - the application of adaptive management techniques

8.1.2 Unacceptable Impacts

Comment: Redundancy between criteria for appropriate use and unacceptable impacts will further ensure that park resources and values are strongly protected.

In evaluating the appropriateness of a park use, standard NPS planning and decision-making procedures will be employed to engage the public and to use the best scientific information available. These procedures will also be used to determine whether there would be an unacceptable impact. An "unacceptable impact" is an impact that would

- be inconsistent with the park's purposes or values
- degrade resource conditions so as to preclude future generations from enjoying the resource in as good, or better, condition
- create an unsafe or unhealthful environment for other visitors or employees
- unreasonably interfere with
  - existing appropriate park uses
  - NPS interpretive, visitor service, administrative, or other activities
  - NPS concessioner or contractor operations or services
  - the attainment of a park's desired conditions, as identified through the park's planning process

Comment: Park plans will identify, for example, times when or places where an atmosphere of peace and tranquility, or natural soundscape, or certain types of visitor activities would be the desired condition

When a use is causing or would cause unacceptable impacts, the Service will seek first to manage the use in a way that will eliminate unacceptable impacts and, when necessary, restrict or disallow the activity. The Service will consider the best management tool or tools for the particular situation, using public involvement wherever appropriate. For example, if there were unacceptable impacts from NPS or concessioner vehicles the Service would consider whether applying adaptive management principles or requiring best available technology would sufficiently reduce or mitigate impacts to a level where the impacts were no longer unacceptable, and the use would then become one that is appropriate.

When a use is mandated by law~~, but causes adverse~~ and has been determined to cause unacceptable impacts to park resources or values, the Service will take appropriate management actions to avoid or mitigate the ~~adverse effects.~~unacceptable impacts. When a use is authorized by law, but not mandated, and ~~may~~when it is reasonably anticipated to cause ~~adverse~~unacceptable impacts to park resources or values, the Service will ~~avoid~~minimize or mitigate the impacts to the point where there will be no unacceptable impacts; or, if necessary, the Service will ~~deny~~not allow a proposed activity or eliminate an existing activity.

Comment: Uses that cause unacceptable impacts or impairment will not be allowed.

The Service may not allow uses that would impair a park's resources or values. Any use with the potential to impair park resources or values must be managed to ensure protection and prevent impairment of these resources and values—or be disallowed. Activities directly and specifically mandated by Congress must be allowed, but will be managed to prevent impairment of park resources to the extent possible.

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

Comment: The criteria below are the same as the criteria in the 2001 edition.

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

Park superintendents must ~~continually~~ examine all park uses to ensure that unanticipated and unacceptable impacts do not occur. Unless mandated by statute, only uses that meet the criteria listed in this section and section 8.2 may be allowed.

Specific park uses will be guided by the following subsections of this chapter, and must comply also with the other chapters of these *Management Policies*. The Service will coordinate with appropriate state authorities regarding activities that are subject to state regulation~~,~~ or to joint state/~~-~~federal regulation. The regulatory framework for implementing NPS policies governing use of the parks, and for determining when and where activities may be allowed, is found in 36 CFR Parts 2, 3, 4, 5, 7, 12, and 13. Procedures for implementing or terminating a restriction, condition, public use limit, or closure within a park area are found in 36 CFR 1.~~-~~5 ~~(but~~ as well as in certain park-specific regulations (see also 36 CFR 13.30 and 43 CFR 36.11(~~-~~h)) for procedures specific to park areas in Alaska). Some activities may be allowed in parks only after park~~-~~-specific regulations have been published.

(See Park Management 1.4; Consumptive Uses 8.9. Also see Director's Order #12; 36 CFR 2.1)

Comment: The importance of visitor service is given more emphasis in section 8.2, as are the qualities that attract visitors to the parks.

8.2 Visitor Use

Enjoyment of park resources and values by the people of the United States is part of the fundamental purpose of all parks. The Service enthusiastically welcomes visitors to come to, see, and enjoy their natural and cultural heritage within units of the national park system. Congress has instructed the Service to preserve and manage the national park system "for the benefit and inspiration of all the people of the United States," and the Service recognizes that visitors come from the world over to enjoy the "superlative natural, historic, and recreation areas" contained in the system. The Service is committed to providing appropriate, high-quality opportunities for visitors to enjoy the parks, and will maintain within the parks an atmosphere that is open, inviting, and accessible to every segment of American society. ~~However, many~~

In establishing the various federal bureaus that manage public lands for the benefit of the American public, Congress did not intend the national park system to be all things to all people. Some forms of recreation enjoyed by the public do not necessarily require a national park setting~~, and are more~~ and may not be "appropriate ~~to~~ uses" of parks, whereas they would be appropriate on other ~~venues.~~lands. The Service will therefore~~:~~

- ~~Provide~~ provide opportunities for forms of park use and enjoyment that are ~~uniquely suited and appropriate to~~ consistent with park purposes and the superlative natural and cultural resources found in the parks~~.~~
- ~~Defer~~defer to local, state, and other federal agencies; private industry; and non-governmental organizations to meet the broader spectrum of recreational needs and demands~~.~~

~~Are~~ One way to characterize the experience the Service provides for visitors' enjoyment is one of "authenticity." Examples of this authenticity include

- wild animals roaming freely and in as natural an assemblage as possible, living out their natural lives free of manipulation
- wildflowers and forests growing and changing, driven by natural forces rather than human forces
- historical events and places presented accurately and without contrivance or judgment
- scenic vistas presented via access that is light on the land and secondary to the natural landscapes

Comment: Authenticity has always been a valued characteristic of national park units, but was not mentioned in the 2001 edition.

The National Park Service has learned over decades of park management that the public seeks out and enjoys parks primarily for their authenticity. With this in mind, the Service will encourage visitor uses that

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

- ~~Are~~ are appropriate to the purpose for which the park was established, and
- ~~Are~~ are inspirational, educational, or healthful, and otherwise ~~appropriate to~~consistent with the purposes of the national park system and the particular park environment~~;~~, and /or
- ~~Will~~ will foster an understanding of~~,~~ and appreciation for~~,~~ park resources and values, or will promote enjoyment through a direct association with, interaction with, or relation to park resources~~;~~, and
- ~~Can~~can be sustained without causing unacceptable impacts to park resources or values.

The primary means by which the Service will actively foster and provide activities that meet these criteria will be through its interpretive and educational programs, ~~which are~~ described in detail in chapter 7. The Service will also welcome the efforts of private-~~-~~sector organizations to provide structured activities that meet these criteria. In addition to structured activities, the Service will, to the extent practicable, afford visitors ample opportunity for inspiration, appreciation, and enjoyment through their own personalized experiences~~, —~~ without the formality of program or structure. The Service may allow other visitor uses that do not meet all the above criteria (including uses that have occurred historically and uses that represent new technology) if they meet the criteria listed in section 8.1.

~~The Service will allow other visitor uses that do not meet all the above criteria if they are appropriate to the purpose for which the park was established and they can be sustained without causing unacceptable impacts to park resources or values.~~

~~Unless mandated by statute, the Service will not allow visitors to conduct activities that:~~

Comment: The deleted criteria are now encompassed in sections 8.1.1 and 8.1.2.

- ~~Would impair park resources or values;~~
- ~~Create an unsafe or unhealthful environment for other visitors or employees;~~
- ~~Are contrary to the purposes for which the park was established; or~~
- ~~Unreasonably interfere with:~~
    - ~~The atmosphere of peace and tranquility, or the natural soundscape maintained in wilderness and natural, historic, or commemorative locations within the park;~~
    - ~~NPS concessioner or contractor operations or services; or~~
    - ~~Other existing, appropriate park uses.~~

~~NPS interpretive, visitor service,~~ If a superintendent has a reasonable basis for believing that an ongoing or proposed public use would cause unacceptable impacts to park resources or values, the superintendent must manage the activity so as to prevent or eliminate the unacceptable impacts, or reduce them to acceptable levels. As appropriate, the superintendent may (1) use education and interpretive materials and adaptive management to encourage visitors to conduct their activities in a manner that reduces impacts; (2) require the use of best available technology and improved techniques; (3) place temporal, spatial, or numeric limitations on the use; (4) temporarily or permanently close a specific area; or (5) prohibit a particular use.

- ~~Any~~ administrative~~,~~ closures or ~~other activities;~~

~~Management controls~~restrictions must be ~~imposed on all park uses to ensure that park resources~~consistent with applicable laws, regulations, and ~~values are preserved~~policies, and ~~protected for~~(except in emergency situations) require a written determination by the ~~future. If and~~superintendent, with public involvement when ~~a superintendent has a reasonable basis for believing that an ongoing or proposed public use would cause unacceptable impacts to park resources or values, the superintendent must make adjustments to the way the activity is conducted, so as to eliminate the unacceptable impacts. If necessary, the superintendent may (1) temporarily or permanently close a specific area; (2) prohibit a particular use; or (3) otherwise place limitations on the use to ensure that impairment does not occur.~~

Comment: See previous paragraph for more comprehensive substitute wording for deleted text.

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

- ~~protect~~maintain public health and safety~~;~~
- prevent unacceptable impacts to park resources or values~~;~~
- carry out scientific research~~;~~
- equitably allocate use of facilities
- implement management responsibilities
- minimize visitor use conflicts~~; or~~.
- ~~otherwise implement management responsibilities.~~

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

Comment: New text below indicates NPS's commitment to reach out to all potential park users and promote better understanding.

Park managers should seek out opportunities to communicate NPS policies and regulations to those individuals and groups who use, or who wish to use, national parks for established, and potentially new, recreational activities. Generally, discussion and communication about NPS policies should be used as an opportunity to exchange information with individuals and user groups about the Service's statutory and regulatory requirements, and to learn about the their goals and organizational structure. It is in the Service's interest to establish ongoing communication with individuals and groups representing a diverse range of visitor uses, including those who advocate recreational uses that may be of questionable appropriateness for national park areas. Only by establishing and maintaining open lines of communication may the Service ensure that its management decisions are fair, reasonable, and defensible.

Beyond the need to communicate about specific types of uses, park managers should actively solicit participation by representative groups in planning processes that might affect their interests. In particular, participation by these groups should be sought when a general management plan, visitor use management plan, backcountry management plan, or similar plan is being proposed. It is vitally important that park managers and other NPS decision

makers become fully aware of the viewpoints expressed by these groups, and that their viewpoints be given respectful consideration. The Service recognizes that it may not be possible to accommodate all the interests of all groups. However, when the interests of a user group cannot be accommodated, the responsible park manager must be able to explain the reason.

(See Park Management 1.4; Management of Recreational Use 8.2.2.1. Also see 36 CFR 1.5: "Closures and Public Use Limits"; Director's Order #12: Tourism)

8.2.1 ~~Visitor~~ Carrying Capacity

~~Visitor carrying~~Carrying capacity is the type and level of ~~visitor~~ use that can be accommodated while sustaining the desired resource and visitor experience conditions in the park. By identifying ~~and staying within carrying capacities~~these conditions, superintendents can ~~prevent~~ manage park uses ~~that may unacceptably impact~~ consistent with park purposes and to protect the resources and values for which the ~~parks were~~park was established. ~~For all zones, districts, or other logical management divisions within a park, superintendents will identify visitor carrying capacities for managing public use.~~ Superintendents will ~~also identify ways to~~ monitor for~~,~~ and address~~,~~ unacceptable impacts to park resources and values to protect park resources and maintain high-quality visitor experiences.

In general, carrying capacity should not be defined in static numeric terms, but rather should (1) describe desired resource and social conditions, and (2) identify the kinds of policies, actions, and best available technology that could be implemented to achieve the desired conditions. When making decisions about carrying capacity, ~~superintendents~~park managers must ~~utilize~~use the best available natural and social science and other information, solicit public involvement, and maintain a comprehensive administrative record relating to their decisions. The decision-making process should be based on

- desired resource conditions and visitor experiences for the area~~;~~ as established in park planning or NEPA documents,
- quality indicators and standards that define the desired resource conditions and visitor experiences~~;~~, and
- other factors that will lead to logical conclusions and the protection of park resources and values.

The level of analysis necessary to make decisions about carrying capacities is commensurate with the potential impacts or consequences of the decisions. The greater the potential for significant impacts or consequences to park resources and values ~~(or~~ and the opportunities to enjoy them~~)~~, the greater the level of communication, consultation, study and analysis needed to support the decisions.

The general management planning process will determine the desired resource and visitor experience conditions that are the foundation for carrying capacity analysis and ~~decision~~decision making. If a general management plan is not current or complete, or if more detailed decision-~~-~~making is required, a carrying capacity planning process, such as the

Visitor Experience and Resource Protection (VERP) framework, should be applied in an implementation plan or an amendment to an existing plan. If the time frame for making decisions is insufficient to allow the application of a carrying capacity planning process, ~~then superintendents~~park managers must make decisions based on the best available ~~scientific and~~ science, public input, and other information. In either case, such planning must be accompanied by appropriate environmental impact analysis, in accordance with Director's Order #12.

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

If ~~and when~~ park uses reach a level at which ~~they~~ one or more uses must be limited or curtailed, the preferred choice will be to continue uses that best meet the criteria listed in ~~section~~sections 8.~~2 for preferred uses~~1 and 8.2, and to limit or curtail those that least meet those criteria.

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

8.2.~~2~~2 Recreational Activities

The National Park Service will encourage, allow, or not allow recreational activities according to the criteria listed in ~~section~~sections 8.1 and 8.2. Examples of recreational activities ~~that may be encouraged or allowed~~ include, but are not limited to, boating, camping, bicycling, fishing, hiking, horseback riding and packing, outdoor sports, picnicking, scuba diving, cross-country skiing, caving, mountain and rock climbing, and swimming. However, not all of these activities will be ~~appropriate or allowable~~ allowed in all parks; that determination ~~must~~should be made on the basis of park-~~-~~specific planning. Service~~-~~-wide regulations addressing aircraft use, off-road bicycling, hang gliding, off-road vehicle use, personal watercraft, and snowmobiling require that special, park-~~-~~specific regulations be developed before these uses may be allowed in parks. ~~(Somewhat different~~(Different statutory and regulatory provisions apply to snowmobile, motorboat, and ~~aircraft~~airplane use in units of the national park system in Alaska.)

The Service will monitor new or changing patterns of use or trends in recreational activities, and will assess their potential impacts on park resources. A new form of recreational activity will not be allowed within a park ~~until after an environmental analysis has determined~~ if a park manager determines that it will ~~not~~ result in unacceptable impacts on park resources~~.~~ ~~Restrictions placed on~~ or values consistent with the criteria in 8.1. Management of recreational uses that have been ~~found to be appropriate~~approved according to the criteria in

8.1 will be limited to ~~the minimum~~that which is necessary to protect park resources and values~~,~~ and promote visitor safety and enjoyment.

8.2.2.~~1~~1 Management of Recreational Use

Superintendents ~~will~~should develop and implement visitor use management plans and take management actions~~,~~ as ~~appropriate,~~needed to ensure that recreational uses and activities within the park are consistent with its authorizing legislation or proclamation~~ and do not cause unacceptable impacts to park resources or values.~~, and that these uses are determined to be appropriate. Depending on local park needs and circumstances, these plans may be prepared as

Comment: "Appropriate" use sets a stronger standard than "unacceptable impacts."

- coordinated activity~~-~~-specific documents (such as river use plan, backcountry use plan, wilderness ~~management~~stewardship plan, off-road vehicle use plan, winter use plan~~);~~),
- as action plan components of a resource management plan or general management plan~~;~~ , or
- or as a single integrated plan that addresses a broad spectrum of recreational activities.

Regardless of their format or complexity, visitor use management plans will (1) contain specific, measurable management objectives related to the activity or activities being addressed~~;~~, (2) be periodically reviewed and updated~~;~~, and (3) be consistent with ~~the~~ carrying capacity decisions made in the general management plan.

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

~~Superintendents~~Park managers will consider a wide range of techniques in managing recreational use to ~~avoid adverse impacts on~~ensure protection of park resources and values, ~~or~~and to provide desired visitor experiences. Examples of appropriate techniques include visitor information and education programs; separation of conflicting uses by time or location; "hardening" sites; modifying maintenance practices; and permit and reservation systems. Superintendents may also use their discretionary authority to impose local restrictions, public use limits, and closures, and they may designate areas for a specific use or activity (see 36 CFR 1.~~-~~5). Any restriction of appropriate recreational uses will be limited (1) to what is necessary to protect park resources and values, (2) to promote visitor safety and enjoyment, or (3) to meet park management needs. To the extent reasonable and practicable, public use limits established by the Service will be based on the results of scientific research, public involvement, and other available support data. ~~However, an activity will be restricted or prohibited when, in the judgment of the superintendent, its occurrence, continuation, or expansion would (1) violate the criteria listed in section 8. 2, or (2) conflict with the findings~~

~~of a carrying capacity analysis, and there is no reasonable alternative that would avoid or satisfactorily mitigate the violation or conflict.~~

Comment: Deleted sentence is adequately covered by section 8.1.2.

Recreational activities ~~that are~~ proposed as organized events or that involve commercialization, advertising, or publicity on the part of participants or organizers are defined as "special events," and are managed in accordance with the policies in section 8.~~-~~6.2~~;~~, regulations in 36 CFR 2.~~-~~50~~;~~, and criteria and procedures in Director's Order #53: Special Park Uses.

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

8.2.2.2 Commercial Visitor Services

~~The Park Service may permit commercial visitor services that are necessary and appropriate for public use and enjoyment of the park, and that are consistent to the highest practicable degree with the preservation and conservation of the park's resources and values. Commercial visitor services:~~

- ~~Will be operated only under concession contracts or commercial use permits;~~
- ~~Should not be provided within a park if the identified needs for visitor services can be adequately met outside park boundaries; and~~
- ~~Must comply with chapter 10; Director's Orders #48A: Concession Management, and 48B: Commercial Use Authorizations; and the regulations found in 36 CFR Part 51.~~

~~*(See Commercial Services 6.4.4; Planning Criteria for Park Concessions 10.2.2.1; Commercial Use Authorizations 8.3)*~~

For information on commercial visitor services, see Commercial Services 6.4.4, Planning Criteria for Park Concessions 10.2.2.1, and Commercial Use Authorizations 10.3.

8.2.2.3 River Use

A river use management plan ~~will~~ should be developed for each park having significant levels of river use, or the potential for such use, unless the planning is accomplished through some other document. Appropriate types and levels of public uses will be identified and managed to ~~prevent adverse impacts on~~protect aquatic resources, the riparian environment, and visitor enjoyment. Each river management plan will include specific procedures for disposing of refuse and human waste. ~~Plans should be coordinated~~Planning will include consultation with ~~interested~~tribal, state, and~~/ or~~ local governments~~.~~ (including cooperating agency status where appropriate), and will include public involvement.

(See Implementation Planning 2.3.3; National Wild and Scenic Rivers System 4.3.4; Water Resource Management 4.6; Flood plains 4.6.4; Wetlands 4.6.5; Grazing by Domestic and Feral Livestock 8.6.8)

8.2.2.4 _Backcountry Use

The ~~Park~~ Service uses the term "backcountry" to refer to primitive, undeveloped portions of parks. This is not a specific management zone, but rather refers to a general condition of land that may occur anywhere within a park. Back~~-~~country use will be managed in accordance with a backcountry management plan (or other plan addressing backcountry uses) that is ~~designed to avoid unacceptable impacts on park resources or adverse effects on the~~ intended to provide for visitor enjoyment and recreation opportunities that are consistent with the backcountry experience and that ensure protection of ~~appropriate recreational experiences.~~park resources or values. The Service will seek to identify acceptable limits of impacts, monitor backcountry use levels and resource conditions, and take prompt ~~corrective~~management action when unacceptable impacts occur. Strategies designed to guide the preservation, management, and use of the backcountry and to achieve the park's management objectives will be integrated into the park's backcountry management plan. Backcountry ~~under study,~~ proposed~~,~~ or recommended for wilderness designation will be managed as wilderness~~.~~ consistent with the Wilderness Stewardship policies in Chapter 6.

The number and types of facilities to support visitor use, including sanitary facilities, ~~will~~should be limited to the minimum necessary to achieve a park's backcountry management objectives and to provide for the health and safety of park visitors. ~~To avoid the need for sanitary facilities, public~~Public use levels will be managed, where practicable, in accordance with the natural system's ability to absorb human waste. The Service ~~will~~should not provide refuse containers in backcountry areas~~.~~ unless doing so would not detract from the primitive experience of the backcountry and is necessary to prevent unacceptable impacts to the resources or values. All refuse must be carried out, except that combustible materials may be burned when authorized by the ~~superintendent.~~ park managers. Users should be educated about and encouraged to practice a strong outdoor land ethic, as developed by our partner organizations including Leave No Trace, Tread Lightly!, Backcountry Horsemen of America, and others.

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

8.2.2.5 _Fishing

Comment: "Appropriate use" sets a stronger standard.

Recreational fishing will be allowed in parks when it is authorized, or not specifically prohibited, by federal law~~,~~ provided that it ~~does not jeopardize natural aquatic ecosystems or riparian zones.~~has been determined to be an appropriate use. When fishing is allowed, it will be conducted in accordance with applicable federal laws and treaty rights, and nonconflicting state laws and regulations. (For NPS units in Alaska, fishing will additionally be managed in accordance with the Alaska National Interest Lands Conservation Act.) The

Service may restrict fishing activities ~~whenever~~ when necessary to achieve management objectives outlined in a park's resource management plan or to otherwise protect park resources or public safety~~, ~~ unless such restrictions would violate a federal law or treaty. Before the Service issues regulations or other restrictions, representatives of appropriate tribes and state and federal agencies will be consulted to ensure that all available scientific data is considered in the decision-making process. Any such regulations or other restrictions will be developed with public involvement.

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

(See Implementation Planning 2.3.3; Planning for Natural Resource Management 4.1.1; Harvest of Plants and Animals by the Public 4.4.3; Facilities for Water Recreation 9.3.4.2)

8.2.2.6 Hunting and Trapping

Comment: The supplemental text below does not allow more parks to be opened to hunting, or more hunting to take place in those parks where it is authorized.

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

Hunting and trapping~~, whether it takes place as a mandated or a discretionary activity,~~ will be conducted in accordance with federal law and applicable laws of the state or states in which a park is located. However, except for Alaska park units (which are subject to the Alaska National Interest Lands Conservation Act and regulations published at 36 CFR Part 13), the park in which ~~it~~ hunting and/or trapping occurs must also publish special regulations to govern the activity, and those regulations may be more restrictive than applicable state regulations~~. For example, the superintendent may designate areas where, and establish periods~~ when~~, no hunting or trapping will be permitted~~ necessary to prevent unacceptable impacts on park resources or values or to provide for ~~reasons of~~ public safety~~, area administration, wildlife management, or public use and enjoyment.~~. Before the Service issues regulations or other restrictions, representatives of appropriate tribes and state and federal agencies will be consulted (including offering cooperating agency status where appropriate) to ensure that all available scientific data is considered in the decision-making process. Any such regulations or other restrictions will be developed with public involvement.

~~To~~ If the wildlife to be harvested is comanaged by the Service with states or tribes pursuant to a park's enabling legislation or proclamation, the Service's consultation, cooperation, and communication concerning fish and wildlife management will be consistent with Departmental policy at 43 CFR Part 24. This Departmental policy recognizes the broad authorities and responsibilities of federal and state agencies with regard to the management of the nation's fish and wildlife resources, and promotes cooperative management relationships among these agencies. In particular, the policy calls on the Service to consult with state agencies on certain fish and wildlife management actions, and encourages the

execution of memoranda of understanding as appropriate to ensure the conduct of programs that meet mutual objectives.

(See Harvest of Plants and Animals by the Public 4.4.3; Genetic Resource Management Principles 4.4.1.2)

Comment: Recreational stock use is now addressed separately from commercial grazing. (See 8.6.8.)

8.2.2.7 Recreational Pack and Saddle Stock Use

Equine species such as horses, mules, donkeys and burros, and other types of animals (including llamas, alpacas, goats, oxen, dogs and reindeer) may be employed when it is an appropriate use to support backcountry transport of people and materials. NPS regulations at 36 CFR 2.16 prohibit the use of animals other than those designated as "pack animals" for transporting equipment.

Planning for recreational stock use should be conducted in the context of visitor use planning to address social, biological, and physical carrying capacity considerations, and to make allocation decisions that minimize potential conflicts between and among user groups. The plan should (1) establish routes, trails, and areas of travel, and (2) identify the need for supporting infrastructure such as designated horse camps, hitch rails, corrals, and appropriate trailhead facilities designed for vehicles towing horse trailers. The plan should also identify sensitive natural and cultural resource areas, and develop management strategies to protect these resources.

In areas where demand for available grazing for recreational and administrative stock exceeds allowable limits, alternative strategies must be developed. In areas where certified "weed seed free" hay or pellet rations are available, they should be considered as alternative feeding strategies to supplement grazing. Administrative stock use should generally follow the same rules and guidelines that are established for recreational use.

Comment: 8.2.2.7 deleted because it did not comport with the governing regulations at 36 CFR 2.17(a)(3).

~~8.2.2.7 BASE Jumping~~

~~BASE (Buildings, Antennae, Spans, Earth forms) jumping—also known as fixed object jumping—involves an individual wearing a parachute jumping from buildings, antennae, spans (bridges), and earth forms (cliffs). This is not an appropriate public use activity within national park areas, and is prohibited by 36 CFR 2. 17(3).~~

8.2.3 Use of Motorized Equipment and Mechanized Modes of Travel

~~8.2.3 Use of Motorized Equipment~~

~~The variety of motorized equipment—including visitor vehicles, concessioner equipment, and Park Service administrative or staff vehicles and equipment—that operates in national parks has the potential to adversely impact park resources, including the park's natural soundscape. In addition to their natural values, natural sounds, such as waves breaking on the shore, the roar of a river, and the call of a loon, form a valued part of the visitor experience. Conversely, the sounds of motor vehicle traffic, an electric generator, or loud music can~~

~~greatly diminish the solemnity of a visit to a national memorial, the effectiveness of a park interpretive program, or the ability of a visitor to hear a bird singing its territorial song. Many parks that appear as they did in historical context no longer sound the way they once did.~~

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

Comment: The NPS commitment to protecting the natural soundscape addressed on page 60 and in sections 1.4.5 and 4.9.

There are many forms of motorized equipment and mechanized modes of travel, and improved technology has increased the frequency of their use. In some areas and under certain conditions, the use of mechanized equipment and mechanized modes of travel may be determined to be an appropriate use. The management of these uses requires effective monitoring of resources and visitor experiences. Uses and impacts associated with the use of motorized equipment will be addressed in park planning processes. In the development of these plans, appropriate tribal, local, and state governments shall be consulted and offered cooperating agency status as appropriate, and public input shall be included. To meet its responsibilities under Executive Order 13149~~(~~: Greening the Government Through Federal ~~fleet~~Fleet and Transportation Efficiency~~)~~, the Service will develop and implement a strategy to reduce its vehicle fleet's annual petroleum consumption.

(See Soundscape Management 4.9)

8.2.3.1 Off-road Vehicle Use

Comment: There is no substantive change to NPS policy on ORV use, which is governed by executive order and regulations.

Off-road motor vehicle use in national park units is governed by Executive ~~Order 11644 (as amended by Executive Order 11989), which defines off-~~orders and regulations. Off road vehicles are defined as "any motorized vehicle designed for or capable of cross-~~-~~country travel on or immediately over, land, water, sand, snow, ice, marsh, swampland, or other natural terrain" (except any registered motorboat or any vehicle used for emergency purposes). ~~Unless otherwise provided by statute, any time there is a proposal to allow a motor vehicle meeting this description to be used in a park, the provisions of the Executive order must be applied.~~ Within the national park system, off-road vehicle use that occurs on park roads is managed in the same manner as automobile traffic according to the regulations in 36 CFR Part 4. Routes and areas may be designated for off-road motor vehicle use by special regulation within national recreation areas, national seashores, national lakeshores, and national preserves, and then only when determined to be an appropriate use. Consistent with the executive orders and the Organic Act, park managers must immediately close a designated off-road vehicle route whenever the use is causing or will cause unacceptable impacts.

~~Within the national park system, routes and areas may be designated for off-road motor vehicle use only by special regulation, and only when it would be consistent with the purposes for which the park unit was established. Routes and areas may be designated only in locations in which there will be no adverse impacts on the area's natural, cultural, scenic, and esthetic values, and in consideration of other visitor uses. The criteria listed in section 8. must also be applied to determine whether off-road vehicle use may be allowed. As required by the Executive order and the Organic Act, superintendents must immediately close a designated off-road vehicle route whenever the use is causing, or will cause, unacceptable adverse effects on the soil, vegetation, wildlife, wildlife habitat, or cultural or historic resources.~~

NPS administrative off-road motor vehicle use will be limited to what is necessary (1) to manage the public use of designated off-road vehicle routes and areas; (2) to conduct emergency operations; and (3) to accomplish essential maintenance, construction, and resource protection activities that cannot be accomplished reasonably by other means.

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

8.2.3.2 _Snowmobiles and Oversnow Vehicles

Comment: There is no substantive change to this section. Snowmobile use is governed by executive order and regulations

Snowmobile use is a form of off-road vehicle use governed by Executive Order 11644 (as amended by Executive Order 11989) and, in Alaska, by provisions of ~~ANILCA~~the Alaska National Interest Lands Conservation Act (16 USC 3121 and 3170). Implementing regulations are published at 36 CFR 2.-18, 36 CFR Part 13, and 43 CFR Part 36.

Routes and areas may be designated for snowmobile and oversnow vehicle use by special regulation on routes and water surfaces that are used by motor vehicles or motorboats during other seasons. Such routes or areas shall be designated only when determined to be an appropriate use.

NPS administrative use of snowmobiles and oversnow vehicles will be limited to what is necessary (1) to manage public use of snowmobile or oversnow vehicle routes and areas; (2) to conduct emergency operations; and (3) to accomplish essential administrative, maintenance, construction, and resource protection activities that cannot be accomplished reasonably by other means.

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

8.2.3.3 _Personal Watercraft

Comment: There is no substantive change to this section.

Motorized personal watercraft (PWC) use ~~is prohibited unless it~~ may be permitted through special regulations and when this use has been identified as appropriate for a specific park. PWC use may be authorized if an evaluation of the park's enabling legislation, resources and values, other visitor uses, and overall management objectives confirms that PWC use is an appropriate ~~and consistent with the criteria in section 8. 2.~~use.

8.2.4 _Accessibility for Persons with Disabilities

All ~~reasonable~~practicable efforts will be made to make NPS facilities, programs, and services accessible to and usable by all people, including those with disabilities. This policy reflects the commitment to provide access to the widest cross section of the public, and to ensure compliance with the intent of the Architectural Barriers Act and the Rehabilitation Act. The Service will also comply with section 507 of the ~~ADA~~Americans with Disabilities Act (42 USC 12207), which relates specifically to the operation and management of federal wilderness areas. Specific guidance for implementing these laws is found in the Secretary of the Interior's regulations regarding enforcement of nondiscrimination on the basis of disability in Department of the Interior programs (43 CFR Part 17, Subpart E).

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

(See Physical Access for Persons with Disabilities 5.3.2; Accessibility for Persons with Disabilities 6.4.10; Accessibility for Persons with Disabilities 9.1.2. Also see Director's Order #16A: Reasonable Accommodation for Applicants and Employees with Disabilities; Director's Order #42: Accessibility for Visitors with Disabilities)

8.2.5 Visitor Safety and Emergency Response

8.2.5.1 Visitor Safety

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

While recognizing that there are limitations on its capability to totally eliminate all hazards, the Service and its concessioners, contractors, and cooperators will seek to ~~provide~~promote a safe and healthful environment for visitors and employees. The Service will work cooperatively with other federal, tribal, state, and local agencies, organizations, and individuals to carry out this responsibility. The Service will strive to identify recognizable threats to the safety and health of persons and to the protection of property by applying nationally accepted codes, standards, engineering principles, and the guidance contained in Director's Orders #50, #58, and #83 and their associated reference manuals. When practicable~~,~~ and consistent with congressionally designated purposes and mandates~~,~~ the Service will reduce or remove known hazards and apply other appropriate measures,

including closures, guarding, ~~signing~~signs, or other forms of education. In doing so, the Service's preferred actions will be those that have the least impact on park resources and values.

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

These ~~management policies~~*Management Policies* do not impose park-~~-~~specific visitor safety prescriptions. The means by which public safety concerns are to be addressed is left to the discretion of superintendents and other decision-~~-~~makers at the park level~~,~~ who must work within the limits of funding and staffing. Examples include decisions about whether to (1) install warning signs or artificial lighting~~;~~, distribute weather warnings or advisories~~;~~, initiate search-~~-~~and-~~-~~rescue operations, or render emergency aid; (2) eliminate potentially dangerous animals; (3) close roads and trails, or install guardrails and fences; and (4) grant or deny backcountry or climbing permits. Some forms of visitor safeguards—~~-~~such as fences, railings, and paved walking surfaces—~~-~~typically found in other public venues may not be ~~appropriate~~consistent with park purposes or practicable in a national park setting. In some instances, restrictions on activities may be necessary to maintain a safe environment for those not engaged in the activity.

(See Air Quality 4.7.1; Lightscape Management 4.10; General Policy 6.4.1; Siting Facilities to Avoid Natural Hazards 9.1.1.6; Waste Management and Contaminant Issues 9.1.6; Risk Management Program 10.2.4.8; Food Service Sanitation Inspections 10.2.4.14)

8.2.5.2 Emergency Preparedness and Emergency Operations

The National Park Service will develop a program of emergency preparedness in accordance with title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 USC 5195— 5197g); National Security Decision Directive 259 (February 4, 1987); Department of the Interior policy; and other considerations at the Washington headquarters, regional, and park levels. The purpose of the program will be to maximize visitor and employee safety and the ~~protection of~~ conservation of resources and the protection of property. This program will include a systematic method for alerting visitors about potential disasters and evacuation procedures.

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

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

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

Parks that have their own aircraft, or ~~incidents~~contract for the use of aircraft ~~contracting~~, must have an aircraft crash rescue response plan in place.

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

8.2.5.3 Search and Rescue

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

(See Management Facilities 6.3.10; General Policy 6.4.1)

8.2.5.4 Emergency Medical Services

The Service will make reasonable efforts to provide appropriate emergency medical services for persons who become ill or injured. An emergency medical services program will be maintained, where appropriate, to provide transportation and pre-hospital care of the sick and injured, ~~and emergency pre- hospital care,~~ which may range from minor first aid to advanced life support in various environmental settings. Transportation may include everything from patrol cars and ambulances~~,~~ to fixed-~~-~~wing planes and helicopter air ambulances~~.~~, consistent with Departmental policies regarding aircraft use.

Qualified emergency medical services in local communities may be used if such services can respond rapidly enough in life-~~-~~threatening emergencies. When such services are not

available, the ~~NPS~~ Park Service will make a reasonable effort to provide a level of emergency medical service commensurate with park needs, and in response to an emergency medical needs assessment. Each superintendent will develop and implement a program to meet those needs, in accordance with Director's Order #51: Emergency Medical Services. Extended emergency medical services operations will be conducted ~~utilizing~~ the ~~IS.~~ Incident Command System.

8.2.6 Recreation Fees and Reservations

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

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

8.2.6.1 Recreation Fees

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

- First Amendment activities, which are exempt from all fees~~; Special~~
- special park uses such as agricultural, grazing, and commercial filming activities (all of which are subject to special park use fees)~~;~~
- NPS--authorized research activities~~; Federal~~
- federal, state, tribal, and local government business~~; and Outings~~

- outings conducted for educational purposes by schools and other ~~bona~~bona fide educational institutions.

(See Fees 8.6.1.2; ~~first~~First Amendment Activities 8.6.3. Also see 36 CFR 71.13)

8.2.6.2 National Park Reservation Service

To better serve park visitors, to ensure the ~~protection~~conservation of park resources, or to improve operational efficiency, the ~~NPS~~Park Service will ~~operate a national reservation service of its own, or~~ participate in ~~an inter- agency system.~~the interagency National Recreation Reservation System operated under Recreation.gov (NRRS). A reservation service may involve campgrounds, other facilities, tours, or other services operated or provided by the ~~NPS~~Park Service for visitors. ~~Existing reservation services~~The NRRS may be expanded or new services may be developed~~,~~ based on NPS needs~~.~~ and NRRS capacity to accommodate the needs.

Superintendents are encouraged to ~~have their parks~~ participate in ~~the Service- wide reservation system whenever~~NRRS when it will improve visitor services, better market ~~less-~~ and increase visitation at underused parks, or improve the efficiency of park administration. ~~In order to~~To avoid duplicative costs and confusion, a park must first determine that ~~a Service- wide system already in operation~~the NRRS will not accommodate the park's reservation needs~~,~~ before participating in some other type of reservation system.

(See Chapter 7: Interpretation and Education)

8.3 Law Enforcement Program

8.3.1 General

The law enforcement program is an important tool in carrying out the ~~National Park Service~~ NPS mission. The objectives of the NPS law enforcement program are (1) the prevention of criminal activities through resource education, public safety efforts, and deterrence; and (2) the detection and investigation of criminal activity and the apprehension and successful prosecution of criminal violators. In carrying out the law enforcement program, the Service will make reasonable efforts to provide for the protection, safety, and security of park visitors, employees, concessioners, and public and private property, and to protect the natural and cultural resources entrusted to its care.

Law enforcement is characterized by high risks and inherent dangers to enforcement officers, and by high public expectations that law enforcement activities will be performed in a professional manner. It is therefore essential that the Service issue clear policies and procedures to guide the law enforcement program, and that commissioned employees receive the training and equipment necessary to perform their ~~jobs~~duties successfully. The NPS law enforcement program will be managed and supervised in accordance with (1) all applicable laws and regulations; (2) Part 446 of the *Department of the Interior Manual;* (3) these *Management Policies*; ~~and~~(4) Director's Order #9: NPS Law Enforcement Program~~(~~;

Reference Manual #9; or (5) U. S. Park Police General Orders, as appropriate). To help sustain the high level of public trust necessary for an effective law enforcement program, commissioned employees will adhere to the Department of the Interior's law enforcement code of conduct, and the standards of ethical conduct found in Reference Manual 9.

All necessary and appropriate steps will be taken to ensure that the park service maintains a viable and progressive law enforcement program. The authority and responsibility to manage the law enforcement programNPS Commissioned Park Ranger program will flow from the Director to the regional directors, and from regional directors to park superintendents. To aid in meeting their responsibilities, each Deputy Director-Operations, to the Regional Directors, to park superintendent will prepare a Law Enforcement Needs Assessment and update it at least every three years, guided by the Visitor Management-Resource Protection Assessment Program. Superintendents. Park Superintendents will be responsible and accountable for the management of the law enforcement program within their respective areas. National law enforcement policy oversight relating to commissioned park rangers and special agents will be maintained in the office of the Associate Director for Visitor and Resource Protection. This Associate Director will also manage the national Special Agent program.

The authority and responsibility to manage U.S. Park Police operations will flow from the Director to the Deputy Director-Operations, to the Chief, U.S. Park Police.

8.3.2 The Context for Law Enforcement

Park law enforcement activities will be managed by superintendents as part of a comprehensive, interdisciplinary effort to protect resources, manage public use, and promote public safety and appropriate enjoyment. This is in keeping with guidance provided by Congress in 1976 when it amended the General Authorities Act (16 USC 1a--3):).

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

8.3.3 Shared Responsibilities

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

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

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

8.3.4 Enforcement Authority

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

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

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

- ~~Emergency~~emergency responses such as life or death incidents, serious injury/ fatality accident/~~-~~incident scenes, crime scenes involving the protection of human life, officer ~~in trouble, threat(s)~~ needs assistance, threats to health or safety of the public~~.~~
- ~~Emergency~~emergency or law enforcement incidents directly affecting visitor safety or resource protection~~.~~

- ~~Probable~~ probable-cause felonies and felonies committed in the presence of and observed by ~~National Park Service rangers.~~ U.S. Park Rangers, Special Agents, or U.S. Park Police
- ~~Misdemeanors~~misdemeanors committed in the presence of ~~National~~U.S. Park ~~Service rangers~~Rangers, Special Agents, or U.S. Park Police that present an immediate threat to the health and safety of the public~~.~~

Except where specifically provided by acts of Congress codified in the District of Columbia Code 5-201 to 5-208 (2001), the Service may not assume law enforcement responsibility outside of a park in lieu of the legitimate responsibilities of nearby agencies. Cooperative assistance rendered to nearby law enforcement agencies outside ~~of~~ park boundaries should be limited to only those actions or efforts that support or assist those agencies.~~ Further, insofar as 16 USC 1b(1) does not confer arrest authority to NPS personnel who act outside park areas, state arrest authority is first needed before NPS personnel may enforce state law or engage in law enforcement activity. The Service may not assume law enforcement responsibility outside of park boundaries in lieu of the legitimate responsibilities of nearby agencies.~~

8.3.5 Jurisdiction

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

8.3.6 ~~Use of Force~~

~~Commissioned employees may use a wide variety of defensive equipment force options in response to various threats and other enforcement situations. The primary consideration is the timely and effective application of the appropriate level of force required to establish and maintain lawful control. The only justifications for the use of force are:~~ **Media Relations**

- ~~To defend self;~~
- ~~To defend others;~~
- ~~To effect an arrest;~~
- ~~To restrain or control violent, threatening, or resistive behavior, or to disperse an unlawful group.~~

~~Commissioned employees may use deadly force only when necessary; that is, when the ranger has an objectively reasonable belief, in light of the facts and circumstances confronting the ranger, that the subject of such force poses an imminent danger of death or~~

~~serious physical injury to the ranger or to another person. "Deadly force" is the use of any force that is likely to cause death or serious physical injury. Deadly force does not include force that is not likely to cause death or serious physical injury, but unexpectedly results in such death or injury.~~

~~If force other than deadly force reasonably appears to be sufficient to accomplish an arrest or otherwise accomplish the law enforcement purpose, that is the preferred level of force. In no instance may deadly force be utilized unless such use is objectively reasonable under the circumstances.~~

~~Animals may be destroyed when necessary in self-defense orin the defense of others. Pets or feral animals that are running at large and observed in the act of killing, injuring, or molesting humans, livestock, or wildlife may be destroyed, as provided by regulations at 36 CFR 2.15(c).~~

8.3.6 Law Enforcement Public Information and Media Relations

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

The right of the public to obtain information about government operations and activities is subject to the requirements of the Freedom of Information Act and the Privacy Act.

(See Public Information and Media Relations 1.7.3)

8.3.7 Homeland Security

Comment: Homeland Security has become a major element of the NPS law enforcement program since the 2001 edition was published.

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

8.4 Overflights and Aviation Uses

Comment: Edits to section 8.4 do not allow for more overflights of parks. Statutory provisions under which the NPS works cooperatively with the FAA continue to guide overflight planning and management

A variety of aircraft, including military, commercial, general aviation, and aircraft used for NPS administrative purposes, fly in the airspace over national parks. Overflights may cause unacceptable impacts to park resources and values and diminish visitor enjoyment. ~~While there are many legitimate aviation uses, overflights can adversely affect park resources and values and interfere with visitor enjoyment.~~ In cooperation with appropriate authorities, ~~T~~he Park Service will take all necessary steps to avoid or to mitigate ~~adverse effects~~unacceptable impacts resulting from aircraft overflights.

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

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

8.4.1 Alaska and Remote Areas

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

8.4.2 Education

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

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

8.4.3 General Aviation

The Service will work closely with the ~~FAA~~Federal Aviation Administration and with general aviation organizations to ensure that general aviation operations over units of the national park system are conducted in accordance with applicable FAA advisories and "fly-friendly" techniques and procedures designed to help pilots minimize impacts on national parks. The Service will seek the assistance of these organizations in problem resolution if general aviation concerns arise over national parks.

8.4.4 Administrative Use

Aviation is a necessary and acceptable management tool in some parks when used in a manner consistent with the NPS mission. Aviation activities will comply with all applicable

policies and regulations issued by the Department of the Interior, the ~~FAA~~Federal Aviation Administration, and the ~~NPS.~~Park Service. In its administrative use of aircraft, the Service will~~:~~

- ~~Use~~use, to the maximum extent practicable, the quietest air craft available for its aviation operations~~. Limit~~
- limit official use of flights over parks to those needed to support or carry out emergency operations or essential management activities in cases where there are no practical alternatives or when alternative methods would be unreasonable~~. Full~~
- give full consideration ~~will be given~~ to safety; wilderness management implications; impacts on resources, values, or visitors; impacts on other administrative activities; and overall cost-~~-~~effectiveness~~. Plan~~
- plan, schedule, and consolidate flights so as to avoid or minimize adverse impacts on park resources and values and visitor enjoyment~~. Require~~
- require other agencies that request to use aircraft within park boundaries to comply with the standards and policies applicable to NPS aircraft~~.~~

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

8.4.5 Military Aviation

The Park Service will work cooperatively with agencies of the Department of Defense ~~in order~~ to address the congressionally mandated missions of all agencies. In addition, the Service will seek to prevent unacceptable impacts on resources or values or strive to mitigate any adverse effects ~~of overflights related to military training or operational low- level overflights~~ on park resources, values, or visitor experiences in national park units~~.~~ resulting from of overflights related to military training or operational low-level overflights. Superintendents are responsible for ~~opening lines of communication~~consulting, cooperating, and communicating with base commanders controlling ~~Military Training Routes or Military Operations Areas~~military training routes or military operations areas that may affect their parks, and for developing formal agreements that mitigate identified impacts.

8.4.6 Commercial Air Tour Management

The National Parks Air Tour Management Act of 2000, and implementing ~~FAA~~Federal Aviation Administration regulations, provide for a joint FAA/-NPS planning process that will lead to the FAA management of commercial air tours over national parks ~~by the FAA~~ (with the exception of parks in Alaska, which are specifically excluded from the process). The ~~NPS~~Park Service, as a cooperating agency, will assist the FAA in developing an air tour management plan (ATMP) for each park with existing or proposed air tours. Superintendents will work cooperatively with the FAA, air tour operators, and other ~~stakeholders~~ individuals or groups in the development of ~~ATMPs~~air tour management plans, and will determine the nature and extent of impacts on natural and cultural resources and visitor experience opportunities inside park boundaries. The FAA, with responsibility for ensuring the safe and efficient use of the nation's airspace and for protecting the public health and welfare from

aircraft noise, will implement the ~~ATMP~~air tour management plan and regulate commercial air tours in accordance with it.

8.4.7 Permitted Overflights

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

8.4.8 Airports and Landing Sites

Private or commercial aircraft may be operated in parks only on lands or water surfaces designated by the Park Service as landing sites through special regulation. (See section 8.~~-~~4.~~-~~1 regarding Alaska and some remote areas.) The Service will evaluate and manage aircraft landing sites under its jurisdiction to ensure that the use of the sites will have no unacceptable impacts on ~~park resources and values,~~ public safety, ~~or~~ visitor enjoyment~~.~~, or park resources and values. Existing sites that meet these criteria and that have been designated as a result of previously established use may be retained as long as the administrative need for them continues. New sites will be designated only where essential to provide administrative access to remote areas (other than wilderness), and only where the site can be established, used, and maintained without the need for new construction or major site improvements.

~~The National Park~~ Fully functional, efficient, and safe operation of airports is important to providing visitors opportunities to use and enjoy their parks. To help achieve this, and in recognition of the needs of adjacent local communities, the Service will ~~also~~ work cooperatively with the Federal Aviation Administration and other entities having jurisdiction over landing sites and airports adjacent to parks. Such cooperation will also be for the purpose of preventing, ~~reducing,~~minimizing or ~~otherwise~~ mitigating impacts to park resources, values, or the ~~effects of~~visitor experience that result from aircraft operations. Whether landing sites or airports are situated within or adjacent to parks, the objective will be to minimize noise and other impacts, and confine them to the smallest and most appropriate portion of the park as possible, consistent with safe aircraft operations.

(Also see 36 CFR 2.17; 43 CFR 36.11(~~-~~f); Reference Manual 47)

8.5 Native American Use

The National Park Service will develop and implement its programs in a manner that reflects knowledge of and respect for the cultures of Native American tribes or groups with demonstrated ancestral ties to particular resources in parks. Evidence of such ties will be established through systematic archeological or ethnographic studies, including ethnographic oral history and ethnohistory studies, or a combination of these sources. For purposes of these policies, the term "Native American" includes American Indians, Alaska~~n~~ natives, native peoples of the Caribbean, native Hawaiians, and other native Pacific islanders. The

term will be applicable to federally and state-~~-~~recognized tribes and to those Native Americans who are defined by themselves and known to others as members of a named cultural unit that has historically shared a set of linguistic, kinship, political, or other distinguishing cultural features.

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

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

- ~~Park~~ Service general regulations governing access to and use of natural and cultural resources in parks will be applied in an informed and balanced manner that is consistent with park purposes, does not unreasonably interfere with Native American use of traditional areas or sacred resources, and does not violate the criteria listed in section 8. 2 for use of the parks.
- Superintendents will establish and maintain consulting relationships with potentially affected Native American tribes or groups.
- Management decisions will reflect knowledge about and understanding of potentially affected Native American cultures and people~~,~~ that is gained through research and consultations with the potentially affected groups.

The American Indian Religious Freedom Act (AIRFA) (42 USC 1996) states that "henceforth it shall be the policy of the United States to protect and preserve for American Indians their inherent right to freedom to believe, express, and exercise the traditional religions of the American Indians, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites." The National Park Service recognizes that site-specific worship is vital to Native American religious practices. As a matter of policy, and in keeping with the spirit of the law, the Service will be as unrestrictive as possible in permitting Native American tribes access to park areas to perform traditional religious, ceremonial, or other customary activities at places that have been used historically for such purposes~~, ~~provided the criteria listed in section 8.-1 and 8.2 for use of the parks are not violated. In allowing religious access by other entities, including nonrecognized Indian groups, the ~~NPS~~ Park Service will consider requests individually, being mindful to not take actions ~~which~~that will either advance or inhibit religion. The Service will not direct visitor attention to the performance of religious observances unless the Native American group so wishes.

With regard to consumptive use of park resources, current NPS policy is reflected in regulations published at 36 CFR 2.-1~~.~~ and 36 CFR Part 13.

These regulations allow ~~superintendents~~park managers to designate certain fruits, berries, nuts, or unoccupied seashells which may be gathered by hand for personal use or

consumption if it will not adversely affect park wildlife or the reproductive potential of a plant species, or otherwise adversely affect park resources. The regulations do not authorize the taking, use, or possession of fish, wildlife, or plants for ceremonial or religious purposes, except where specifically authorized by ~~Federal~~federal statute or treaty rights, or where hunting, trapping, or fishing are otherwise allowed.~~ These regulations are under review, and NPS policy is evolving in this area.~~

The Service will protect sacred resources to the extent practicable and in a manner consistent with the goals of the traditionally associated Native American tribe or group~~,~~ when authorized under ~~NHPA.~~the National Historic Preservation Act. The location and character of sacred sites will be withheld from public disclosure~~,~~ if disclosure will cause significant invasion of privacy, risk harm to the historic resource, or impede the use of a traditional religious site by practitioners.

As with other non~~-~~-recreational users, members of Native American tribes or groups may enter parks for traditional non~~-~~-recreational activities without paying an entrance fee.

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

(See Consultation 5.2.1; Ethnographic Resources 5.3.5.3; first Amendment Activities 8.6.3; Consumptive Uses 8.9. Also see Executive Order 13007; Director's Orders #71A: Relationships with Indian Tribes, and #71B: Indian Sacred Sites)

8.6 Special Park Uses

8.6.1 General

A special park use is defined as a short~~-~~-term activity that takes place in a park area~~,~~ and that~~:~~

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

8.6.1.1 Requests for Permits

Each request to permit a special park use or to renew authorization of an existing use will be reviewed and evaluated by the superintendent according to the terms of applicable legislation, regulations, and management planning documents~~,~~ using criteria and procedures

outlined in Director's Order #53: Special Park Uses. When considering permit requests, superintendents will take into account the Service-wide implications of their decisions. A superintendent must deny initial requests, or requests for renewal, upon finding that the proposed activity would not be allowed under the criteria listed in section 8.2. 1.

The superintendent likewise must terminate previously authorized special park uses based on such a finding.

8.6.1.2 Fees

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

(See Park Management 1.4; Recreation Fees and Reservations 8.3; Special Events 8.6.2)

8.6.2 Special Events

8.6.2.1 General

Special events—such as sports, pageants, regattas, public spectator attractions, entertainment, ceremonies, and encampments—may be permitted by the superintendent when (1) there is a meaningful association between the park area and the event, and (2) the event will contribute to visitor understanding of the significance of the park area. However, a permit must be denied if the event would be disallowed under the criteria listed in section 8.2.1. The superintendent must ensure that appropriate permit conditions are imposedused for special events.

The Park Service will not permit the public staging of special events

- that are conducted primarily for the material or financial benefit of organizers or participants; or
- that are commercial in nature; or
- that demand in-park advertising or publicity; or
- for which a separate public admission fee is to be charged.

However, park buildings or specially designated locations that are suitable and appropriate may be made available for private, "by-invitation-only" events. Admission fees for, or any other monies associated with the "by-invitation-only" event, may not be collected by the permittee on park premises.

Large-scale events will be managed utilizingusing the NIBSNIMS Incident Command System.

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

8.6.2.2 Helium-Filled Balloons

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

8.6.2.3 Fireworks Displays

Fireworks displays will not be permitted if they pose an unacceptable risk of wildland or structural fire or will cause unacceptable impacts to park resources or values. or jeopardize public safety. In all instances, the decision to approve or deny a request will be made by the superintendent, following consultation with the regional safety officer. Fireworks displays will be conducted in compliance with the National Fire Protection Association Code for the Display of Fireworks (NFPA 1123).

8.6.2.4 Sale of Food or Merchandise

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

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

8.6.3 First Amendment Activities

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

For all parks except those within the National Capital Region, locations that are available for public assemblies and other First Amendment activities, including the sale and distribution of printed matter, will be so designated by the superintendent on a map in accordance with procedures and criteria found in NPS regulations (36 CFR 1.-5, 1.-7, 2.-51, and 2.-52)~~,~~ unless the sites are otherwise protected from public disclosure, such as sites sacred to Native Americans or sites with vulnerable natural and cultural resources. National Capital Region parks are subject to special demonstration regulations found at 36 CFR 7.-96(-g)(-4)(-iii)~~,~~ and do not have such areas designated by the superintendent.

When the Service allows one group to use an area or facility for expressing views, it must provide other groups with a similar opportunity~~,~~ if requested. No group wishing to assemble lawfully may be discriminated against or denied the right of assembly~~, provided that~~ if all permit conditions are met. Whenever religious activities are conducted in parks, any ~~Park Service~~ NPS actions pertaining to them must reflect a clearly secular purpose, must have a primary effect that neither advances nor inhibits religion, and must avoid "excessive governmental entanglement with religion."

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

When a permit is requested for the exercise of ~~first~~First Amendment rights, including freedom of assembly, speech, religion, and the press, the superintendent will issue the permit without any requirement for fees, cost recovery, bonding, or insurance. The superintendent will issue or deny a ~~first~~First Amendment permit request under 36 CFR 2.-51 within two (2) business days after receiving a proper application. National Capital Parks subject to special demonstration regulations found at 36 CFR 7.-96(-g)(-3) are deemed granted, subject to all applicable limitations and restrictions, unless denied within 24 hours of receipt.

(See Confidentiality 5.2.3. Also see Reference Manual 53)

8.6.4 _Rights--of--Way for Utilities and Roads

8.6.4.1 _General

A right--of--way is a special park use allowing a utility to pass over, under, or through NPS property. It may be issued only pursuant to specific statutory authority, and generally only if there is no practicable alternative to such use of ~~Park Service~~NPS lands. The criteria listed in section 8.-2 must also be met.

When an application for a right--of--way is submitted, the superintendent will establish conditions~~,~~ and develop documentation of compliance with ~~NEPA, NHPA~~the National Environmental Policy Act, the National Historic Preservation Act, and other statutory

compliance requirements as appropriate. Due to the potentially high costs and values associated with rights--of-way, special attention will be paid to fees and the recovery of a fair market value for use of the land. New rights--of--way will be executed by the regional director; conversions from other authorizing documents, amendments, and renewals of existing rights--of--way may be signed by the superintendent. A right-of--way issued by the Park Service is considered a temporary document, and does not convey an interest in land.

~~National Park Service~~NPS regulations pertaining to the issuance of rights--of--way are in 36 CFR Part 14; Department of the Interior regulations pertaining to rights--of--way in Alaska are found in 43 CFR Part 36. Additional guidance can be found in Director's Order #53, and Reference Manual 53: Special Park Uses. A utility or road right--of--way proposed for a park in Alaska is subject to the authorities and procedural requirements of title XI of ~~ANILCA.~~ the Alaska National Interest Lands Conservation Act.

(See Park Management 1.4, Rights- of- Way 6.4.8. Also see Director's Order #53)

8.6.4.2 Utilities

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

Comment: Minor edits to this section do not in any way allow for more cell phone towers in parks. Towers must meet the stringent requirements of sections 8.1 and 8.2.

8.6.4.3 Telecommunication Antenna Sites

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

As with other special park uses, telecommunication proposals must meet the criteria listed in section 8.~~2.~~1. In addition:

- Superintendents will encourage preliminary meetings with telecommunication antenna applicants who wish to discuss the pending applications and address NPS concerns. Similar meetings should be held during the decision--making process, as necessary, particularly if the superintendent is considering denying the application.
- Superintendents will consider the safety of the visiting public when reviewing telecommunication antenna applications, including the potential benefit of having telephone access to emergency law enforcement and public safety services.

- Reviews under ~~NEPA~~the National Environmental Policy Act and ~~NHPA~~the National Historic Preservation Act will be conducted expeditiously~~ and~~, consistent with all applicable statutes, and within timetables established under Director's Order #53.

8.6.4.4 Roads and Highways

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

(See Fees 8.6.1.2; Non~~-~~-NPS Roads 9.2.1.2, Construction and Expansion Proposals 9.2.1.2.2. Also see Director's Order #87D: Non~~-~~-NPS Federal Aid Roads)

8.6.5 Access to Private Property

The ~~Park~~ Service will ~~not prevent~~allow access to the private property of adjacent landowners, ~~as well as the property of~~ or landowners within park boundaries, ~~when~~

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

consistent with any deed reservations or statutory rights of access. Where no right of access otherwise exists, the Service may allow access when it determines that providing such access is an appropriate use.

~~When one of these circumstances exist~~Whenever access to private property is allowed, commercial vehicles will be allowed access across NPS-administered lands to private property only in accordance with 36 CFR 5.6, "Commercial Vehicles." Access to nonfederal lands in Alaska that requires access across NPS-administered lands will be provided in accordance with the applicable regulations implementing Title 11 of the Alaska National Interest Lands Conservation Act.

8.6.6 Filming and Photography

8.6.6.1 General

The National Park Service will encourage filming and photography when it will promote the protection and public enjoyment of park resources~~,~~ provided that the activity does not violate the criteria listed in section 8.~~2.~~1.

Filming and photography activities that do not necessarily promote the protection and public enjoyment of parks, but which meet the section 8.~~2~~1 criteria, will also be permitted. For the purposes of this policy, "filming" is defined as ~~any technology that may be used for~~ the recording of images or the sound tracks associated with them, including still, motion, and video filming~~.~~ by any available technology.

8.6.6.2 Permits and Fees

A permit will be required for any filming or photography that (1) involves the use of a model, set, or prop; (2) requires entry into a closed area; or (3) requires access to the park ~~after~~outside normal visiting hours.

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

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

8.6.6.3 NPS Participation

The Service's participation is governed by the following:

- The ~~NPS~~ Park Service may actively assist filming and photography activities that promote public understanding and appreciation of the national park system, and the Director may authorize use of the arrowhead symbol for such filming projects.
- A superintendent may request a credit line~~,~~ provided that the content or subject matter of the filming project would not reflect adversely on the National Park Service.~~ Park Service~~
- NPS employees, while on duty or in uniform, will not be employed by filming permittees.

Identifiable NPS equipment, uniforms, or insignia must not be portrayed in any way that would imply Service endorsement of a product or service. The ~~NPS~~ Park Service will not censor the content of any filming project, or require finished film products for review, files, or documentation purposes. However, a superintendent may review a story board or other material offered by the applicant to help determine whether (1) a credit line would be

appropriate, or (2) it would be appropriate for the ~~NPS~~Park Service to actively assist a filming activity or authorize use of the arrowhead symbol.

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

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

8.6.7 Agricultural Uses

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

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

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

(See Park Planning Processes 2.3; Biological Resource Management 4.4; Pest Management 4.4.5; Cultural Landscapes 5.3.5.2; Personal Services 7.3.1~~.~~; Unacceptable Impacts 8.1.2. Also see Director's Order #77- 7: Integrated Pest Management)

8.6.8 Domestic and Feral Livestock

Comment: Recreational pack and saddle stock use is now distinguished from non-recreational uses and is addressed in section 8.2.2.7.

8.6.8.1 _General

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

- ~~Specifically authorized by a park's enabling legislation;~~
- ~~Required under a reserved right of use arising from the acquisition of a tract of land;~~

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

8.6.8.2 Managing Agricultural Grazing

Agricultural (commercial and administrative) grazing is an authorized use in some parks. The Park Service will only allow agricultural grazing in parks where it is

- specifically authorized by federal law,
- required under a reserved right of use arising from the acquisition of a tract of land,
- required in order to maintain a historic scene~~;~~, or
- ~~Conducted~~ conducted as a necessary and an integral part of a recreational activity appropriate to a park. ~~Where livestock use (including cattle, sheep, goats, horses, mules, burros, reindeer, llamas, and alpacas) occurs in parks, it will be categorized as (1) livestock operations, (2) recreational stock, (3) trespass animals, or (4) feral herds. No livestock use or activity, regardless of how authorized, will be allowed that would cause unacceptable impacts to a park's resources, values, or purposes. In particular, livestock use that depletes or degrades non- renewable resources, or whose effects cannot be satisfactorily mitigated, will not be allowed.~~

~~8.6.8.2 Managing the Use~~

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

~~The National Park Service must manage its resources in a manner that conserves them for future generations. Park uses, including domestic and feral livestock, that may jeopardize the sustainability of a park's natural and cultural resources must be evaluated continuously. Livestock, including trail stock, will be kept within the carrying capacity of the area to be~~

~~used. Managers must regulate livestock so that ecosystem dynamics, and the composition, condition, and distribution of native plants and animal communities, are not significantly altered or otherwise threatened, and cultural values are protected. Conflicts with public use and enjoyment must be kept to a minimum.~~

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

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

~~8.6.8.3 Management Plans~~

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

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

~~8.6.8.4~~Parks with agricultural livestock use, including parks where such use is administered by another agency, should address the management of this use in an agricultural or livestock use plan or other appropriate public planning document. The amount (stocking densitities, animal unit months) and type (seasonal, rotation schedules, etc.) of use must be determined according to established protocols to prevent unacceptable impacts to park resources and to avoid conflicts with visitors. Particular attention will be given to protecting wetland and riparian areas, sensitive species and their habitats, water quality, and cultural resources. A

monitoring program must be implemented, and adaptive management practices must be used to protect park resources.

Agricultural livestock grazing will use "best management practices" to protect park vegetation, wildlife, soils and water; safeguard sensitive species; prevent or minimize the establishment and spread of nonnative species; and preserve cultural sites. Integrated pest management methods must conform to NPS pest management policy in Section 4.4.5. Other forms of administrative stock use, such as using grazing animals to achieve resource conditions (i.e., using sheep to remove leafy spurge) may also be allowed as part of an integrated pest management plan.

8.6.8.2.1 Permitting ~~Instruments~~ Agricultural Grazing

~~Livestock~~ Agricultural livestock activities by parties other than the ~~NPS~~ Park Service will be conducted only pursuant to the terms and conditions of a special use permit~~,~~ or lease~~, concession contract, or commercial use authorization.~~. The use of a lease (versus some other instrument) is appropriate only when (1) specifically authorized by the park's enabling legislation; or (2) it is part of an historic preservation program authorized by 16 USC 470h-3; or (3) the livestock use is associated with a building that is leased pursuant to 16 USC 1a-2(~~-~~k).

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

8.6.8.~~5~~2.2 Structures for Agricultural Grazing

~~No~~Appropriate structures ~~except those specifically authorized by law or~~ will be approved by the National Park Service and will be allowed in parks ~~to increase livestock numbers, sustain livestock in areas in which they cannot otherwise be sustained, or introduce livestock into areas that previously have not been open to livestock.~~ when

- such use is consistent with a livestock management plan or another appropriate management,
- the structures are consistent with park purposes and other applicable laws, regulations, or policies, and
- the structures will not cause unacceptable impacts to park resources and values.

The Service will not expend funds to construct or maintain livestock structures unless there is a direct benefit to the protection of park resources. The permittee may be required to remove structures when livestock activities are no longer authorized~~.~~ unless the Service determines that the structures are an appropriate use.

(See Management of Exotic Species 4.4.4; Water Resource Management 4.6; Identification and Designation of the Wilderness Resource 6.2; Grazing and Livestock Driveways 6.4.7; Equestrian Trails 9.2.3.3; Miscellaneous Management Facilities 9.4.5. Also see Director's Order #77--3: Domestic and Feral Livestock, and Reference Manual 77--3; Director's Order #53: Special Park Uses, and Reference Manual 53; Director's Order #77--7: Integrated Pest Management)

(See chapter 2 Park System Planning)

8.6.8.3 Trespass and Feral Livestock

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

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

8.6.9 Military Operations

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

- A permit will be issued that clearly states all necessary conditions or stipulations to protect park resources and ~~visitors;~~ values and provide for visitor enjoyment and safety;
- All applicable park rules and regulations will be followed;
- No weaponry will be carried, displayed, or used, except for ceremonial purposes or authorized public demonstrations;
- The activity will be conducted away from visitor use locations and out of public view (except where a public demonstration is specifically authorized);
- The military organization will designate a liaison officer who will be available to the superintendent throughout the exercise; and
- Permittees will be educated about how the purpose, mission, and regulations of the park may differ from their own missions, especially in regard to resource protection and visitor use and enjoyment.

National security and law enforcement agencies, such as the CIA, FBI, Secret Service, Department of Homeland Security, and state police, may wish to conduct similar exercises. These requests should be evaluated in the same way as military special use requests.

8.6.10 Cemeteries and Burials

8.6.10.1 National Cemeteries

All national cemeteries administered by the National Park Service will be managed as historically significant resources, and as integral parts of larger historical parks. Burials in national cemeteries will be permitted, pursuant to applicable regulations, until available space has been filled. The management and preservation of national cemeteries are subject to the provisions of the National Cemeteries Act of 1973; NPS "National Cemetery Regulations" (36 CFR Part 12); and Director's Order #61: National Cemeteries.

The enlargement of a national cemetery for additional burials constitutes a modern intrusion, compromising the historical character of both the cemetery and the historical park~~, and~~; therefore, enlargement will not be permitted.

8.6.10.2 Family Cemeteries

The burial of family members in family cemeteries that have been acquired by the ~~Park~~ Service in the course of establishment of parks will be permitted to the extent practicable, pursuant to applicable regulations, until space allotted to the cemeteries has been filled. Family members (or their designees) will be allowed access for purposes of upkeep and commemoration (such as wreath-~~-~~laying and religious rituals) that do not jeopardize safety or resource ~~protection. Park superintendents~~conservation. Whenever applicable, park managers will keep active files on cemeteries for the purpose of responding to requests and inquiries.

(Also see Director's Order #19: Records Management)

8.6.10.3 Other Burials and the Scattering of Ashes

Other burials or re-~~-~~interments outside established cemeteries in parks will be prohibited except where permitted by cultural resource policies. The scattering of ashes from cremation may be permitted by a superintendent, in accordance with NPS general regulations in 36 CFR 2.~~-~~62~~,~~ and applicable state laws. Authorization to scatter ashes must take into account potential conflicts with the spiritual or cultural practices of the indigenous people associated with the area.

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

8.6.11 Other Special Park Uses

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

8.7 Mineral Exploration and Development

Mineral exploration and development include exploration, extraction, production, storage, and transportation of minerals. Mineral exploration or development may be allowed in parks only when prospective operators demonstrate that they hold rights to valid mining claims, federal mineral leases, or non–federally- owned minerals. If this right is not clearly demonstrated, the National Park Service will inform the prospective operator that, until proof of a property right is shown,documented the Service will not further consider the proposed activity. IfThe Service, in consultation with the owner, will seek to extinguish the associated mineral right through acquisition unless otherwise directed by Congress if the Service determines that the proposed mineral development would (1) impair park resources, or values, or (2) is not consistent with park purposes, or (3) does not meet approval standards under applicable NPS regulations and cannot be sufficiently modified or mitigated to meet those standards, the Service will seek to extinguish the associated mineral right through acquisition, unless otherwise directed by Congress.. In some parks, all or certain types of mineral development are specifically prohibited by law.

All persons who conduct mineral development within parks will do so only in conformance with applicable laws, regulations, and NPS policies. These laws include the Mining in the Parks Act;, the Mineral Leasing Act;, the Acquired Lands Mineral Leasing Act;, the Surface Mining Control and Reclamation Act of 1977;, the National Park System General Authorities Act; ANILCA;, the Alaska National Interest Lands Conservation Act, and enabling statutes for individual parks. Applicable regulations include 36 CFR Part 9, Subpart A and Subpart B; 43 CFR Parts 3100--3500; and special use regulations. Persons may not use or occupy surface lands in a park for purposes of removing minerals outside the park unless provided for inby law. General management plans, land protection plans, and other planning documents for parks with mining claims, federal mineral leases, or non–federally- owned mineral interests will address these non–federal property interests as appropriate. Lands with mineral interests will be zoned according to their anticipated management and use, based on their resource resources and values, park management objectives, and park--specific legislative provisions relating to mineral interests.

(See Park Planning Processes 2.3; Land Protection Plans 3.3; Identification and Designation of the Wilderness Resource 6.2; Mineral Development 6.4.9)

8.7.1 _Mining Claims

Comment: Minor edits to section 8.7.1 do nothing to authorize increased mining in the parks, which is allowed only in accordance with valid existing rights and subject to NPS regulation.

The location of new mining claims pursuant to the General Mining Act of 1872 is prohibited in all park areas. The Under the Mining in the Parks Act, the National Park Service may permit mineral development only on existing patented and valid unpatented mining claims in conformance with the park's enabling legislation and the regulations for mining claims in 36 CFR Part 9, Subpart A. The Service may initiaterequire a validity examination on unpatented mining claims at any time. The Service will performrequire a validity examination of all unpatented mining claims before approving any operations on such claims in accordance with 36 CFR Part 9, Subpart A. However, a validity examination is not required prior tobefore the NPS authorization of activities that are conducted only to re–claim a site. All mineral development and use of resources in connection with a claim will be confined to the

boundaries of the claim itself, except for ~~the~~ access and transport ~~that are~~ permitted under 36 CFR Part 9, Subpart A; or, for Alaska, 43 CFR Part 36.

8.7.2 Federal Mineral Leases

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

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

8.7.3 ~~Non-federally-owned~~ Nonfederally Owned Minerals

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

The ~~Park~~ Service may approve operations associated with non~~-~~federal oil and gas interests under the standards and procedures in 36 CFR Part 9, Subpart B. If an operator's plan fails to meet the ~~approved~~regulatory standards ~~of these regulations, the NPS generally has~~for approval, the Park Service may have authority to deny the operation~~,~~ and ~~may~~ initiate acquisition~~. Absent a decision to acquire the property, application~~ in accordance with the procedures outlined in Section 3.7. Application of the regulations is not intended to result in a taking of the property interest, but rather to impose reasonable regulation of the activity.

~~The Service may approve operations~~Operations associated with nonfederal mineral interests, other than oil and gas, ~~under~~ are subject to the requirements of 36 CFR Part 5, "Commercial and Private Operations," and 36 CFR 1.~~-~~6.

~~The~~ In accordance with 36 CFR 1.6, the Service ~~must determine that~~will consider how operations associated with these mineral interests would ~~not adversely~~ impact ~~"~~public health and safety, environmental, or scenic values, natural or cultural resources, scientific research, implementation or management responsibilities, proper allocation and use of facilities, or the avoidance of conflict among visitor use activities~~…."~~. If the ~~operation~~ impacts from operations cannot be sufficiently mitigated~~ to meet this standard~~, the ~~NPS~~Park Service may

seek to acquire the mineral interest~~.~~ in accordance with the procedures outlined in Section 3.7.

8.8 Collecting Natural Products

The collection of natural products for personal use or consumption is governed by NPS general regulations contained in 36 CFR 2.~~-~~1~~.~~ and 36 CFR Part 13. A superintendent may designate certain fruits, berries, nuts, or unoccupied seashells that can be gathered by hand for personal use or consumption upon a written determination by the superintendent that such an activity will not adversely affect park wildlife or the reproductive potential of a plant species or otherwise adversely affect park resources. In some cases, peer~~-~~-reviewed scientific information may be needed to support the determination. The regulations do not authorize the taking, use, or possession of fish, wildlife, or plants for ceremonial or religious purposes, except where specifically authorized by federal statute or treaty rights, or where hunting, trapping, or fishing are otherwise allowed. The collection of minerals or rocks for personal use will be allowed only when specifically authorized by federal law or treaty rights.

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

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

8.9 Consumptive Uses

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

- ~~Specifically~~ specifically authorized by federal law or treaty rights (such as hunting, trapping, ~~or~~ mining~~-~~, or subsistence use in specifically identified parks)~~;~~
- ~~Specifically~~specifically authorized pursuant to other existing rights (such as a right retained by a donor of the land on which the use would occur)~~;~~
- ~~Grazing~~grazing activities authorized in accordance with section 8.~~-~~2.2.7 and 8.6.~~-~~8.~~-~~2.1~~; or~~
- ~~Traditional~~ traditional visitor activities, such as fishing or berry picking, that are authorized in accordance with NPS general regulations~~.~~

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

~~Current NPS policy is reflected in regulations published at 36 CFR Part 13. The general regulations at 36 CFR 2. 1 allow superintendents to designate certain fruits, berries, nuts, or unoccupied seashells which may be gathered by hand for personal use or consumption if it will not adversely affect park wildlife or the reproductive potential of a plant species, or other wise adversely affect park resources. The regulations do not authorize the taking , use, or possession of fish, wildlife, or plants for ceremonial or religious purposes, except where specifically authorized by Federal statute or treaty rights, or where hunting, trapping, or fishing are otherwise allowed.~~

Comment: The two paragraphs above have been deleted as being unnecessary.

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

(See Park Management 1.4; Harvest of Plants and Animals by the Public 4.4.3; General 8.1, Native American Use 8.5. Also see 36 CFR Part 13, Subpart B)

8.10 Natural and Cultural Studies Research and Collection Activities

Studies, research, and collection activities by non-~~-~~NPS personnel involving natural and cultural resources will be encouraged and facilitated when they otherwise comport with NPS policies. Scientific activities that involve field work or specimen collection, or have the potential to disturb resources, the visitor experience, or park operations, require a permit issued by the superintendent that prescribes appropriate conditions for protecting park resources, ~~visitors~~visitor use and enjoyment, and operations.

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

8.11 Social Science Studies

8.11.1 General

The National Park Service will facilitate social science studies that support the NPS mission by providing an understanding of park visitors, the non-~~–~~visiting public, gateway communities and regions, and ~~human~~ their interactions with park resources. This approach will provide a scientific basis for park planning, development, operations, management, education, and interpretive activities. Investigators will be encouraged to use the parks for scientific studies whenever such use is consistent with ~~Service~~ NPS policies that recognize

the scientific value of parks as laboratories. Specific guidance is provided in Director's Order #78: Social Science.

Studies include short- or long-term scientific investigations in NPS areas that may involve social science surveys and research. The data and information acquired through scientific activities conducted in the parks will be made broadly available to park managersmanagement, the scientific community, and the public, except where legal restrictions apply. Studies may include projects conducted by researchers and scholars with universities, foundations, state and federal agencies, and NPS staff. The NPS Park Service will promote cooperative relationships with educational and scientific institutions and qualified individuals when specialized expertise exists that can be of significant assistance to the Service in obtaining information, and when the opportunity for research and study in the parks offers institutions a significant benefit to their programs. NPS facilities and assistance may be made available to qualified researchers conducting NPS--authorized studies. NPS or other federally funded studies that rely on survey instruments are strictly regulated and must be approved by the NPSPark Service, the Department of the Interior, and the Office of Management and Budget before they can be used to gather information directly from visitors or the general public.

(See Information Resources Management 1.7; Studies and Collections 4.2; Research 5.1, Planning 5.2; Special Park Uses 8.6; NPS--supported Studies 8.11.2; Independent and Commercial Studies 8.11.3). Also see the Department of the Interior's Interim Guidelines for Collection of Information from the Public)

8.11.2 NPS-supported Studies

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

The Service will support studies to:

- Reachreach a level of understanding that will minimize "crisis" management;
- Ensureensure a systematic and fully adequate park information base;
- Provide provide a sound basis for policy, planning, and decisionmaking; decision making
- Developdevelop effective strategies, methods, and technologies to predict, avoid, or minimize adverse impacts on resources, visitors, while providing for visitor use and related activities; enjoyment
- Determinedetermine causes of resource management problems;
- Furtherfurther understand park ecosystems and related human social systems, and document their components, condition, and significance;
- Evaluateevaluate visitor satisfaction with services, facilities, and recreational opportunities;

- ~~Ensure~~ensure that the interpretation of park resources and issues reflects current standards of scholarship for the history, science, and condition of the resources~~; and Evaluate~~
- evaluate performance measures in support of strategic plan goals~~.~~
- ensure that the interpretation of park resources and issues reflects current standards of scholarship for the history, science, and condition of the resources
- evaluate performance measures in support of strategic plan goals.

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

8.11.3 Independent and Commercial Studies

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

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

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

8.11.4 Management and Conduct of Studies

All studies in parks will employ non~~–~~destructive methods to the maximum extent possible~~, so as~~ to avoid the irretrievable commitment of park resources. Studies will be preceded by an

approved scope of work, proposal, or other detailed written description of the work to be performed.

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

Comment: This new section 8.12 reflects recent regulations developed to implement statutory authority. Replaces part of section 5.3.3 regarding leasing of historic structures

8.12 Leases and Cooperative Agreements

The National Park Service may permit the use of any property, whether historic or nonhistoric (except nonhistoric land) through a lease or cooperative agreement if such lease or cooperative agreement will ensure the property's preservation. Proposed uses must be determined to be appropriate, and rent must be at least equal to the fair market value adjusted for capital investments and restrictions. The proposed activities of the lease must not be subject to authorization through a concession contract, commercial use authorization or similar instrument, and the lease must adequately ensure the preservation of the property if the property is historic.

In general, each lease will be competitively offered through a Request for Proposals or a Request for Bids. However, the Park Service may enter into a lease noncompetitively with nonprofit organizations or units of government if the responsible manager determines that the nonprofit or governmental use of the property will contribute to the purposes and programs of the park. All leases must be at fair market value. The term of the lease will be the shortest time needed for the proposed use, taking into account required lessee investments and other factors related to determining an appropriate lease term. No lease will exceed 60 years. Lease terms may not be extended except that leases with a term of one (1) year or more may be extended once for a period not to exceed one (1) additional year if it is determined that an extension is necessary because of circumstances beyond NPS control.

Leases with a term off sixty (60) days or less, or short-term leases, may be awarded noncompetitively if the Park Service determines that to do so is in the best interests of the administration of the applicable park area. This authority is not limited to nonprofit organizations or units of government; any qualified person or entity may be awarded a lease with a term of sixty (60) days or less. Short-term leases cannot require any rehabilitation or improvements to the applicable property. Fair market rent is determined through a comparable determination of similar local rental rates.

Cooperative agreements to occupy, maintain, repair, rehabilitate, restore, or build upon an historic or nonhistoric property can be entered into with state, local, and tribal governments; other public entities; educational institutions; and private nonprofit organizations when it is anticipated that substantial involvement between the Park Service and the cooperator would exist during the period of occupancy.

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

(See Chapter 10: Commercial Visitor Services. Also see Director's Order #38: Real Property Leasing)

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Chapter 9: Park Facilities

[~~Cover~~Insert for cover page ~~summary statement~~] The National Park Service will provide visitor and administrative facilities that are necessary, appropriate, and consistent with the conservation of park resources and values. Facilities will be harmonious with park resources, compatible with natural processes, esthetically pleasing, functional, energy- and water-efficient, cost-effective to operate and maintain, universally designed~~,~~ and ~~as~~ welcoming ~~as possible~~ to all segments of the population~~.~~, and their benefit-to-cost ratio will be maximized. Park facilities and operations will demonstrate environmental leadership by incorporating sustainable practices to the maximum extent practicable in planning, design, siting, construction, and maintenance~~.~~

Comment: This chapter has been edited mainly to make considerations about facilities more practical in view of the overall NPS mission, and to emphasize that park facilities must be financially and operationally sustainable in the future.

9.1 General

~~The Organic Act, which created the National Park Service in 1916, directs the Service to conserve park resources "unimpaired" for the enjoyment of future generations. The 1970 National Park System General Authorities Act, as amended in 1978, prohibits the Service from allowing any activities that would cause derogation of the values and purposes for which the parks have been established. Taken together, these two laws impose on NPS managers a strict mandate to protect park resources and values. (Throughout Management Policies, "impairment" is construed to also encompass "derogation.") In protecting park resources and values, the Service will demonstrate environmental leadership and a commitment to the principles of sustainability in all facility developments and operations. This commitment will be made obvious to the public in the choices and decisions that are made, and through appropriate educational opportunities.~~

Support facilities necessary to house, transport, inform, and serve visitors and staff require proper planning, design, programming, construction, operation, and maintenance. The Park Service must avoid the construction of buildings, roads, and other development that will cause unacceptable impacts on park resources and or values. The Service must also avoid the future operation and maintenance costs of unnecessary, overbuilt, or ineffective facilities. Therefore, the Service will not develop, or re-develop, a facility within a park until a determination has been made (1) that the facility is necessary and appropriate, and appropriately located in consideration of park resources, (2) that it would ~~not~~ be practicable for the facility to be developed, or (3) that the service ~~provided, outside the park. This policy recognizes,~~ for ~~example, that a gas station or a grocery store may~~which the facility is needed cannot be ~~necessary to park use and enjoyment, but that it may not need to be located within the park.~~more appropriately and efficiently provided outside the park. Where appropriate, assets[4] for which an acceptable condition cannot be achieved should be considered for removal if they are not a priority for accomplishment of the park's mission.

The Service will continually implement best management practices and strive to ensure that park facilities are financially sustainable. This will include taking action to ensure that

[4] The terms "facilities" and "assets" are used interchangeably in this chapter.

- cost-neutral, low-cost, or minimal-development alternatives are included in the planning processes,
- all practicable steps are taken during the planning process to reduce the short- and long-term costs of operation,
- facilities are not constructed when there is reason to believe that funds will not be available for sustainable operation,
- private fundraising efforts for new construction include provisions for a maintenance endowment, as appropriate, and
- performance management elements are adopted for achieving and maintaining acceptable facility condition.

Comment: Responsible management requires that all the above concerns be addressed.

All buildings under a concession contract are U.S. government/Service-owned structures and ~~are~~ part of the overall facility inventory at each park. The concessioner may, depending on the contract, have either a leasehold surrender interest or possessory interest in one, some, or all of the buildings. Responsibilities for maintenance, environmental management, and other operational issues must be included in each concession contract. Park facility managers will work closely with the park's concession program managers to ensure that these government buildings are part of the overall park inventory and tracking systems. Park facility managers and concessioners will also strive to ensure that possessory interests and leasehold surrender valuations conform to the terms and conditions of the concession contract.

(See Park Management 1.4; Decision--making Requirements to Avoid Impairments 1.4.7; Financial Sustainability 1.8.3; Evaluating Impacts on Natural Resources 4.1.3; Planning 5.2; Commercial Visitor Services Planning 10.2.2~~)~~. Also see Director's Order #21: Fundraising and Donations)

9.1.1 Facility Planning and Design

Comment: NPS facilities must be limited to those that are necessary; appropriately sized; and affordable to build, operate and maintain.

The ~~protection of each park's resources and values will be the~~ primary consideration in facility development decisions~~.~~ will be the conservation of park resources and values while providing opportunities for visitor use and enjoyment of parks. Facilities for visitor use and park management will be consistent with each park's ~~authorizing~~enabling legislation, and with approved general management plans, development concept plans, and associated planning documents. The planning and design of park facilities will be accomplished by interdisciplinary teams ~~constituted to~~ that meet the resource stewardship, programmatic, and technical requirements of the project. Public input will be sought at the earliest stage of planning and design, particularly in those cases where controversy is likely.

The ~~Park~~ Service will meet its facility development needs in a cost--effective manner, ensuring that value is returned for every decision made. Only development projects that are shown to be an ~~appropriate use of funds, and economically feasible,~~efficient allocation of resources and that are affordable to build, operate, and maintain over the life-cycle of the facility will be approved. Value--analysis and value--engineering techniques, such as functional analysis and cost evaluation, will be applied to achieve the lowest life--cycle cost, consistent with required environmental and energy performance, reliability, quality, safety, and resource ~~protection.~~conservation. Construction and operational cost estimates will be

continually reviewed throughout the planning and development processes to avoid excessive, unwarranted, or unnecessary costs. Development projects will also be continually reviewed for opportunities to add value and benefits that are cost-effective and that will help achieve the NPS mission.

Designs for park facilities, regardless of their origin (NPS, contractor, concessioner, or other), will be harmonious with and integrated into the park environment~~. They~~ to the extent practicable. Throughout all phases of design and construction they will also be subject~~, throughout all phases of design and construction,~~ to the same code compliance; the same high standards of sustainable design, "universal design," and functionality; and the same review and approval processes. ~~Park Service~~NPS requirements for sustainable design and functionality include protection of the natural and cultural environments, resource conservation, energy conservation, pollution prevention, defensible space for fire safety, and ~~fostering~~the promotion of education about sustainable design and practices~~.~~ while ensuring cost-effectiveness. Parks are encouraged to use the NPS facility modeling program to determine and validate building sizes for those facilities covered by the models.

The Service will issue~~,~~ and update, as necessary, guiding principles for sustainable design to be applied throughout the national park system to the extent practicable, consistent with federal regulations such as Executive Order 13123~~ (~~: Greening the Government Through Efficient Energy Management~~) and~~; Executive Order 13101~~ (~~: Greening the Government Through Waste Prevention, Recycling and Federal Acquisition~~).~~ ; and Executive Order 13327: Federal Real Property Asset Management.

(See Park Planning Processes 2.3; General Management Concepts 4.1; Lightscape Management 4.10. Also see Director's Orders #13: Environmental Leadership; and #90: Value Analysis; NPS Guiding Principles of Sustainable Design)

9.1.1.1 Life-cycle Costs

The total cost of a system, facility, or other product will be considered in its planning, design, and construction. Total ~~cost~~ costs will be computed over a product's or system's useful life, or other specified period of time, using economic analysis. Life-~~-~~cycle costs include acquisition, shipping, initial construction or installation, ~~operating~~operation and maintenance, environmental and energy consumption, water~~,~~ and wastewater requirements, and the costs of eventual disposal or deconstruction of the system, facility, and/~~-~~or product. To the extent practicable, the waste implications of materials, products, and by-~~-~~products (including product "life-~~-~~cycle" pollution) should be considered as part of life-~~-~~cycle costs. When the cost of facility deconstruction is included in the life-~~-~~cycle cost analysis, deductions may be factored in for the salvage value of the recyclable materials.

(Also see Director's Orders #13: Environmental ~~Leader ship;~~Leadership, and #90: Value Analysis)

9.1.1.2 Integration of Facilities into the Park Environment

Facilities will be integrated into the park landscape and environs with sustainable designs and systems to minimize environmental impact. Development will not compete with or dominate park features, or interfere with natural processes~~,~~ such as the seasonal migration of wildlife or hydrologic activity associated with wetlands~~.~~, geothermal, karst, or other hydrologic systems.

If a cohesive design theme is desired, recommended, or required, the theme will ~~reflect~~be consistent with the purpose and character of the park, or~~, in a large park,~~ of an individual developed area~~.~~ in a large park. Standard designs and components may be used, but they will be adapted as appropriate to the specific site and conditions as part of the design process.

The full integration of facilities into the park environment will involve~~:~~

- ~~Sensitivity~~sensitivity to cultural, regional, esthetic, and environmental factors (e.~~-~~g., solar orientation, prevailing winds, landscaping, and vulnerability to wildfire and other natural hazards) in the selection of site, construction materials, and forms~~;~~
- ~~Innovative~~innovative concepts for grouping facilities and activities, both in the design of new development and in the re~~-~~design of existing complexes, building on the architectural and landscape elements already present~~;~~
- ~~Thorough~~thorough interdisciplinary resource, user, and short- and long~~-~~-term structure maintenance analysis~~;~~
- ~~The~~ the long~~-~~-term need for~~,~~ and sustainable use of~~,~~ water, energy, and waste disposal resources~~;~~
- ~~Assessment~~assessment of the transportation and mobility needs of park visitors~~, as well as~~ and concessioner and park employees within the park, and ~~for accessing~~access to the park from gateway communities~~; and~~
- ~~Knowledge~~knowledge about the values and socio~~-~~-cultural interests of groups~~, including Native Americans,~~ traditionally associated with the park, including Native Americans.

(See Environmental Leadership 1.6; Lightscape Management 4.10; Protection of Cultural Values 9.1.1.5; Visitor Centers 9.3.1.3; Siting Facilities to Avoid Natural Hazards 9.1.1.6)

9.1.1.3 Protection of Cultural Values

When important cultural resources are present, efforts will be made to ~~utilize~~use existing contributing structures. New visitor or administration structures will harmonize with the area and the cultural resources in proportion, color, and texture. No attempt will be made to duplicate or mimic a historic design, nor will any modern construction be portrayed to the public as being historic. However, vernacular styles of architecture are appropriate when they provide visual compatibility with the cultural landscape. Application of the “criteria of effect” promulgated by the Advisory Council on Historic Preservation, and compliance with the Council’s regulations on “Protection of Historic Properties” (36 CFR Part 800)~~,~~ will precede any development. These criteria apply to all historic properties.

(See Identification and Evaluation of Resources 5.1.3; Planning 5.2; Treatment of Cultural Resources 5.3.5. Also see Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation)

9.1.1.4 Adaptive ~~Use~~ Re-use

The National Historic Preservation Act, Executive Order 13006, and Executive Order ~~13006~~13287 require each federal agency— ~~prior to~~ before acquiring, constructing, or leasing buildings—to use, to the maximum extent feasible, available historic properties ~~available to it,~~ whenever operationally appropriate and economically prudent~~.~~ (16 USC 470h- 2(-a)(-1~~)~~)). The National Historic Preservation Act also requires each agency to implement alternatives for the adaptive use of historic properties it owns~~,~~ if that will help ensure the properties' preservation. Therefore, the adaptive re-use of historic and non–historic buildings for operations such as visitor centers, hostels, and administrative offices~~,~~ will be considered first, before new construction, provided that (1) it can meet park objectives and current code requirements~~;~~, (2) its continued use will not be an intrusion on significant natural or cultural resources~~;~~, and (3) a cost savings will be realized. Even when the cost of adaptive re-use is greater than new construction, it may still be justified. Use of historic buildings will comply with all laws, regulations, and policies regarding the treatment and use of cultural resources.

(See Physical Access for Persons with Disabilities 5.3.2; Use of Historic Structures 5.3.5.4.7~~)~~

9.1.1.5 Facility Siting

Whenever ~~feasible~~practicable and authorized by Congress, major park facilities—especially those that can be shared with other entities—should be developed outside ~~of~~ park boundaries. The Park Service will encourage the private sector to (1) meet facility needs in gateway communities, and thus contribute to local economic development~~,~~; (2) encourage competition, (3) increase choices for visitors, and (4) minimize the need for in-park construction. Where possible, appropriate, and authorized, the ~~Park~~ Service will cooperatively establish and maintain administration/information facilities with other federal, state, or local entities.

If facilities must be located inside ~~of~~ park boundaries, then the preferred locations will be those that minimize impacts ~~to~~on park resources~~,~~ and that are situated to stimulate the use of ~~alternative~~existing or planned public transportation systems, bicycle routes, and pedestrian walkways. Major facilities within park boundaries will be placed only in locations identified in an approved ~~GMP,~~general management plan or in implementation planning documents~~,~~ as being suitable and appropriate. Facility siting will take into account the need for protection from fires, and will take maximum advantage of factors such as solar energy, wind direction and speed, natural landscaping, and other natural features.

When structures that are not historically significant are no longer functional in their present locations~~,~~ and are determined to be inappropriately placed in important resource areas, they will be removed or relocated to a more appropriate area.

(See General Management Planning 2.3.1; Historic and Prehistoric Structures 5.3.5.4; Commercial Visitor Services Planning 10.2.2)

9.1.1.6 Siting Facilities to Avoid Natural Hazards

The Park Service will strive to site facilities where they will not be damaged or destroyed by natural physical processes. Natural hazard areas include sites with unstable soils and geologic conditions, fault zones, thermal areas, floodplains, flash-flood zones, fire-prone vegetation, and coastal high-hazard areas. Park development that is damaged or destroyed by a destructive, hazardous, or catastrophic natural event will be thoroughly evaluated for relocation or replacement by new construction at a different location. If a decision is made to relocate or replace a severely damaged or destroyed facility, it will be placed, if practicable, in an area ~~that is~~ believed to be free from natural hazards. In areas where dynamic natural processes cannot be avoided, such as seashores, developed facilities should be sustainably designed (e. g., removable in advance of hazardous storms or other conditions). When it has been determined that facilities must be located in such areas, their design and siting will be based on~~:~~

- ~~A~~a thorough understanding of the nature of the physical processes~~;~~, and
- ~~Avoiding~~avoiding or mitigating (1) the risks to human life and property, and (2) the effect of the facility on natural physical processes and the ecosystem.

Requirements for development in floodplains and wetlands are contained in Executive Order 11988 ~~(~~: Floodplain Management~~)~~; Executive Order 11990 ~~(~~: Protection of Wetlands~~)~~; Director's Orders #77-1 and #77-10; and other NPS guidance documents.

(See Park Planning Processes 2.3; Floodplains 4.6.4; Wetlands 4.6.5; Shorelines and Barrier Islands 4.8.1.1; Geologic Hazards 4.8.1.3; Visitor Safety and Emergency Response 8.2.5; Concession Facilities 10.2.6)

9.1.1.7 Sustainable Energy Design

~~Any~~Whenever practicable, any facility development~~, ~~ whether ~~it be~~ a new building, a renovation, or an adaptive re-use of an existing facility~~, ~~ should include improvements in energy efficiency and reduction in "greenhouse gas" emissions for both the building envelope and the mechanical systems that support the facility. ~~Maximum energy~~Energy efficiency, including life-cycle costs, should be achieved using solar thermal and photovoltaic applications, appropriate insulation and glazing strategies, energy-efficient lighting and appliances, and renewable energy technologies~~.~~ when cost-effective. Energy-efficient construction projects should be used as an educational opportunity for the visiting public.

9.1.2 Accessibility for Persons with Disabilities

~~The NPS~~In compliance with all applicable laws, regulations, and standards, the Park Service will design, construct, and operate all buildings and facilities so they are accessible to~~,~~ and

usable by~~,~~ persons with disabilities to the greatest extent ~~reasonable, in compliance with all applicable laws, regulations, and standards.~~practicable. This means that all new and altered buildings and facilities will be in conformance with appropriate design standards. It also means that a sufficient number of existing buildings and facilities will be modified to ensure that programs can be provided in an accessible location.

Accessibility will be provided consistent with ~~preserving~~conserving park resources, visitor safety, and providing a high-~~-~~quality visitor experience. In most instances, the degree of accessibility provided will be proportionately related to the degree of human-made modifications in the area surrounding the facility, and the importance of the facility to people visiting or working in the park. Accordingly, most administrative offices, some overnight visitor accommodations, some employee housing, and most interpretive and visitor service facilities will be accessible. Undeveloped areas, such as those outside the immediate influence of buildings and roads, will not normally be modified, ~~nor will~~ and no special facilities will be provided, for the sole purpose of providing access to all segments of the population. Accessibility to facilities in threshold areas will be determined on the basis of topography, the significance of the attraction, the number of physical modifications ~~being made~~ to the environment needed, and the modifications necessary to ensure programmatic accessibility.

Transportation systems in parks, including water transportation, will have a sufficient percentage of fully accessible vehicles or watercraft to provide effective services to persons with disabilities. In the case of existing systems, the necessary vehicles will be provided on a replacement or retrofit basis. Until the transportation system has been made fully accessible, a separate accessible vehicle will be provided, or disabled persons will be allowed to drive their personal vehicles on otherwise-~~-~~restricted roadways. In meeting the goal of accessibility and to the greatest extent practicable, emphasis will be placed on ensuring that persons with disabilities are afforded experiences and opportunities along with other visitors~~, to the greatest extent reasonable.~~. Separate facilities for people with disabilities are not a substitute for full accessibility to other park facilities, but they may be allowed where the need for specialized services is clearly demonstrated.

(See Physical Access for Persons with Disabilities 5.3.2; Accessibility for Persons with Disabilities 8.2.4; Accessibility of Commercial Services 10.2.6.2. Also see Director's Order #42: Accessibility for Visitors with Disabilities)

9.1.3 Construction

The Park Service will incorporate sustainable principles and practices into design, siting, construction, building materials, utility systems, recycling of all unusable materials, and waste management. Best management practices and best available technology, where practicable, will be used for all phases of construction activity, including pre-construction, ~~actual~~ construction, and post-construction. Although new asset construction is often a viable alternative for meeting visitor needs or protecting resources, the Service will consider "non-build" alternatives to meet its needs. The non-build alternative is developed and evaluated as part of the early facility planning and design process.

Comment: Responsible park management means building only facilities that are truly necessary.

9.1.3.1 Construction Sites

Construction sites will be limited to the smallest feasible area. ~~The~~ To maximize energy conservation, the selection of construction sites will consider opportunities for taking advantage of natural sources of lighting, heating, and cooling (e.~~-~~g., near an existing or potential stand of deciduous trees~~) in order to maximize energy conservation.~~). Ground disturbance and site management will be carefully ~~controlled~~managed to prevent undue damage to vegetation, soils, and archeological resources, and to minimize air, water, soil, and noise pollution. Protective fencing and barricades will be provided for safety~~,~~ and to ~~preserve~~conserve natural and cultural resources. Effective storm~~-~~water management measures specific to the site will be implemented, and appropriate erosion and sedimentation control measures will be in place at all times. Solid, volatile, and hazardous wastes will be stockpiled, transported, and disposed of, as appropriate, ~~and in compliance~~in a manner that complies with federal, state, and local laws and regulations. All materials will be recycled whenever ~~possible.~~ feasible and practical.

A review and approval of any "hot work" (e.~~-~~g., welding, use of open flame, and grinding) will be done to ensure fire safety at the construction site. Visual intrusions will be kept to a minimum. Construction equipment will be in satisfactory condition~~;~~ (i.~~-~~e., it will be equipped with required safety components~~,~~ and will not be leaking hazardous liquids or emitting hazardous or undesirable fumes above allowable legal limits~~.~~). Care will be exercised to ensure that construction equipment and all construction materials imported into the park are free of undesirable seeds and invasive species. The cost of restoring areas impacted by construction will be considered part of the cost of construction, and funding for restoration will be included in construction budgets.

(See Air Resource Management 4.7; Water Resource Management 4.6; Soil Resource Management 4.8.2.4. Also see Denver Service Center specifications section 01570)

9.1.3.2 Re~~-~~vegetation and Landscaping

The selection of plant materials and cultivation practices will be guided by the policies for management of plant materials in section 4.4, and by the need for fire-resistant vegetation for defensible space. To the maximum extent possible, plantings will consist of species that are native to the park or that are historically appropriate for the period or event commemorated. The use of exotic plant species is restricted to situations that conform to the exotic species policy in section 4.4.4. Irrigation to maintain exotic plantings will be avoided, except when it is part of an approved management program essential to achieve park objectives~~,~~ and when adequate and dependable supplies of water are available. When a decision has been made to irrigate, efficient application must be made of water to ~~protect~~conserve water resources and ecosystems. Low water use practices that measure soil moisture content, and other technologies such as drip irrigation and appropriate timing of water applications, should be employed~~.~~ where feasible and practical.

~~Prior to~~Before using soil fertilizers or other soil amendments in park natural or altered landscapes, parks must develop a prescription designed to ensure that the amendments will

not unacceptably alter the physical, chemical, or biological characteristics of the soil, biological community, or surface or ground waters.

Wherever practicable, soils and plants affected by construction will be salvaged for use in site restoration. ~~Any~~ As appropriate, any surplus soils and plants may be used, ~~as appropriate,~~ for the restoration of other degraded areas within the park. Surplus soils not used in this way should be stockpiled for future use~~.~~ whenever practicable. If additional soil and plants are needed to restore disturbed sites, they may be obtained from other sites in the park if it is determined that the use of an in-park source will not ~~significantly affect~~unacceptably impact cultural or natural resources or ecological processes. In any case, imported soils must be compatible with existing soils, free of undesired seeds and organisms, and fulfill the horticultural requirements of plants used for restoration.

Comment: "Unacceptably impact" is a stronger standard than "significantly effect."

(See Management of Native Plants and Animals 4.4.2; Genetic Resource Management Principles 4.4.1.2; Management of Exotic Species 4.4.4; Water Resource Management 4.6; Soil Resource Management 4.8.2.4; Cultural Landscapes 5.3.5.2; Water Supply Systems 9.1.5.1; Wastewater Treatment Systems 9.1.5.2. Also see Executive Order 13148 (Greening the Government Through Leadership in Environmental Management) section 207, "Environmentally and Economically Beneficial Landscaping")

9.1.3.3 Borrow Pits and Spoil Areas

Materials from borrow pits, quarries, and other clay, stone, gravel, or sand sources on NPS lands, including submerged lands, will be extracted and used only~~:~~

- ~~By~~by the ~~NPS~~Park Service or its agents or contractors~~;~~,
- ~~For~~ for in-park administrative uses~~;~~,
- ~~After~~ after compliance with ~~NEPA~~the National Environmental Policy Act, including written findings that extraction and use of in-park borrow materials does not~~,~~ or will not~~,~~ ~~impair~~ unacceptably impact park resources or values, and that this is the park's most ~~reasonable~~practicable alternative based on economic, environmental, or ecological considerations~~;~~, and
- ~~After~~after compliance with other applicable federal, state, and local requirements.

~~Parks should use existing pits, quarries, or sources, or create new pits, quarries, or sources in the park only after developing and implementing a park-wide borrow management plan that addresses the cumulative effects of borrow site extraction, restoration, and importation.~~Parks should use existing pits, quarries, or sources. If new pits, quarries, or sources in the park are needed, a parkwide management plan that addresses the cumulative effects of borrow site extraction, restoration, and importation will be developed and implemented. NPS guidance documents, as well as natural and cultural resources and facilities management staff, should be consulted during plan development and the review of specific proposals.

In designated wild and scenic rivers, no new sources may be established, and existing sources should be closed and reclaimed. Borrow material may be extracted in proposed or designated

wilderness areas only in small quantities for trail use and in accordance with an approved wilderness ~~management~~stewardship plan.

Spoil may be used for beach nourishment or another resource management activity only if the superintendent first finds that the proposed nourishment or activity will not ~~impair~~unacceptably impact park resources ~~and~~ or values~~,~~ and is consistent with park planning documents.

All existing spoil areas within park units that meet the definition of "solid waste disposal site" (36 CFR Part 6) will be brought into compliance with NPS solid waste regulations in 36 CFR 6.~~-~~5. The development of new spoil areas or borrow pits, or the expansion of existing ones, will be analyzed through the NEPA and NHPA processes. In addition, superintendents will comply with NPS solid waste regulations and other specific NPS requirements.

Proposed borrow pits and spoil areas outside ~~of~~ parks will also be evaluated to ensure that use by the Park Service or its contractors does not ~~impair~~unacceptably impact resources or values inside the park~~, and that~~; extraction operations will comply with all applicable statutes and regulations, including ~~NEPA~~the National Environmental Policy Act and ~~NHPA.~~the National Historic Preservation Act.

(See Decision-~~-~~making Requirements to Avoid Impairments 1.4.7; Management of Threatened or Endangered Plants and Animals 4.4.2.3, Geologic Resource Management 4.8; Non~~–~~federally Owned Minerals 8.7.3; Re-~~-~~vegetation and Landscaping 9.1.3.2)

9.1.4 Maintenance

9.1.4.1 General

There is a maintenance responsibility and cost for every asset that is administered by the National Park Service. A regular, periodic inventory and condition assessment of park assets will be performed, and accurate data will be entered and updated into the Facilities Management Software System or its successor. This data will be used to help prioritize maintenance, identify deficiencies, and ~~to~~ ensure the cost-~~-~~effective maintenance of all facilities. Information derived from this program will be used to inform NPS asset investment decisions. The costs of operation and the useful life of facilities and equipment are directly related to the type and level of maintenance provided. Therefore, the Service will conduct a program of preventive and rehabilitative maintenance and preservation to (1) provide a safe, sanitary, environmentally protective, and aesthetically pleasing environment for park visitors and employees; (2) protect the physical integrity of facilities; and (3) preserve or maintain facilities in their optimum sustainable condition to the greatest extent possible. Preventive and rehabilitative maintenance programs will incorporate sustainable design elements and practices to ensure that water and energy efficiency, pollution prevention, and waste prevention and reduction are standard practice.

(Also see NPS Solid Waste Management Handbook; Executive Order 13101 (Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition); Executive

Order 13148 (Greening the Government Through Leadership in Environmental Management); Executive Order 13149 (Greening the Government Through Federal Fleet and Transportation Efficiency~~))~~, Executive Order 13327, Federal Real Property Asset Management)

9.1.4.2 Acquisition of Environmentally Preferable and Energy~~-~~-Efficient~~ products~~ Products

In carrying out its maintenance responsibilities, the ~~Park~~ Service will acquire environmentally preferable and energy~~-~~-efficient products, as required by the Solid Waste Disposal Act, federal regulations, and Executive orders, ~~and~~the Service will also strive to meet and exceed any Department of the Interior ~~affirmative~~ acquisition goals that are established~~.~~ while maintaining cost-effectiveness. The Service will consider a variety of attributes when purchasing products, including energy efficiency, biodegradability, toxicity, recovered material content, packaging, transport cost, and other life-cycle environmental impacts~~,~~ (such as disposal~~.~~). The Service will actively pursue opportunities to test and demonstrate environmentally preferable and energy-~~-~~efficient products, consistent with its goal of demonstrating sustainable practices that avoid or minimize environmental impacts and that are cost-effective.

(See Environmental Leadership 1.6; Concession Operations 10.2.4. Also see Director's Order #13: Environmental Leadership)

9.1.5 Utilities

Utilities (i.~~-~~e., energy, telephone, water, and wastewater systems) will be sited outside park boundaries whenever possible~~.~~ and practicable. In-~~-~~park utilities will be as unobtrusive as possible, and have the least possible resource impact. The Service will use municipal or other utility systems outside parks whenever economically and environmentally practicable, and it may participate, when authorized, in cost-~~-~~sharing with municipalities and others in meeting new, expanded, or replacement park utility needs. The Service will use the least polluting power supply options, either through on-~~-~~site generation or through the purchase of power ~~purchases, where~~from other sources when such purchase is appropriate, available, and cost-effective, or where such purchase helps meet federal or state emissions goals or alternative energy goals.

(See Utilities and Services 10.2.6.4. Also see Director's Order #35A: Sale or Lease of Park Services, Resources or Water in Support of Activities Outside the Boundaries of National Park Areas; and Director's Order #35B: Sale of Park Services to Support Activities Within the Boundaries of National Park Areas)

9.1.5.1 Water Supply Systems

The National Park Service will use water efficiently and ~~sustainably.~~in a way that is sustainable. Water systems will be designed to ~~maximally conserve~~ achieve, to the fullest extent possible, the conservation of water and the energy used in its treatment and

distribution. Water supply and delivery systems will be designed and maintained to provide sufficient water to operate fire sprinkler systems and fire hydrants. Water-efficient devices will be installed in ~~retrofit of existing~~new structures and in ~~the building of new structures~~retrofitting existing structures. New water systems~~,~~ or extensions to existing systems~~,~~ will be constructed only if ~~reasonable~~practicable conservation measures will not be sufficient to cover park needs. Where a new system or an expansion is justified, the system must be properly sized, and the available or projected water supply must be sufficient for expected needs. Where feasible and appropriate, and given resource availability, groundwater sources will generally be developed~~,~~ rather than developing surface water diversions ~~in parks.~~. Water supply systems~~,~~ and their operators~~,~~ must comply with all applicable state and federal health standards. Outdoor use of water will be limited to those applications deemed essential to park operations or to ~~protect~~ conserve park values. Consistent with native plant policies, the Service will use efficient methods for outdoor irrigation. ~~Where appropriate~~Whenever practicable, rainwater should be collected for uses such as maintenance of landscape features and general cleaning.

(See Water Resource Management 4.6; Campgrounds 9.3.2.1; Comfort Stations 9.3.3. Also see Director's Order #83: Public Health)

9.1.5.2 Wastewater Treatment Systems

New wastewater systems, or extensions or expansions of existing systems, will be constructed only if a determination has first been made that ~~reasonable~~practicable conservation measures will not be sufficient to cover park needs. In the selection of an appropriate method of wastewater treatment, factors such as all-season reliability, regulatory and public health issues, cost-effectiveness, and minimum adverse impact on the environment will all be considered. Where composting toilets are used, there should be interpretation for visitors regarding the value of recycling organic solid waste. Wastewater will be adequately treated so that~~,~~ on its return to water courses~~,~~ it meets or exceeds applicable state and federal water quality standards. Water and wastewater systems~~,~~ and their operators~~,~~ are subject to state and federal health standards. Superintendents must ensure that operators are certified, and that operations are inspected and conducted in accordance with all laws, regulations, and policies.

(See Water Resource Management 4.6; Campgrounds 9.3.2.1; Comfort Stations 9.3.3. Also see Director's Order #83: Public Health)

9.1.5.3 Utility Lines

Where feasible and practical, NPS utility lines will be placed underground, except where such placement would cause ~~significant~~greater damage to natural or cultural resources (such as historic structures or cultural landscapes~~).~~) than alternative utility line placements. Cost-effectiveness, reliability of service, and visual impact will be considered when deciding whether to install utility lines aboveground or underground. When placed aboveground, utility lines and appurtenant structures will be located and designed ~~so as~~ to minimize their impact on park resources ~~and~~ or values. Whenever possible and ~~visually~~

~~acceptable~~practicable, all utilities will share a common corridor, and-/or will be combined with transportation corridors~~. Cost effectiveness, reliability of service, and visual impact will be considered when deciding whether to install utility lines aboveground or underground.~~ to achieve economies of scale and minimal visual and esthetic degradation. To minimize the impact of on--grid utility lines, consideration will be given to long--term, cost--effective, renewable~~-~~ energy applications, such as the use of photovoltaic, wind, fuel cell, and/-or bio~~--~~-fuel technologies (either as stand--alones or as hybrid systems), particularly in remote areas.

(See Potential Wilderness 6.2.2.1)

9.1.5.4 Historic Utilities

Utilities that were present during the historic period will be managed as cultural resources, and will be governed by the same policies as other cultural resources. Where present needs require upgraded lines and facilities, modern utilities will conform insofar as possible to the appearance and location of the historic utilities.

(See Treatment of Cultural Resources 5.3.5)

9.1.6 Waste Management and Contaminant Issues

The National Park Service recognizes the far--reaching impacts that waste products, contaminants, and wasteful practices may have, not only on ~~national~~ park resources, but also on biotic and abiotic resources elsewhere in the nation and around the world. The Service will therefore demonstrate environmental leadership~~,~~ and serve as a model for others to follow in managing wastes and contaminants.

9.1.6.1 Waste Management

The Service will implement cost-effective solid and hazardous waste management practices that integrate waste reduction, reuse, and recycling programs to minimize the generation and disposal of solid and hazardous waste at~~,~~ and from~~,~~ parks. For purposes of this section, solid and hazardous wastes include any materials that are so defined in the Solid Waste Disposal Act, as amended. The Service will require the cost-effective use of biodegradable materials, the reuse and recycling of materials, and other appropriate measures to minimize solid waste~~,~~ and ~~to~~ conserve natural resources to the fullest extent possible. Innovation in the use of recyclable or reusable materials is encouraged. ~~For example, the NPS may encourage the remanufacturing of recyclable materials into acceptable sales items for willing markets, including the NPS.~~

~~The disposal in parks of solid wastes generated by non- NPS activities is, in most cases, incompatible with national park values.~~ All disposal of solid waste on lands and waters within the boundaries of a unit of the park system, whether federally or non--federally owned, must comply with NPS regulations in 36 CFR Part 6, which implement Public Law 98--506 (16 USC 460l--22(-c)). These regulations are designed to ensure that all activities associated with the operation of solid waste disposal sites within the boundaries of national

~~parks~~park units are conducted in a manner that will (1) prevent the deterioration of air and water quality; (2) prevent the degradation of natural and cultural resources; and (3) reduce adverse effects on visitor enjoyment. In accordance with the spirit and intent of these requirements, the ~~NPS~~Park Service will, to the extent practicable, avoid the use of park lands for landfills by such means as (1) implementing waste minimization and substitution practices; (2) diverting material to recycling facilities or other appropriate locations; and (3) using storage ~~or~~ , treatment, or transfer facilities that meet or exceed DOI and all legal and regulatory standards for any generated waste that is not diverted.

The ~~NPS~~Park Service will remove landfill operations and associated impacts from parks where feasible. Cooperative waste management solutions that minimize adverse impacts on park resources are also encouraged for areas where alternatives to ~~landfilling~~landfills are scarce for both parks and adjacent communities.

Open burning for solid waste disposal will not be permitted in parks, except in the very limited circumstances described in Director's Order #18: Wildland Fire Management.

Any hazardous waste that the Service generates will be disposed of separately from solid waste, in full accord with all applicable legal requirements.

(See Air Quality 4.7.1; River Use 8.2.2.3; Backcountry Use 8.2.2.4; Miscellaneous Management Facilities 9.4.5. Also see Director's Order #18: Wildland Fire Management; Director's Order #30A: Hazardous and Solid Waste Management)

9.1.6.2 NPS Response to Contaminants

The Park Service will make every reasonable effort to prevent or minimize the release of contaminants on, or that will affect, NPS lands or resources, and will take all necessary actions to control or minimize such releases when they occur. For purposes of this section, contaminants include any substance that may pose a risk to NPS resources or is regulated or governed by statutes referenced in this subsection. Prevention and minimization will include, but not be limited to, (1) the acquisition, use, and selection of non–toxic or less toxic materials; (2) implementation of safe use, storage, and disposal practices; (3) recycling of spent materials; (4) implementation of effective hazard communication programs for employees, contractors, concessioners, and visitors; (5) development and extension of appropriate emergency response programs; and (6) ~~acting to ensure~~ensuring that parties responsible for contamination or threatened contamination of NPS property bear the responsibility for addressing such contamination.

Activities pertaining to contaminants, including response actions or handling, acquisition, storage, transportation, and disposal of such substances, will comply with federal, state, and local laws and regulations including, but not limited to, (1) the Solid Waste Disposal Act, including the Resource Conservation and Recovery Act of 1976 and the Hazardous and Solid Waste Amendments of 1984, as amended; (2) the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA); (3) the Oil Pollution Act of 1990; (4) the Clean Water Act; (4) the Hazardous Materials Transportation Act; and (5) the Toxic

Substances Control Act. Such activities will also comply with the NPS integrated pest management program.

The Service will identify, assess, and ~~take response actions~~ respond as promptly as possible to address releases and threatened releases of contaminants into the environment. Each park will have an oil and chemical spill response management plan for spills that result from NPS activities, or from activities that are beyond NPS control (such as commercial through-~~-~~traffic on roads that pass through a park). The plans will place first priority on responder and public safety. Employees will not be permitted to respond to hazardous materials spills unless they are properly qualified and certified in accordance with Director's Order #30B: Hazardous Spill Response.

The Service will take affirmative and aggressive action to ensure that all NPS costs and damages associated with the release of contaminants are borne by those responsible for the contamination of NPS property. In addition, when lands are proposed for acquisition by the ~~NPS~~Park Service, the Service will take steps to avoid or minimize its liability for the contamination of the proposed NPS property when the contamination has been caused by other parties. The Service will include in the pre~~-~~acquisition environmental assessment process the identification of recognizable environmental conditions, such as those associated with prior or existing commercial facilities, mining sites, and landfills. Any recognizable existing or potential environmental contamination of lands proposed for inclusion in a park will be brought to the attention of the regional director as soon as they are identified.

(See Criteria for Inclusion 1.3; Chapter 3: Land Protection; Pest Management 4.4.5; Emergency Preparedness and Emergency Operations 8.2.5.2. Also see Director's Orders #25: Land Protection; #30A: Hazardous and Solid Waste Management; #30B: Hazardous Spill Response; 30C: Damage Assessments)

9.1.7 Energy Management

The National Park Service will conduct its activities in ways that use energy wisely and economically. Park resources ~~and~~ or values will not be ~~degraded~~unacceptably impacted to provide energy for NPS purposes. The Service will adhere to all federal policies governing energy and water efficiency, renewable resources, use of alternative fuels, and federal fleet goals as established in the Energy Policy Act of 1992. The Service will also comply with applicable Executive orders, including Executive Order 13123~~ (~~: Greening the Government Through Effective Energy Management~~), Executive Order 13031 (Federal Alternative Fueled Vehicle Leadership)~~, and Executive Order 13149~~ (~~: Greening the Government Through Federal Fleet and Transportation Efficiency~~). ~~.

All facilities, vehicles, and equipment will be operated and managed ~~so as~~ to minimize the consumption of energy, water, and non~~-~~renewable fuels. Full consideration of economic and environmental impacts will be given to the use of alternative fuels. Alternative transportation programs and the use of bio-~~-~~based fuels will be encouraged, where ~~appropriate.~~practicable. Renewable sources of energy~~,~~ and new developments in energy~~-~~ efficiency technology, including products from the recycling of materials and waste, will be used where

~~appropriate~~reasonable, practicable, and cost~~-~~-effective over the life cycle. However, energy efficiencies will not be pursued if they will ~~cause adverse impacts to park~~unacceptably impact resources ~~and~~or values.

~~To conserve energy, park personnel and visitors may be provided with opportunities for in-park public transportation, or trails and walks for non- motorized transport.~~ As an environmental leader, the Service will interpret for the public the overall resource protection benefits from the efficient use of energy, and will actively educate and motivate park personnel and visitors to ~~utilize~~use sustainable practices in conserving energy. The Service will also pursue partnership efforts with the Department of Energy and others to further develop and meet NPS energy conservation goals.

(See Air Quality 4.7.1; Lightscape Management 4.10; Resource Issue Interpretation and Education 7.5.3; Maintenance 9.1.4; Transportation Systems 9.2; Trails and Walks 9.2.3; Sustainable Energy Design 9.1.1.7. Also see Director's Order #13: Environmental Leadership)

9.1.8 _Structural Fire Protection and Suppression

Superintendents will manage structural fire activities as part of a comprehensive interdisciplinary effort to ~~protect~~conserve resources and promote the safe public use and ~~appropriate public~~ enjoyment of those resources. Fire prevention, protection, and suppression will be primary considerations in the design, construction, rehabilitation, maintenance, and operation of all facilities. Structural fires will be suppressed to prevent the loss of human life and minimize damage to property and resources. The Service's Structural Fire Protection and Suppression Program will provide, through Director's Order #58 and Reference Manual 58, additional policy, standards, operational procedures, and accountability to meet the diverse needs and complexities of individual parks. The goal is to ensure that all ~~national~~ park ~~areas~~units receive an appropriate level of fire protection, provided in a safe and cost-effective manner by qualified personnel.

Each superintendent will complete a structural fire assessment and develop a structural fire plan to meet park needs. Structural fire protection and suppression capabilities will be maintained in accordance with those plans. Prevention priorities will focus on occupied structures and cultural resources, with emphasis placed evenly on code compliance, early warning detection, suppression systems, and employee training and awareness.

Fire prevention through code~~-~~-compliant new construction, upgrading of existing structures, standardized and regularly scheduled fire inspections, and properly installed and maintained detection and suppression systems will be the primary means of addressing and correcting NPS structural fire deficiencies. Where these measures are not sufficient to meet park needs, aid agreements will be entered into with non~~-~~-NPS entities capable of providing requisite fire suppression. Support from neighboring fire protection organizations is encouraged, and superintendents should enter into appropriate agreements whenever possible to enhance fire-fighting capabilities. Development of a park fire brigade will be considered only when all

other options have been ~~explored~~analyzed and ~~found unacceptable.~~ determined not to be reasonable or practicable.

(See Fire Management 4.5; Fire Detection, Suppression, and Post- fire Rehabilitation and Protection 5.3.1.2; Water Supply Systems 9.1.5.1. Also see Director's Order #58: Structural Fire Management)

9.2 Transportation Systems

The location, type, and design of transportation systems and their components (e.~~-~~g., roads, bridges, trails, and parking areas)~~,~~ and the use of alternative transportation systems~~,~~ all strongly influence the quality of the visitor experience. These systems also affect, to a great degree, how and where park resources will be impacted. For these reasons, management decisions regarding transportation facilities require a full, interdisciplinary consideration of alternatives~~,~~ and a full understanding of their consequences. ~~Traditional practices of building~~Building wider roads and larger parking areas to accommodate more motor vehicles ~~are~~ may not necessarily offer the ~~answer.~~best alternative. The Service ~~must find better~~ should explore and analyze cost-effective alternative transportation solutions~~, which~~ or infrastructure that will ~~preserve the natural and cultural resources in its care~~conserve resources and values while providing ~~a high- quality~~ opportunities for visitor ~~experience.~~

~~Early NPS participation in transportation studies and planning processes is crucial to the long term strategy of working closely with other federal agencies; tribal, state~~use and enjoyment. When exploring the implementation of a transportation system, the Service will use cost-effective, commercial off-the-shelf vehicles and federal fleet management services whenever possible.

Early NPS participation in transportation studies and planning processes is crucial to the long-term strategy of working closely with other federal agencies; tribal, state, and local governments; regional planning bodies; citizen groups; and others to enhance partnering and funding opportunities. The Service ~~will~~should participate in all transportation planning forums that may result in links to parks or unacceptable impacts ~~to~~ on park resources~~.~~ or values. Working with federal, tribal, state, and local agencies on transportation issues, the Park Service will seek reasonable access to parks, and connections to external transportation systems. The Service will also advocate corridor crossings for terrestrial and aquatic wildlife, and other accommodations to promote biodiversity~~,~~ and ~~to avoid~~minimize or mitigate (1) harm to individual animals, (2) the fragmentation of plant and animal habitats, and (3) the disruption of natural systems.

Depending on a park's size, location, resources, and level of use, the ~~NPS~~Park Service will, where appropriate, emphasize and encourage alternative transportation systems~~, which~~ for access to and within the park. These systems may include a mix of buses, trains, ferries, trams, and—~~-~~preferably—~~-~~nonmotorized modes of access ~~to, and moving within, parks.~~. In general, the preferred modes of transportation will be those that contribute to maximum visitor enjoyment of~~,~~ and minimum adverse impacts ~~to,~~on park resources and values.

Before a decision is made to design, construct, expand, or upgrade access to or within a park, non–construction alternatives—such as distributing visitors to alternative locations—~~must~~should be fully explored~~.~~ and analyzed. If non–construction alternatives will not achieve satisfactory results, then a development solution may be pursued if the project~~:~~

- ~~Is~~ is appropriate and necessary to meet park management needs or to provide opportunities for visitor use and enjoyment~~;~~
- ~~Is~~ is designed with extreme care and sensitivity to the landscape through which it passes~~;~~
- ~~Will~~ will not cause unacceptable ~~adverse~~ impacts to ~~natural and cultural~~ resources~~,~~ or values and will minimize or mitigate those impacts that cannot be avoided~~;~~
- ~~Will~~will not cause use in the areas it serves to exceed the areas' visitor carrying capacity~~;~~
- ~~Will~~will incorporate the principles of energy conservation and sustainability~~;~~
- ~~Will~~will be financially and operationally sustainable
- will incorporate ~~unversal~~universal design principles to provide for accessibility for all people, including those with disabilities~~;~~
- ~~Will~~will take maximum advantage of interpretive opportunities and scenic values~~;~~
- ~~Will~~will not violate federal, state, or local air pollution control plans or regulations~~; and~~
- ~~Is~~is based on a comprehensive and multi-disciplin-ary approach that is fully consistent with the park's general management plan.

If a decision is made to construct, expand, or reconstruct a park transportation system, the Service will address the need for terrestrial and aquatic wildlife corridor crossings and other accommodations to avoid, minimize, or mitigate harm to individual animals, the fragmentation of plant and animal habitats, and the disruption of natural systems.

(See General Management Planning 2.3.1; Implementation Planning 2.3.3; Air Quality 4.7.1; General 9.1; Accessibility for Persons with Disabilities 9.1.2; Energy Management 9.1.7. Also see Director's Orders #87A: Park Roads and Parkways; #87B: Alternative Transportation Systems; #87C: Transportation System Funding; #87D: Non- NPS Federal Aid Roads)

9.2.1 Road Systems

9.2.1.1 Park Roads

Park roads will be cost-effective, well constructed, sensitive to natural and cultural resources, reflect the highest principles of park design, and enhance the visitor experience. Park roads are generally not intended to provide fast and convenient transportation; rather, they are intended to enhance the quality of a visit~~,~~ while providing for safe and efficient travel~~,~~ with minimal ~~or no~~ impacts on ~~natural and cultural~~ resources~~.~~ or values.

For most parks, a road system is already in place. When plans for meeting the transportation needs of these parks are updated, a determination must be made as to whether the road

system and design template should be maintained as is, reduced, expanded, re-~~oriented~~aligned, eliminated, ~~or~~ supplemented, or replaced by other ~~means of travel. When~~transportation modes. Before roads are chronically at or near capacity, and before consideration of road expansion, limitations on use or the use of alternative destination points or transportation systems~~, or limitations on use,~~ will be considered ~~as alternatives~~and analyzed to ~~road expansion.~~ determine if alternative transportation systems are reasonable and practicable and improve the visitor experience.

Park road designs are subject to NPS *Park Road Standards*, which are adaptable to each park's unique character and resource limitations. Although some existing roads do not meet current engineering standards, they may be important cultural resources whose values ~~must~~can and should be preserved~~.~~ without compromising visitor safety.

~~*(Also see Director's Order #87A: Park Roads and Park ways)*~~

9.2.1.2 Non-NPS Roads

Many parks contain roads that were not constructed by the ~~NPS~~Park Service and are not under NPS jurisdiction. Most often, these roads existed before the areas became part of the national park system, and the ~~Park~~ Service must rely heavily on tribal, state, or local authorities to maintain the roads consistent with park management goals. These other government authorities sometimes propose to expand ~~an existing~~ a road, or to construct a new road within a park~~,~~ with significant potential ~~for adversely affecting park~~to unacceptably impact resources ~~and~~or values. Superintendents must consider road proposals in strict accordance with section 9.2.1.2.2, and Director's Order #87D: Non-NPS Federal Aid Roads. Where practicable, and after concurrence of the entity with road jurisdiction, non-NPS roads that are no longer needed will be closed or removed, and the area will be restored to a natural condition.

The Service will not permit the public or private construction of new roads for access to inholdings unless there is a valid existing right, or construction is specifically authorized by law.

Access to inholdings in Alaska will be managed in accordance with the provisions of the Alaska National Interest Lands Conservation Act 1110(b) and 43 CFR Part 36.

(See General 8.6.4.1)

9.2.1.2.1 Existing Commercial and Other Through-Traffic

The Park Service will work with appropriate governments~~ and~~, private organizations, and individuals to minimize the impacts of traffic on park resources and values. ~~Whenever possible, commercial traffic will be prohibited on roads within parks, except for the purpose of serving park visitors and park operations. However, in accordance with section 8. 6. 5 and applicable NPS regulations (36 CFR 5. 6):~~ When it has been determined that commercial traffic on a non-NPS road within a park might unacceptably impact park resources or values,

or is impeding the opportunities for visitor use and enjoyment, the superintendent shall work cooperatively with the local or state government that has jurisdiction over the road to prevent unacceptable impacts and mitigate the impacts on the visitor experience.

~~Superintendents~~Whenever possible and practicable, the Park Service will, through cooperation, consultation, and communication, work with the agency of jurisdiction to route commercial traffic away from NPS roads within parks, except when the commercial traffic is for the purpose of serving park visitors and park operations. However, in accordance with section 8.6.5 and applicable NPS regulations (36 CFR 5.6)

- superintendents will permit commercial vehicles to use park roads when necessary for access to private lands within or adjacent to a park area to which access is otherwise not available~~;~~, and
- ~~Superintendents~~superintendents may issue permits for commercial vehicle traffic to pass through the park in emergencies.

~~When a determination is made that existing through- traffic routes have adverse impacts on park resources and values, the Service will work with the appropriate government authorities to minimize these impacts, or to have the traffic flow re- routed over an alternative route. Where feasible and practicable, roads that are no longer needed will be closed or removed, and the area restored to a natural condition.~~ *(Also see Director's Order #87A: Park Roads and Park ways and 9.2.2 Alternative Transportation Systems).*

9.2.1.2.2 Construction and Expansion Proposals~~.~~

Superintendents must take an active role in overall community and transportation planning activities to educate all parties about the NPS mandate to ~~protect~~conserve park resources~~.~~ and values. The ~~NPS~~Park Service will work closely with the U. S. Department of Transportation (USDOT) and state departments of transportation (DOTs) when new highways or roads~~,~~ or expansions of existing road corridors~~,~~ that may impact park lands are proposed. In accordance with 23 USC 138 and the Organic Act, the ~~NPS~~Park Service will object to any proposal to route a state or local road through national park lands, or to increase the size of a right-~~-~~of-~~-~~way for an existing road, unless the ~~NPS~~Park Service first determines (or concurs with a state DOT or USDOT determination) that~~:~~

- ~~There~~there is no feasible and prudent alternative~~;~~ ~~-~~,
- ~~All possible~~all practicable planning has taken place to minimize and mitigate harm to the park~~;~~ ~~-~~,
- ~~It~~it will not be contrary to the public interest, or inconsistent with the purposes for which the park was established~~;~~ ~~-~~,
- ~~It~~it will not cause health and safety risks to visitors or park staff~~;~~, and
- ~~It~~it will conform to NPS standards and practices for road design, engineering, and construction.

In making these determinations, the Service will take into account the factors listed in section 9.2~~.~~ and will work cooperatively and expeditiously with the US or state Department of Transportation.

Responsibility for future maintenance—meeting NPS standards—must be identified ~~prior to~~ before NPS approval of a proposal.

(Also see Director's Order #87D: Non-NPS Federal Aid Roads)

9.2.2 Alternative Transportation Systems

The Park Service will work cooperatively with other federal agencies; tribal, state, and local governments; regional planning bodies; concessioners; citizen groups, and others to design and promote cost-effective alternative transportation systems for park access and circulation~~.~~ ~~In~~ when it can be demonstrated that the alternative transportation mode will be used at levels that make it more efficient than the use of personal vehicles, or when resource protection and visitor enjoyment concerns make the alternative transportation mode a better choice. Through cooperation with public transportation agencies and gateway communities, in-park transportation systems should be linked to public transportation whenever feasible~~, through cooperation with public transportation agencies and gateway communities.~~.

A decision to provide visitor transportation systems will be based on a finding that the system~~:~~

- ~~Is~~is a cost-effective alternative to the construction, operation, and maintenance of additional roads, parking areas, ~~an~~and support facilities~~;~~,
- ~~Will~~ will reduce traffic congestion, noise, and air pollution, and ~~adverse effects on~~will prevent unacceptable impacts to park resources ~~and~~or values~~;~~,
- ~~Will~~will enhance the visitor experience by (1) offering new or improved interpretive or recreational opportunities~~; by~~, (2) simplifying travel within the park~~;~~, or ~~by~~(3) making it easier or safer to see park features~~;~~, and
- ~~Will~~will conserve energy and ~~utilize~~use alternative fueled vehicles whenever practicable.

All alternative transportation systems may be considered conceptually. ~~However, any alternative transportation system that would require a significant investment in the construction of tracks, suspended cables, or advanced technologies will not go beyond conceptual status without approval from the Director. A compelling advantage must be shown before any mode of transportation other than rubber- tired vehicles operating on existing roads, or standard displacement boats, will be authorized.~~Before advancing beyond the conceptual stage, appropriate approvals must be obtained from the Director.

(See Accessibility for Persons with Disabilities 9.1.2; Energy Management 9.1.7; Road Systems 9.2.1. Also see Director's Order #87B: Alternative Transportation Systems)

9.2.3 Trails and Walks

Trails and walks provide the only means of access into many areas within parks. These facilities will be planned and developed as integral parts of each park's transportation system, and will incorporate principles of universal design. Trails and walks will serve as management tools to (1) help ~~control~~provide opportunities for visitor use and enjoyment, and (2) when necessary to prevent unacceptable impacts to resources or values and manage the distribution and intensity of use. All trails and walks will be carefully situated, designed, and managed to

- ~~Reduce~~reduce conflicts with automobiles and incompatible uses~~;~~
- ~~Allow~~accommodate as many uses as are feasible, reasonable, and practicable, and are safe and do not cause unacceptable impacts to resources or values
- allow for ample opportunities for visitor use and enjoyment and for a ~~satisfying park~~ high-quality visitor experience~~;~~
- ~~Allow~~allow accessibility by the greatest number of people~~; and~~
- ~~Protect~~conserve park resources~~.~~

Heavily used trails and walks in developed areas may be surfaced as necessary for visitor safety, accessibility for persons with impaired mobility, resource protection, or erosion control. Surface materials should be carefully selected, taking into account factors such as the purpose and location of a trail or walk~~,~~ and the potential for erosion and other environmental impacts.

The visitor use and management aspects of trails and walks are addressed in section 8.-2.-2, "Recreational Activities."

(See Chapter 7: Interpretation and Education; Accessibility for Persons with Disabilities 9.1.2. Also see Director's Order #42: Accessibility for Visitors with Disabilities)

9.2.3.1 _Cooperative Trail Planning

The Park Ser-vice will cooperate with other land managers, non~~-~~profit organizations, and user groups to facilitate local and regional trail access to parks. When parks abut other public lands, the Service will participate in inter~~-~~agency, multijurisdictional trail planning~~.~~, and the maintenance of the NPS sections of interagency or multijurisdictional trails shall be a priority. When an effective trail system exists, and when otherwise permitted, hostels or similar low-cost overnight facilities may be provided~~, —~~if they are consistent with the park's purpose and general management plan~~,~~ and harmonize with the natural and/-or cultural resources.

(See Hostels and Shelters 9.3.2.3)

9.2.3.2 _Hiking Trails

Trail design will vary to accommodate a wide range of users, and will be ~~appropriate to~~ consistent with user patterns and site conditions. Wetlands will generally be avoided and,

where possible, they will be spanned by a boardwalk or other means, using sustainable materials that will not disturb hydrologic or ecological processes. Backcountry trails will offer visitors a primitive outdoor experience, and will be unsurfaced and modest in character, except where a more durable surface is needed. The use of non~~-~~native materials is generally not permitted on backcountry trails except where necessary to meet minimum safety standards or to reduce or avoid unacceptable impacts to park resources.

(See Wilderness General Policy 6.4.1; Trails in Wilderness 6.3.10.2; Backcountry Use 8.2.2.4)

9.2.3.3 Equestrian Trails

Equestrian trails and related support facilities, such as feed boxes and hitch rails, may be provided when they are consistent with park ~~objectives,~~purposes and when site conditions are suitable. Horse camps should be designed with user interest in mind~~,~~ and consistent with NPS policy~~.~~; ramps for mounting the animals must be provided for persons with disabilities. Photovoltaic systems should be evaluated to power any necessary water systems~~, and ramps for mounting the animals must be provided for persons with disabilities.~~.

(See Grazing and Livestock Driveways 6.4.7; Grazing by Domestic and Feral Livestock 8.6.8; Accessibility of Commercial Services 10.2.6.2)

9.2.3.4 Bicycle Trails

Comment: Text below has been revised to incorporate the stronger "appropriate use" standard and to recognize the requirements of current regulations.

Bicycle routes may be considered ~~as an alternative~~ to supplement motor vehicle access. Bicycle travelways may be integrated with park roads when determined to be safe and feasible. Bicycle trails may be paved or stabilized for the protection of resources~~,~~ and for the safety and convenience of travelers. ~~The~~ In accordance with 36 CFR 4.30, the designation of bicycle routes, other than in developed areas, in special use zones, or on park roads and in parking areas, requires a written determination that ~~such use~~ it is ~~consistent with the protection~~an appropriate use, and the promulgation of a ~~park's natural, cultural, scenic, and esthetic values, safety considerations, and management objectives, and will not disturb wildlife or other park resources.~~ special regulation.

(See General Policy 6.4.1; Backcountry Use 8.2.2.4. Also see 36 CFR 4.30)

9.2.3.5 Water Trails

Water access and use may be provided when consistent with resource ~~protection~~conservation needs. Appropriate locations and levels of use will be determined in the park's general management plan. ~~The NPS~~To promote understanding and enjoyment, and to protect waterways and adjacent lands, the Park Service will work with other agencies and organizations, as appropriate, to develop and provide education and interpretation for water trails that access parks~~; to promote understanding and enjoyment; and to protect waterways and adjacent lands~~.

9.2.3.6 Interpretive Trails

Interpretive trails and walks, both guided and self-~~-~~guiding, may be used for purposes of visitor appreciation, use, enjoyment, and understanding of park values.

9.2.3.7 National Trails

~~The~~To the extent that trail management and use would not detract from the basic mission, and the resources and values to be conserved, the Park Service will cooperate with other land managers, nonprofit organizations, and user groups to facilitate the use of national scenic, historic, and ~~recreation~~recreational trails, in accordance with the laws and policies applicable to such trails~~, and to the extent that trail management and use would not detract from the basic mission, and the protected resources and values, of individual parks.~~.

(Also see Director's Order #45- 1: National Scenic and Historic Trails; National Trails System Act)

9.2.3.8 Trailheads

~~Trailheads,~~To facilitate safe and enjoyable trail use and efficient management, trailheads and trail access points from which trail use can begin~~,~~ will be carefully tied into other elements of the park development and circulation system~~ to facilitate safe and enjoyable trail use, and efficient management.~~ .

9.2.3.9 Trail Bridges

Trail bridges may be used for crossing swift waters, areas prone to flash~~-~~ flooding, and other places presenting potential safety hazards. Less obtrusive alternatives to bridges, such as culverts, fords, and trail relocation, will be analyzed and considered before a decision is made to build a bridge. A bridge may be the preferred alternative when necessary to prevent stream-bank erosion~~,~~ or to protect wetlands or fisheries. If a bridge is determined to be the most appropriate alternative, it will be kept to the minimum size needed to serve trail users, and will be designed to harmonize with the surrounding natural scene and be as unobtrusive as possible.

(See Water Resource Management 4.6)

9.2.4 Traffic Signs and Markings

Signs will be limited to the minimum necessary to meet information, warning, and regulatory needs~~;~~, and to avoid confusion and visual intrusion. Signs should be planned to provide a pleasing, uniform appearance. Traffic signs and pavement markings on park roads will be consistent with the standards contained in the *Manual on Uniform Traffic Control Devices*, as supple-mented by the ~~National Park Service~~ *NPS Sign Manual*. All roadside signs and markings will conform to good traffic engineering practices. Park signs—~~-~~especially those that display the NPS arrowhead symbol—~~-~~are an important part of the total identity system

for the ~~NPS,~~ Park Service and the Department of the Interior, and signs must conform to the standards contained in Director's Order #52C: Park Signage.

(See Navigation Aids 9.2.6; Signs 9.3.1.1)

9.2.5 Parking Areas

Comment: Additional design considerations have been listed for parking

Parking areas and overlooks will be located so as not to unacceptably intrude, by sight~~,~~ or sound, or ~~other~~ otherwise impact~~, on~~ park resources or values. When parking areas are ~~deemed~~ necessary, they will be ~~limited to the smallest size appropriate, and be~~ designed to harmoniously accommodate motor vehicles and other ~~appropriate~~ users~~. When large parking areas are needed, appropriate plantings and other design elements will be used to reduce negative visual and environmental~~, to prevent unacceptable impacts~~.~~ to resources or values, optimize traffic flow, reduce the potential for social trails and informal pullouts, and relieve congestion and provide ample opportunity for visitor use and enjoyment. When large parking areas are needed, appropriate plantings and other design elements will be used to enhance visual appearance and parklike qualities and reduce runoff. When overflow parking is provided to meet peak visitation, it should be in areas that have been stabilized, or that are otherwise capable of withstanding the temporary impacts of parking without ~~harming~~causing unacceptable impacts to park resources~~.~~ or values. Permanent parking areas will not normally be sized for the peak use day, but rather for the use anticipated on the average weekend day during the peak season of use.

(See Management of Native Plants and Animals 4.4.2; General 9.1; Transportation Systems 9.2)

9.2.6 Navigation Aids

Necessary aircraft and water navigation aids will be planned in collaboration with the Federal Aviation Administration and U. S. Coast Guard, respectively, and will be installed, maintained, and used in conformance with the standards established by these agencies only if there are no appropriate alternatives outside park boundaries. Exceptions to the standards may be authorized when necessary to meet specific park and public safety needs~~,~~ provided that the exceptions are jointly agreed to by the ~~NPS~~Park Service and the agency having primary jurisdiction.

(See Overflights and Aviation Uses 8.4; Traffic Signs and Markings 9.2.4)

9.3 Visitor Facilities

While striving for excellence in visitor services, a park's general management plan or other planning document should determine the ~~NPS will limit~~ level of visitor facility development ~~to~~ that ~~which~~ is necessary and ~~appropriate.~~reasonable given current or projected visitor demands. Also, the plan should consider the distance to alternative sources of services that could meet the needs of the visitor. Facilities like gas stations and grocery stores may be necessary to park use and enjoyment, but parks with adequate gateway community

infrastructure that is reasonably close to the major park features it ~~does~~may not necessarily follow that these facilities ~~must~~ need to be located inside a park. The ~~NPS~~Park Service will encourage the development of private sector visitor services in gateway communities to contribute to local economic development, encourage competition, increase choices for visitors, and minimize the need for in-~~-~~park facilities. When visitor facilities are found to be necessary and appropriate within a park, they will be designed, built, and maintained in accordance with accepted NPS standards for quality~~,~~ and the NPS commitment to visitor satisfaction.

9.3.1 Informational and Interpretive Facilities

Informational and interpretive facilities will be provided to assist park visitors in appreciating, using, and enjoying the park and understanding its significance, provided that the facilities can be developed without ~~impairing the park's natural or cultural~~causing unacceptable impacts to park resources~~.~~ or values. The Harpers Ferry Center will be consulted on planning, design, and quality control for major interpretive facilities.

(See Chapter 7: Interpretation and Education; Accessibility for Persons with Disabilities 9.1.2)

9.3.1.1 Signs

Signs will be carefully planned and designed to fulfill their important roles of conveying ~~an appropriate NPS~~ clear and ~~park image and providing~~concise information and orientation to visitors~~.~~ and conveying an image of excellence. Each park should have an approved park-wide sign plan based on Service-~~-~~wide design criteria~~,~~ and tailored to meet individual park needs. Entrance and other key signs will be distinctively designed to reflect the character of the park~~,~~ while meeting Service-~~-~~wide standards ~~for consistency.~~ .

Signs will be held to the minimum number, size, and wording required to serve their intended functions~~, so as to~~ and minimally intrude upon the natural and historic settings. They will be placed where they do not interfere with ~~park visitors'~~the visitors use, enjoyment, and appreciation of park resources. Roadside information signs are subject to the standards established in the ~~National Park Ser vice~~ *NPS Sign Manual*. Interpretive signs will be guided by sign and wayside exhibit plans.

(See Signs 6.3.10.4; Traffic Signs and Markings 9.2.4; Navigation Aids 9.2.6. Also see Director's Order #52C: Park Signage)

9.3.1.2 Entrance Stations

Entrance and fee collection stations will be harmonious with the park environment, and should reflect the architectural character of the park. Entrance and fee collection stations should (1) reasonably accommodate the average peak season visitor traffic, (2) incorporate best available technology, and (3) use best management practices to minimize delays—thus reducing vehicle emissions at the entrance station and enhancing the visitor experience.

9.3.1.3 Visitor Centers

When necessary to provide visitor information and interpretive services, visitor centers may be constructed at locations identified in approved plans. To minimize visual intrusions and impacts ~~to~~on major park features, visitor centers will generally not be located near such features. Where an in-~~-~~park location would create unacceptable environmental impacts, authorization should be obtained to place a visitor center outside the park.

Visitor centers ~~are not substitutes for~~should enhance personal~~ or~~ , self-~~ guiding on-~~guided, or on-site interpretation. They will be constructed only when it has been determined that indoor media are the most effective means of communicating major elements of the park story, and that a central public~~-~~ contact point is needed.

As appropriate, a visitor center may include information services, sales of educational materials and theme-~~-~~related items, audiovisual programs, museums, museum collections storage, exhibits, and other staffed or self-~~-~~help programs and spaces necessary for a high-quality visitor experience. Additionally, the need for restrooms, drinking fountains, and other basic visitor requirements will be considered during the planning and design stage. The size and scope of all visitor centers should be evaluated using the Visitor Center Planning Model or similar tool before submitting any visitor center projects to the Director for approval.

(See Park Management 1.4; Environmental Leadership 1.6; Financial Sustainability 1.8.3; Non–personal Services 7.3.2; Location 9.1.1.2; Accessibility for Persons with Disabilities 9.1.2; Museum Collections Management Facilities 9.4.2)

9.3.1.4 Amphitheaters

Amphitheaters may be provided in campgrounds and in other locations where formal interpretive programs are desirable. Campfire circles may be provided in campgrounds to accommodate evening programs and informal social gatherings. Artificial lighting must be carefully directed and kept to a minimum, with due regard for natural night sky conditions.

(See Lightscape Management 4.10; Campgrounds 9.3.2.1)

9.3.1.5 Wayside Exhibits

Wayside exhibits may be provided along roads, on roadside pullouts, and along heavily used walks and trails to interpret resources on site.

(See Non–personal Services 7.3.2)

9.3.1.6 Viewing Devices

Viewing devices, such as pedestal binoculars or telescopes, may be provided at appropriate locations when the superintendent determines that such devices are desirable for the

meaningful interpretation or understanding of park resources. Such devices may be provided by the Service, or by others under a concession contract or commercial use authorization.

9.3.1.7 Facilities for Arts and Culture

Various cultural events (such as concerts, films, lectures, plays, craft shows, and art exhibits) are permitted when they are consistent with or will support a park's purposes and objectives. However, permanent facilities may be built specifically for cultural activities only when all of the following criteria are met:

- The permanent facility is required for programs of major importance in conveying the park story~~;~~.
- It would be impossible or impractical to use demountable or temporary facilities~~;~~.
- It would not be ~~impossible~~feasible, reasonable, or practicable to adaptively use other park facilities~~;~~.
- Neither the facility nor its operation would ~~impair cultural or natural~~unacceptably impact resources or values, or hinder the use of the park for its intended purposes~~; and~~.
- It would not be feasible for ~~others~~individuals or entities outside the park to provide the facility.

(See Use of Historic Structures 5.3.5.4.7; Special Events 8.6.2)

9.3.2 Overnight Accommodations and Food Services

Overnight facilities and food services will be ~~restricted to~~ consistent with the kinds and levels necessary and appropriate to achieve each park's purposes. In many cases, overnight accommodations and food services are not needed within a park. In general, they should be provided only when the private sector or other public agencies cannot adequately provide them in the park vicinity. However, in-~~-~~park facilities or services may be justified when the distance and travel time to accommodations and services outside the park are too great to permit reasonable use, or when leaving the park to obtain incidental services would substantially detract from the quality of the visitor experience. Certain activities, such as backcountry use, may require overnight stays. Types of overnight accommodations may vary from unimproved backcountry campsites to ~~motel~~motel or hotel-~~-~~type lodging, as appropriate. Commercial facilities run by concessioners are addressed in greater detail in chapter 10.

(See Accessibility for Persons with Disabilities 9.1.2; Commercial Visitor Services Planning 10.2.2)

9.3.2.1 Campgrounds

When campgrounds are determined to be necessary, their design will accommodate the differences between recreation-~~-~~vehicle camping and tent camping, and will consider cultural

landscapes, terrain, soils, vegetation, wildlife, climate, special needs of users, visual and auditory privacy, and other relevant factors.

Comment: Supplemental criteria are added below regarding amenities.

The ~~Park~~ Service ~~generally~~ will ~~not provide a full~~ determine the range of amenities and utility hookups~~.~~ that are appropriate to each campground based on the park's mission, campground location and size, availability of commercial campgrounds in the area, cost of installing and maintaining the amenities and utilities, and other considerations. Portable generators may be allowed, but they may also be limited to designated areas and times~~.~~ of operation. To eliminate the need for generators, electric utilities may be provided on a limited basis. Shower facilities may be provided where feasible. Modest--sized play areas for small children are permissible, as are informal areas for field sports associated with organized group camps. Wood fires in fire rings are generally permissible; however, whenever it is necessary to restrict such fires at individual campsites because of fire danger, air pollution, or other hazards, alternatives may be provided or allowed, such as facilities for the use of charcoal or other fuels~~,~~ or central cook sheds. When a need exists, sanitary dump stations will be provided in or near campgrounds that accommodate ~~recreation~~ recreational vehicles.

When necessary for basic safety requirements, pathways and the exteriors of buildings and structures may be lighted. Such lighting will be energy efficient and shielded as much as possible so visitors have the opportunity to ~~preserve~~experience the natural dark~~.~~ ness and night skies.

Campgrounds intended to accommodate large ~~recreation~~recreational vehicles or buses will be located only where existing access roads can safely accommodate such vehicles and the resulting increased traffic load.

Campgrounds will not exceed 250 sites unless a larger number of sites has been approved by the Director.

When desirable for purposes of management, tent camping may be accommodated in separate campgrounds, or in separately designated areas within campgrounds. Provision may also be made for accommodating organized groups in separate campgrounds~~,~~ or in separately designated areas.

~~Boaters'~~Boating campgrounds may be provided in parks with waters used for recreational boating. The need for campgrounds—~~-~~and their sizes, locations, and numbers—~~-~~will be determined by (1) the type of water body (e.~~-~~g., river, lake, reservoir, saltwater); (2) the availability and resiliency of potential campsites; (3) the feasibility of providing and maintaining docking, beaching, mooring, camping, and sanitary facilities; and (4) the potential for unacceptable impacts ~~on~~to park ~~natural and cultural~~ resources~~.~~ or values.

(See Soundscape Management 4.9; Lightscape Management 4.10; Recreational Fees 8.2.6.1; National Park Reservation Service 8.2.6.2; Collecting Natural Products 8.8; Water Supply Systems 9.1.5.1; Wastewater Treatment Systems 9.1.5.2; Concession Facilities 10.2.6. Also see Director's Order #47: Soundscape Preservation and Noise Management; Director's Order #83: Public Health)

9.3.2.2 Backcountry Campsites

Backcountry and wilderness campsites may be permitted, but only ~~within the acceptable limits of use determined by~~when consistent with the park's wilderness management plan, resource management plan, or other pertinent planning document.

(See Wilderness Use Management 6.4; Backcountry Use 8.2.2.4)

9.3.2.3 Hostels and Shelters

Hostels are low-cost, supervised accommodations that encourage and facilitate the energy-efficient, non-motorized enjoyment of parks and their surrounding regions by individuals and families. Such facilities, along with hostel-like accommodations such as huts and shelters, will be considered in the planning process if overnight use is determined to be an appropriate use of the park, particularly as a means of encouraging and facilitating the use of trails and backcountry areas. The Service will cooperate with other agencies, non-profit organizations, park concessioners, and others to plan and develop hostels, where appropriate. If a decision is reached to develop a hostel accommodation, it will be managed by others under the provisions of concession policies and procedures.

Hostels will, at a minimum, contain sheltered overnight accommodations and sanitary facilities, and they will usually contain cooking, eating, and recreation spaces. Hostels may be used for other park programs, such as environmental education or interpretation. Although non-motorized access to hostels is emphasized, motorized transportation may also be available.

(See Facility Planning and Design 9.1.1; Chapter 10: Commercial Visitor Services)

9.3.3 Comfort Stations

Comfort facilities will have waste disposal systems that meet Public Health Service standards. Levels of use will determine the size and nature of the utility systems provided. ~~Low- wateruse or waterless (oil and composting) toilets will be considered in locations where there are water- supply and wastewater- disposal problems.~~In locations with water supply and wastewater disposal problems, low-water-use or waterless toilets, such as oil and composting toilets, will be considered. Chemical toilets in portable enclosures may be used for temporary purposes when necessary. Pit privies, vault toilets, composting toilets, or other alternatives that meet public health standards may suffice in ~~little- used~~ areas ~~in which~~of infrequent use or when utility services are not readily available.

(See General Policy 6.4.1; Backcountry Use 8.2.2.4; Accessibility for Persons with Disabilities 8.2.4; Water Supply Systems 9.1.5.1; Wastewater Treatment Systems 9.1.5.2; Campgrounds 9.3.2.1. Also see Director's Order #83: Public Health)

9.3.4 Other Visitor Facilities

Other visitor facilities may be provided when necessary for visitor use and enjoyment of the area, and when consistent with park purposes and the ~~protection~~conservation of park resources and values. Visitor facilities determined to ~~be detrimental to~~unacceptably impact park resources ~~or~~ and values will not be permitted.

9.3.4.1 Picnic and Other Day Use Areas

Picnic areas and other day use areas to be used for specific purposes (such as play areas) may be provided on a limited basis as appropriate to meet existing visitor needs.

9.3.4.2 Facilities for Water Recreation

Boating facilities (such as access points, courtesy docks, boat ramps, floating sewage pump-out stations, navigational aids, and marinas), breakwaters, and fish cleaners may be provided as appropriate for the safe use and enjoyment by visitors of ~~water~~water recreation resources~~,~~ when (1) they are consistent with the purposes for which the park ~~was~~was established, and (2) ~~there~~it is ~~no possibility~~not practicable that adequate private facilities will be developed. Facilities must be carefully sited and designed to avoid unacceptable adverse effects on aquatic and riparian habitats~~,~~ and ~~to~~ minimize conflicts between boaters and other visitors who ~~enjoy~~ use ~~of~~ the park. A decision to develop water-~~-~~based facilities must take into account not only the primary impacts (such as noise, air~~,~~ and water pollution) of the development, but also the secondary impacts (including cumulative effects over time) that recreational use associated with the development may have on park resources and visitor enjoyment.

Comment: "Practicable" has been inserted at various places to recognize that solutions must be not only possible or feasible, but also achievable.

(See Park Management 1.4; Soundscape Management 4.9; Visitor Use 8.2; River Use 8.2.2.3; Fishing 8.2.2.5; Campgrounds 9.3.2.1; Water Trails 9.2.3.5. Also see Director's Order #47: Soundscape Preservation and Noise Management)

9.3.4.3 Skiing Facilities

The Park Service will not permit new downhill skiing facilities or associated structures in any unit of the national park system. Downhill skiing is an activity that requires extensive development~~, with resulting significant environmental impacts,~~ and ~~it should only be~~ is generally provided outside park areas. When such facilities within parks have been provided based on previous policy, their use may continue~~,~~ unless the development and use ~~have caused, or may~~ are shown to cause~~, impairment of~~ unacceptable impacts on park resources or values. Any proposal to eliminate~~,~~ or change the capacity of~~,~~ existing facilities will be accomplished through the ~~Park Service~~ NPS planning process, and will involve public participation and ~~an environmental assessment of impacts.~~ a NEPA process.

(See Decision-~~-~~making Requirements to Avoid Impairments 1.4.7; Recreational Activities 8.2.2)

9.3.5 Advertising

Comment: The strict regulations applicable to advertising in parks remain unchanged.

Commercial notices or advertisements will generally not be displayed, posted, or distributed on the federally owned or federally controlled land, water, or airspace of a park. A superintendent may permit advertising only if (1) the notice or advertisement is for goods, services, or facilities available ~~with~~in the park, and ~~if~~(2) such notices and advertisements are found to be desir-able and necessary for the convenience and guidance of the public. Acceptable forms of advertising will be addressed, as necessary, in concession contracts and cooperating association agreements.

Billboard advertising will in no case be permitted within a park~~ and, in general, will be discouraged on approach roads outside of parks when it would adversely affect a park's scenic values. ~~. In addition, park managers should communicate and collaborate with local communities, businesses, and transportation officials on the park's resources and values to help reduce the impacts of billboard advertising near approach roads outside of parks.

NPS policy ~~does not prohibit~~encourages appropriate "donor recognition," which occurs when the ~~NPS~~ Park Service publicly thanks an individual, corporation, or some other entity for their gift or service~~ to~~. Such recognition must be consistent with the ~~NPS.~~ provisions of Director's Order #21.

In accordance with Part 470 of the ~~DOI manual~~*Department of the Interior Manual*, the Service will not use paid advertising in any publication in connection with its programs and activities~~,~~ except where special legal requirements and authority exist. If a superintendent believes paid advertising is necessary because of the significant benefits it affords in enhancing public participation, prior approval must be obtained from the WASO Office of Public Affairs.

(See Cooperating Associations 7.6.2; Concession Contracting 10.2.3. Also see ~~Director's Order #21: Donations and Fundraising,~~ 36 CFR 5.1)

9.4 Management Facilities

Where authorized by Congress, management facilities will be located outside park boundaries whenever the management functions being served can be adequately supported from such a location. When management facilities ~~must be~~are located inside the park, they will be ~~located~~ sited away from primary resources and features of the park, ~~and sited~~ so as ~~to~~ not to adversely affect park resources or values~~,~~ or detract from the visitor experience. Historic properties will be used to the maximum extent practicable~~,~~ provided that the reuse will not affect their significance.

Modular, pre~~-~~cut, or prefabricated structures may be used for management facilities, including administrative offices, employee housing, and maintenance structures, when products meeting design requirements are available. Standard plans will be modified to reflect regional and park design themes, ~~and~~ harmonize with the natural surroundings; ~~preserve~~conserve the natural and cultural environments; provide for resource conservation; provide for energy efficiency or the use of renewable energy sources; limit chemical emissions; and foster education about sustainable design.

(See Park Management 1.4; Environmental Leadership 1.6; Use of Historic Structures 5.3.5.4.7; Accessibility for Persons with Disabilities 8.2.4; Facility Planning and Design 9.1.1; Accessibility for Persons with Disabilities 9.1.2. Also see Director's Orders #89: Space Management; and #90: Value Analysis~~)~~; 36 CFR Part 6, Solid Waste Disposal Sites in Units of the National Park System)

9.4.1 Administrative Offices

The location of administrative offices will be determined by conditions specific to each park, including impacts on park resources, availability and adequacy of leasable space outside the park, relationship to adjacent communities, convenience to visitors, weather, energy consumption, comparative costs, commuting distance for employees, and management effectiveness.

(See Facility Planning and Design 9.1.1; Energy Management 9.1.7)

9.4.2 Museum Collections Management Facilities

Park curatorial facilities should be adapted to the needs of each park. They may share space in visitor centers or administrative office buildings~~,~~ or be housed in completely separate buildings. Incorporation with maintenance facilities should be avoided because of the heightened danger of fire, chemical spills, and similar accidents. Curatorial facilities will meet each collection's special requirements for security, conservation, fire suppression, and environmental controls.

The operation of environmental control systems to meet the temperature, relative humidity, particulate, and, as necessary, pollutant control specifications for museum collections ~~are~~is typically more energy intensive than those for structures with staff and offices. ~~In order to~~To ensure energy efficiency and the correct performance of the systems to protect the resource, the thermal performance of the building envelope and the efficiency of the systems must be addressed in facility planning and design. Prior to planning a collections management facility, the park, in consultation with subject-~~-~~matter specialists, must complete a value analysis ~~that evaluates~~ of various options for addressing the collections management needs of the park, including on-~~-~~site and off-~~-~~site locations~~.~~ and joint facilities with other NPS units and other entities.

(See Museum Collections 5.3.5.5; Fire Detection, Suppression, and Post- fire Rehabilitation and Protection 5.3.1.2; Environmental Monitoring and Control 5.3.1.4. Also see Director's Order #24: NPS Museum Collections Management)

9.4.3 Employee Housing

The ~~NPS~~Park Service will rely, to the maximum extent practicable, on the private sector to provide housing for NPS employees. If housing is not available in the private sector, the Service will provide only the number of housing units necessary to support the NPS mission.

Occupancy is permitted or required to provide for timely response to park protection needs, to ensure reasonable deterrence to prevent threats to resources, and to protect the health and safety of visitors and employees. Such prevention or response services will determine acceptable and appropriate locations for employee housing ~~that~~, which is provided for the benefit of the government in meeting the NPS mission.

9.4.3.1 ~~Accountability~~ Housing Management Plan

A ~~needs assessment~~ housing management plan will be prepared for each park, and will be updated every two years ~~to determine the~~(or more frequently, if necessary ~~number~~). The plans will include an assessment of housing ~~units in a~~needs to meet the mission of the park. Park superintendents are accountable to their regional directors for employee housing in their parks. Regional directors are responsible for ensuring the consistent application of Servicewide housing policy.

9.4.3.2 Eligible Residents

Park housing will be provided for persons who are essential to the management and operation of the park. These may include not only NPS employees, but also concession employees, volunteers in the parks, Student Conservation Association volunteers, researchers, essential cooperators (e.g., ~~school~~school teachers, health personnel, contractors, and state or county employees), and employees of another federal agency.

9.4.3.3 Historic Structures

The use of historic structures for housing is encouraged when NPS managers determine that this use contributes to the preservation of these structures~~,~~ and when feasible cost-effective alternatives have been considered.

(See Use of Historic Structures 5.3.5.4.7; Adaptive Use 9.1.1.4)

9.4.3.4 ~~Housing Management Plans~~

Comment: See 9.4.3.1 above.

~~A housing management plan will be prepared for each park, and be updated every two years (or more frequently, if necessary). The plans will include an assessment of housing needs to meet the mission of the park.~~

~~9.4.3.5~~ Design and Construction

Because of location, use, and other unique factors, special design concerns must be considered for housing constructed in parks. Housing must be designed to be as much a part of the natural or cultural setting as possible, yet it must be well- built, functional, energy-efficient, and cost-effective. The design of park housing will minimize impacts on park resources and values, comply with the standards for quality design, and consider regional design and construction influences. Value analysis principles will be applied in all NPS

housing construction projects. Design costs will be kept to a minimum by using standard designs from manufacturers and the NPS Standard Design Catalog and a cost model.

(See Facility Planning and Design 9.1.1. Also see Director's Orders #36: Housing Management, and #90: Value Analysis)

9.4.~~4~~4 Maintenance Structures

Maintenance structures will be consistent in design, scale, texture, and details with other park facilities. Optimally, they will be screened or located in areas remote from public use. Wherever feasible, NPS and concessioner maintenance facilities will be adjacent and integrated in design~~,~~ to facilitate operations and to reduce impacts on park resources.

9.4.~~5~~5 Miscellaneous Management Facilities

When installations such as landing sites and airstrips, fire towers, weather monitors, research stations, communication towers, and pump houses are necessary, they will be located and designed to minimize their impact on resources and their intrusion on the visitor experience. Whenever possible and practicable, such installations will be located within developed park areas. Totally utilitarian facilities, such as maintenance storage yards, sewage lagoons, and solid waste disposal sites—when they absolutely must be developed inside a park—will be sited ~~so as to avoid adverse~~to prevent unacceptable impacts to resources or values and ~~provide visual screening.~~to not be visually intrusive. Alternative energy applications and sustainable wastewater treatment facilities, such as aquaculture ponds, wetlands, and root-zone beds, may be located in more visible areas when they are important to interpretive and educational objectives~~.~~ and do not unacceptably impact natural or cultural resources and values.

Comment: The stronger standard of "unacceptable impacts" has been inserted above.

(See Environmental Leadership 1.6; Studies and Collections 4.2; General Policy 6.3.1; Airports and Landing Sites 8.4.8; Facility Planning and Design 9.1.1; Water Supply Systems 9.1.5.1; Wastewater Treatment Systems 9.1.5.2; Waste Management 9.1.6.1; Maintenance Structures 9.4.4)

9.5 Dams and Reservoirs

Dams and reservoirs will not be constructed in parks. The National Park Service will seek to deactivate existing such structures unless

- they contribute to the cultural, natural, or recreational resource bases of the area, ~~or~~
- are a necessary part of a park's water supply system~~.~~, or
- or their deactivation poses a greater threat to park resources and values than their continued maintenance and operation.

All dams will be subject to annual safety inspections. Each park with a dam or reservoir will prepare an emergency action plan. The emergency action plan will also address potential hazards posed by dams outside the park and beyond the Service's control. The ~~National Park~~

~~Service~~ NPS inventory of dams will be used to record all NPS and non-~~-~~NPS dams and reservoirs~~,~~ and any other type of stream flow control structures affecting units of the national park system, including those that are proposed or have been deactivated.

(See Water Quality 4.6.3; Floodplains 4.6.4; Wetlands 4.6.5; Watershed and Stream Processes 4.6.6; Emergency Preparedness and Emergency Operations 8.2.5.2; Water Supply Systems 9.1.5.1; Wastewater Treatment Systems 9.1.5.2. Also see Director's Order #40: Dams and Appurtenant Works)

9.6 Commemorative Works and Plaques

9.6.1 General

For the purpose of this section, the term "commemorative work" means any statue, monument, sculpture, memorial, plaque, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of a person, group, event, or other significant element of history. It also includes the naming of park structures or other features~~—~~including features within the interior of buildings. Within the District of Columbia and its environs, the Commemorative Works Act prohibits the establishment of commemorative works unless specifically authorized by ~~Act~~ an act of Congress. Outside of the District of Columbia and its environs, commemorative works will not be established unless authorized by Congress or approved by the Director (36 CFR 2. 62). The consultation process required by section 106 of ~~NHPA~~ the National Historic Preservation Act must be completed before the Director will make a decision to approve a commemorative work.

To be permanently commemorated in a national park is a high honor, affording a degree of recognition that implies national importance. At the same time, the excessive or inappropriate use of commemorative works~~—~~especially commemorative naming~~—~~diminishes its value as a tool for recognizing people or events that are truly noteworthy~~, and~~; excessive or inappropriate use also has the potential for diverting attention from the important resources and values ~~which~~ that park visitors need to learn about. Therefore, the National Park Service will discourage and curtail the use and proliferation of commemorative works except when~~:~~

- Congress has specifically authorized their placement~~;~~, or
- ~~There~~there is compelling justification for the recognition, and the commemorative work is the best way to express the association between the park and the person, group, event, or other subject being commemorated.

In general, compelling justification for a commemorative work will not be considered unless~~:~~

- ~~The~~ the association between the park and the person, group, or event is of exceptional importance~~;~~, and
- ~~In~~ in cases where a person or event is proposed for commemoration, at least five years have elapsed since the death of the person (or the last member of a group), or at least 25

years have elapsed since the event. (Within the District of Columbia and its environs, refer to the Commemorative Works Act for more specific requirements~~.)~~).

~~Simply having~~Having worked in a park~~,~~ or having made a monetary or other type of donation to a park~~,~~ does not necessarily meet the test of "compelling justification." In these and similar cases, other forms of recognition should be pursued. Donor recognition must be consistent with Director's Order #21: Donations and Fundraising.

With regard to the naming of park structures, names that meet the criteria listed above may be approved by the Director. Names that do not meet those criteria will require legislative action.

9.6.2 _Interpretive Works That Commemorate

The primary function of some commemorative works—~~-~~most often in the form of a plaque presented by an outside organization—is to describe, explain, or other wise attest to the significance of a park's resources. These devices are not always the most appropriate medium for their intended purpose, and their permanent installation may not be in the best long~~-~~-term interests of the park. Therefore, permanent installations of this nature will not be allowed unless it can be clearly demonstrated that the work will substantially increase visitors' appreciation of the significance of park resources ~~or~~and values, and do so more effectively than other interpretive media.

With regard to Civil War parks, new commemorative works will not be approved~~,~~ except where specifically authorized by legislation. However, consideration may be given to proposals that would commemorate groups that were not allowed to be recognized during the commemorative period.

In those parks ~~where there is~~ with legislative authorization to erect commemorative works, superintendents will prepare a plan to control their size, location, materials, and other factors necessary to protect the overall integrity of the park. The plan may include a requirement for an endowment to cover the costs of maintaining the commemorative work.

9.6.3 _Approval of Commemorative Works

Before being approved~~,~~ a determination must be made, based on consultation with qualified professionals, that the proposed commemorative work will~~:~~

- ~~Be~~ be designed and sited to avoid disturbance of natural and cultural resources ~~and~~or values~~;~~ ,
- ~~Be~~ be located in surroundings relevant to its subject~~;~~ ,
- ~~Be~~be constructed of materials suitable to and compatible with the local environment~~;~~ ,
- ~~Meet~~meet NPS design and maintenance standards~~;~~ ,
- ~~Not~~ not encroach on any other pre~~-~~-existing work, or be aesthetically intrusive~~;~~ ,
- ~~Not~~ not interfere significantly with open space and existing public use~~; Not~~,

- not divert attention from a park's primary ~~interpretive theme;~~purpose, and
- ~~Not~~not be affixed to the historic fabric of a structure.

The Director may order the removal or modification of commemorative works that were installed without proper authorization, or that are inconsistent with the policies in this section. Temporary forms of in-~~-~~park recognition, and permanent forms that will not be constructed or installed within park boundaries, do not require the Director's approval.

The naming of geographic features is subject to approval by the U. S. Board on Geographic Names. NPS proposals for naming geographic features will follow the procedures described in Director's Order #63: Geographic Names.

(Also see Director's Order #67: Copyright and Trademarks; U. S. Board on Geographic Names "Principles, Policies, and Procedures: Domestic Geographic Names")

9.6.4 ~~Pre-existing~~ Historic Commemorative Works

Many commemorative works have existed in the parks long enough to qualify as historic features. A key aspect of their historical interest is that they reflect the knowledge, attitudes, and tastes of the persons who designed and placed them. These historic works and their inscriptions will not be altered, relocated, obscured, or removed, even when they are deemed inaccurate or incompatible with prevailing present-~~-~~day values. Any exceptions require specific approval by the Director.

9.6.5 Donated Commemorative Works

~~While~~Although commemorative works and other forms of in-~~-~~park permanent recognition will not be used to recognize monetary contributions or other donations to a park or the Park Service, there may be occasions when an authorized or approved commemorative work will be offered or provided by a private donor. Names of donors will be discouraged from appearing on commemorative works. If they do appear, donor names will be conspicuously subordinate to the subjects commemorated. Donations of commemorative works should include sufficient funds to provide for their installation~~,~~ and an endowment for their permanent care.

(See Non~~-~~ personal Services 7.3.2; Cemeteries and Burials 8.6.10. Also see Director's Order #64: Commemorative Works and Plaques)

9.6.6 Commemorative Works in National Cemeteries

Regulations governing commemorative works associated with national cemeteries are found in 36 CFR Part 12~~;~~ and Director's Order #61: National Cemeteries.

Comment: Nothing in this chapter opens the parks up to more commercial activities.

Chapter 10: Commercial Visitor Services

[Wording for introductory page.] The National Park Service will provide, through the use of concession contracts, commercial visitor services within parks that are necessary and appropriate for ~~visitor~~public use and enjoyment. Concession operations will be consistent to the highest practicable degree with the ~~protection~~preservation and conservation of ~~park~~ the resources and values ~~and demonstrate sound environmental management and stewardship. Public accommodations, facilities, and services must be consistent to~~ of the ~~highest practicable degree with the preservation and conservation of park resources and values.~~unit.

Comment: Text in introduction is revised to better comport with statutory wording.

10.1 General

Commercial visitor services will be authorized through concession contracts or commercial use authorizations, unless otherwise provided by law. Section 10.2 below addresses concession authorizations~~. Section~~; section 10.3 addresses commercial use authorizations.

(See Leasing 8.12. Also see Director's Orders #48A: Concessions Management, and #48B: Commercial Use Authorizations)

~~10.2 Concessions~~

~~10.2.1 Concession Policies~~

~~Concession operations are subject to the provisions of the National Park Service Concessions Management Improvement Act of 1998; National Park Service~~

10.1.1 Leasing

Comment: Leasing is addressed here since it may sometimes serve allowable commercial purposes.

The National Park Service may permit the use of any property, historic or nonhistoric (except nonhistoric land), through a lease or cooperative agreement if such lease or cooperative agreement will ensure the property's preservation. Proposed uses must be determined to be appropriate, and rent must be at least equal to the fair market value, adjusted for capital investments and restrictions. The proposed activities of the lease must not be subject to authorization through a concession contract, commercial use authorization or similar instrument, and the lease must adequately ensure the preservation of the property if the property is historic.

In general, each lease will be competitively offered through a Request for Proposals or a Request for Bids. However, the Service may enter into a lease noncompetitively with nonprofit organizations or units of government if the responsible manager determines that the nonprofit or governmental use of the property will contribute to the purposes and programs of the park. All leases must be at fair market value. The term of the lease will be the shortest

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

10.2 Concessions

10.2.1 Concession Policies

Concession operations are subject to the provisions of the National Park Service Concessions Management Improvement Act of 1998; NPS regulations published at 36 CFR Part 51; this chapter of NPS *Management Policies*; and Director's Order #~~89A~~48A: Concession Management~~,~~; and other specific guidance that may be issued under the Director's authority. In Alaska, concession operations are also subject to the provisions of the Alaska National Interest Lands Conservation Act and 36 CFR Part 13.

10.2.2 Commercial Visitor Services Planning

Commercial visitor services planning will identify the appropriate role of commercial operations in helping parks to achieve desired visitor use, enjoyment, and experiences, and will be integrated into other plans and planning processes. These plans will follow other policies regarding planning and compliance.

Park managers will develop an overall park commercial services strategy to determine if the development of specific concessions management plans are necessary. Concession management plans or commercial services plans will support a park's purpose and significance, exceptional resource values, and visitor experience objectives, and will be consistent with enabling legislation. ~~These plans will also determine whether proposed concession facilities and services are necessary and appropriate, and will~~ A decision to authorize a park concession will consider ~~alternatives. Proposed concession operations must be economically feasible and generally supported by a feasibility study prepared by a qualified individual.~~

~~Any concession facilities improvement program, or any service authorized in a concession contract, will be in conformance with the appropriate approved plan(s) for the area being considered. A decision to authorize a park concession will~~ the effect on or need for additional infrastructure and management of operations, and will be based on a determination that the facility or service~~:~~

- ~~Is~~ is necessary and appropriate for the public use and enjoyment of the park in which it is located, and identified needs are not, nor can they be, met outside park boundaries~~;~~,
- ~~Will~~ will be provided in a manner that furthers the ~~protection,~~ preservation and conservation~~, and preservation~~ of ~~the environment, and~~ park resources and values~~;~~,

- ~~Incorporates~~incorporates sustainable principles and practices in planning, design, siting, construction, utility systems, selection and recycling of building materials, and waste management~~; and~~

- ~~Will enhance visitor use~~ , and ~~enjoyment of the park without causing unacceptable impacts to park resources or values.~~
- is financially feasible and sustainable.

The number, location, and sizes of sites assigned for ~~necessary~~concessions facilities will be the minimum necessary for proper and satisfactory operation of the facilities~~, emphasizing~~. Concession facilities will emphasize compatibility of design~~; preservation of~~ , be consistent with aesthetic values~~,~~ and the conservation of natural and cultural resources~~; and integration of~~ , and integrate sustainable design concepts.

For information about leasing historic structures for ~~concession purposes~~visitor services or other appropriate uses, see section 5.3.3 and Director's Order #38: Real Property Leasing.

10.2.3 Concession Contracting

Approved standard contract language will be used in all ~~National Park Service~~ NPS concession contracts. Any deviations from such language must be approved in writing by the Director.

10.2.3.1 Terms and Conditions of Contracts/Authorizations

Concession services will be authorized under concession contracts~~,~~ unless otherwise authorized by law. The term of a concession contract will generally be 10 years or less. However, the Director may award a contract for a term of up to 20 years if the Director determines that the contract terms and conditions, including the required construction of capital improvements, warrant a longer term. In this regard, the term of concession contracts should be as short as is prudent, taking into account the financial requirements of the concession contract, the required construction of capital improvements, resource ~~protection~~preservation and conservation, visitor needs, and other factors that the Director may deem appropriate. Proposed concession operations must be economically feasible and generally supported by a feasibility study prepared by a qualified individual.

10.2.3.2 Modifications~~-~~/Amendments

Concession contracts may be modified only by written amendment. Amendments developed after the issuance of a concession contract must be consistent with current ~~National Park Service~~ NPS policies and orders. Unless otherwise authorized by the contract, a concession contract may be amended to provide minor additional visitor services ~~only if the services~~that are ~~minor and comprise~~ a reasonable extension of the existing services.

10.2.3.3 Extension

Concession contracts~~n~~ may be extended only in accordance with the requirements of 36 CFR Part 51, subpart D. The signature authority for contract extensions or amendments must be consistent with delegations of authority from the Director.

10.2.3.4 _Competition

~~In order to~~To obtain the best service provider and maximize benefits to the government, the National Park Service encourages competition in the awarding of concession contracts. The National Park Service also encourages, through outreach, the participation of American Indian, minority, and women-owned businesses when new business activities occur.

10.2.3.5 _Third-party Agreements and Sub-concessions

Unless specified in the contract, sub-~~-~~concession or other third-party agreements, including management agreements, for the provision of visitor services that are required and/~~-~~or authorized under concession contracts are not permitted. The ~~NPS~~ Park Service may also advertise for a new concession contract to provide these additional services.

10.2.3.6 _Multi-~~-~~park Contracts

Concessioners operating in more than one park unit ~~must~~ should have separate contracts for each park unit. An exception may be made in the case of those park units having common ~~National Park Service~~NPS management or where service is provided in contiguous park areas (for example, a pack trip that crosses the boundary of two adjoining parks).

In some instances bundling of contracts may be deemed by the Director as a method of providing the necessary and appropriate services under certain conditions; these may include lack of opportunity for profit, geographic location, and type of service.

10.2.3.7 _Termination

The Service may terminate concession contracts for default and under any other circumstances specified in the concession contract.

10.2.4 _Concession Operations

10.2.4.1 _Operating Plans

The operating plan is an exhibit to the concession contract~~, and~~; the plan will describe ~~operative~~ operational responsibilities authorized in the contract between the concessioner and the ~~NPS.~~Park Service. The plan is reviewed and updated annually by the Service~~,~~ in accordance with the terms of the contract. Operating plans are considered an integral part of a concessioner's contractual performance compliance. Some aspects of a concessioner's operating requirements may also be contained in general or specific provisions unique to that contract.

10.2.4.2 Service Type and Quality

It is the objective of the National Park Service that park visitors be provided with high-quality facilities and services. Where appropriate, the concession contract will specify a range of facility, accommodation, and service types that are to be provided at reasonable rates.

10.2.4.3 Evaluation of Concession Operations

Concession operations will be regularly evaluated to ensure that park visitors are provided with high- quality services and facilities, which that are safe and sanitary, and meet National Park Service NPS environmental, health, safety, and operational standards. As outlined in the Concessioner Operational Evaluation Program, theThe evaluation results will provide a basis for NPS management to determine (1) whether to continue or terminate a concession contract, and (2) whether a concessioner is eligible to exercise a right of preference in the award of a qualified new concession contract for those categories of contracts where such a right is available by law.

10.2.4.4 Interpretation by Concessioners

Concessioners will be encouraged to train their employees and, through their facilities and services, to instill in their guests an appreciation of the park, its purpose and significance, its proper and sustainable management, and the stewardship of its resources. When the provision of interpretive services is required by the contract, concessioners will provide formal interpretive training for their employees, or will participate in formal interpretive training that is either offered by the NPSPark Service or co–sponsored by the concessioner.

Instilling appreciation of the park in visitors can be accomplished in many ways. For example, it can be accomplished through guided activities; the design, architecture, landscape, and decor of facilities; educational programs; interpretive menu design and menu offerings; and involvement in the park's overall interpretive program. Gift shop merchandise and displays also present opportunities to educate visitors about park history; natural, cultural, and historical resources; and sustainable environmental management.

Concession contracts will require the concessioner to provide all visitor services in a manner that is consistent with, and supportive of, the interpretive themes, goals, and objectives articulated in each park's planning documents, mission statement, and/-or interpretive prospectus.

(See Chapter 7: Interpretation and Education)

10.2.4.5 Merchandise

The National Park Service will approve the nature, type, and quality of merchandise to be offered by concessioners. Although there is no Service–wide list of specific preferred merchandise, priority will be given to those sale items that interpret, provide inspiration, and

foster awareness~~ and ~~, understanding, and appreciation of~~,~~ the park and its resources. Merchandise should have interpretive labeling, or include other information to indicate how the merchandise is relevant to the ~~park's~~ park and its interpretive ~~theme(s).~~ program and themes.

Each ~~park~~ concession operation with ~~concession activities~~ a gift shop will have a ~~gift shop~~ mission statement~~,~~ based on the park's concession service plan or ~~GMP.~~general management plan. Concessioners will develop and implement a merchandise plan based on the park's gift-shop mission statement. The merchandise plan must be satisfactory to the Director, and should ensure that merchandise sold or provided reflects the significance of the park~~,~~ and promotes the conservation of the park's ~~geology;~~geological resources, wildlife~~; plantlife; archeology;~~, plant life, archeological resources, local Native American culture~~;~~, local ethnic and traditional culture~~;~~, historical significance~~;~~, and other park resources and values. The plan should also integrate pollution prevention and waste-~~-~~reduction objectives and strategies for merchandise.

Merchandise must be available at a range of prices. Theme-related merchandise manufactured or handcrafted in the United States—particularly in a park's geographic vicinity—will be ~~emphasized.~~encouraged. The revenue derived from the sale of United States Indian, Alaska ~~native~~Native, native Samoan, and native Hawaiian handcrafts is exempt from any franchise fee payments.~~ Foreign merchandise is not encouraged, but will not be prohibited.~~

10.2.4.6 Artifacts and Specimens

Concessioners will not be permitted to sell any merchandise in violation of laws, regulations, or ~~National Park Service~~NPS policies. Some merchandise may be determined by the park superintendent to be locally sensitive or inappropriate for sale, and may~~,~~ be prohibited for retail sale at the discretion of the superintendent~~, be prohibited for retail sale.~~. The sale of original objects, artifacts, or specimens of a historic, archeological, paleontological, or biological nature is prohibited. Replicated historic, archeological, paleontological, or biological objects, artifacts, or specimens may be sold if they are obvious replicas and clearly labeled.

Any geological merchandise ~~that is~~ approved for sale or exhibit by concessioners must be accompanied by appropriate educational material and a written dis-claimer clearly stating that such items were not obtained from inside park boundaries. The proposed sale of any replicas, or of geological merchandise, must be addressed in the gift shop merchandise plan.

10.2.4.7 Rates

The National Park Service must approve all rates charged to visitors by concessioners. The reasonableness of a concessioner's rates and charges to the public will, unless otherwise provided in the contract, be judged primarily on the basis of comparison with current rates and charges for facilities and services of comparable character under similar conditions. Due consideration will be given to length of season, provision for peak loads, average percentage

of occupancy, accessibility, availability and costs of labor and materials, type of patronage, and other factors deemed significant by the NPS Director.

10.2.4.8 _Risk Management Program

Concession contracts require each concessioner to develop a risk management program~~,~~ ~~which is~~ that is (1) appropriate in scope to the size and nature of the operation; (2) approved by the superintendent, and ~~is~~(3) in accord with the Occupational Safety and Health Act and the National Park Service Concession Risk Management Program.

Concessioners are responsible for managing all of their operations in a manner that minimizes risk and controls loss due to accident, illness, or injury. To ensure compliance, the Service will include a risk management evaluation as part of its standard operational review of concession operations.

10.2.4.9 _Natural and Cultural Resource Management Requirements

Concessioners are required to comply with applicable provisions of all laws, regulations, and policies that apply to natural and cultural resource protection. The use, maintenance, repair, rehabilitation, restoration, or other modification of concession facilities that are listed ~~on~~ in or eligible for the National Register of Historic Places are subject to the applicable provisions of all laws, ~~Executive~~ executive orders, regulations, and policies pertaining to cultural properties.

The National Park Service will assist concessioners in understanding and complying with regulations for the protection of historic properties (36 CFR Part 800) promulgated by the Advisory Council on Historic Preservation. Historic structures and their contents and museum objects that are in the control of concessioners will be treated in accordance with the appropriate standards contained in ~~National Park Service~~NPS guidance documents. The Service will work closely with concessioners to integrate into concession activities the policies, procedures, and practices of Executive Order 13287: Preserve America.

(See Chapter 4, Natural Resource Management; Use of Historic Structures 5.3.5.4.7. Also see Reference Manual 24: the Museum Handbook, and 28: the Cultural Resource Management Guideline; Director's Order #38: Real Property Leasing, and #48A: Concessions Management)

10.2.4.10 _Environmental Program Requirements

In the operation of visitor services, concessioners will be required by contract to meet environmental compliance objectives by~~:~~

- complying with all applicable laws pertaining to the protection of human health and the environment~~;~~, and

- incorporating best management practices (BMPs) in all operations, construction, maintenance, acquisition, provision of visitor services, and other activities under the contract.

With certain exceptions approved by the Director, concessionersConcessioners will be required by contract to develop, document, implement, and comply fully with, to the satisfaction of the Director, a comprehensive, written environmental management program (EMP) to achieve environmental management objectives. The EMP must be updated at least annually, and must be approved by the Director.

superintendent, and should be appropriate to the nature and size of the operation. The EMP must account for all activities with potential environmental impacts conducted by the concessioner, or to which the concessioner contributes. The scope and complexity of the EMP may vary based on the type, size, and number of concessioner activities.

Superintendents are encouraged to require the EMP to be submitted as part of the prospectus package.

The National Park Service will review concessioner compliance with the EMP under the contract. The National Park Service will also conduct environmental compliance audits of all commercial visitor services at least every three years in accordance with the concessions environmental audit program. The concessioner will be responsible for corrective actions required by law, and identified during the environmental compliance audits.

The National Park Service will assist concessioners in understanding environmental program requirements, and will also include an environmental management evaluation as part of its annual standard operational reviews of concession operations.

(See Compensation for Injuries to Natural Resources 4.1.6; Compensation for Damages 5.3.1.3; Integrated Pest Management Program 4.4.5.2; Overnight Accommodations and Food Services 9.3.2. Also see Director's Order #48: Concession Management; Director's Order #83: Public Health)

10.2.4.11 Insurance

Concession contracts will identify the types and recommended minimum amounts of insurance coverage required of concessioners in order to:

- provide reasonable assurance that concessioners have the ability to cover bona fide claims for bodily injury, death, or property damage arising from an action or omission of the operator;,
- protect the government against potential liability protect the government against potential liability for claims based on the negligence of the operators;, and
- enable rapid repair or replacement of essential visitor facilities located on park lands that are damaged or destroyed by fire or other hazards.

Concessioners will not be permitted to operate without liability insurance. Under limited conditions, concessioners may operate without property insurance, as described in Director's Order #48A: Concession Management.

10.2.4.12 Food Service Sanitation Inspections

Concessioners who prepare food on or off park lands~~,~~ or serve food on park lands will be subject to inspection for compliance with all applicable health and sanitation requirements of local and state agencies, the U.~~-~~S. Public Health Service, and the Food and Drug Administration.

(Also see Director's Order #83: Public Health)

10.2.4.13 Smoking

Generally, all NPS concession facilities will be smoke free. The only exceptions will be specifically designated smoking areas and rooms. The sale of tobacco products through vending machines is prohibited.

(See Executive Order 13058 (Protecting Federal Employees and the Public from Exposure to Tobacco Smoke in the Federal Workplace))

10.2.5 Concessions Financial Management

Concession contracts must provide for payment to the government of a franchise fee, or other monetary consideration as determined by the Secretary, upon consideration of the probable value to the concessioner of the privileges granted by the particular contract involved. Such probable value will be based upon a reasonable opportunity for net profit in relation to capital invested and the obligations of the contract. Consideration of revenue to the United States is subordinate to the objectives of protecting and preserving park areas and ~~of~~ providing necessary and appropriate services for visitors at reasonable rates.

10.2.5.1 Franchise Fees

The amount of the franchise fee or other monetary consideration paid to the United States for the term of the concession contract must be specified in the concession contract and may only be modified to reflect extraordinary unanticipated changes from the conditions anticipated as of the effective date of the contract. Contracts with a term of more than five years will include a provision that allows reconsideration of the franchise fee at the request of the ~~Secretary~~Director or the concessioner in the event of such extraordinary unanticipated changes. Such provision will provide for binding arbitration in the event that the ~~Secretary~~Director and the concessioner are unable to agree upon an adjustment to the franchise fee in these circumstances.

10.2.5.2 Franchise Fee Special Account

All franchise fees and other monetary considerations will be deposited into a Department of the Treasury special account. In accordance with the NPS Concessions Management Improvement Act of 1998, twenty percent (20%) will be available to support activities throughout the national park system, and eighty percent (80%) will be available to the park unit in which it was generated~~,~~ for visitor services and funding high-~~-~~priority and urgently necessary resource management programs and operations.

10.2.5.3 _Record-~~-~~keeping System

All concessioners will establish and maintain a system of accounts and a record-~~-~~keeping system that ~~utilize~~use written journals and general ledger accounts to facilitate the preparation of annual concessioner financial reports.

10.2.5.4 _Annual Financial Reports

~~Concessioners~~For each concession contract, concessioners will be required to submit ~~an~~a separate annual financial report that reflects only the operations ~~that~~ they are authorized to ~~pursue.~~provide under that particular contract.

10.2.5.5 _Donations to the ~~NPS~~ National Park Service

The National Park Service will not solicit or accept donations or gifts from entities that have~~,~~ or are seeking to obtain or establish a contract, lease, or other business arrangement with the Service. ~~Nor~~ The Park Service will ~~the NPS~~not require any concessioner to donate or make contributions to the Service under any circumstance, including the incorporation of such a requirement in concession contracts. Further guidance on donations is available in Director's Order #21: Donations and Fundraising.

10.2.6 _Concession Facilities

All buildings under a concession contract are U.S. Government/Service-owned structures and are part of the overall facility inventory at each park. The concessioner may, depending on the contract, have a contractual right of compensation in the form of a leasehold surrender interest or possessory interest in one, some, or all of the buildings. Responsibilities for maintenance, environmental management, and other operational issues must be included in each concession contract. Park facility managers will work closely with the park's concession program managers to ensure that these government buildings are part of the overall park inventory and tracking systems. Park facility managers and concessioners will also strive to ensure that possessory interests and leasehold surrender interest valuations conform to the terms and conditions of the concession contract.

10.2.6.1 _Design

Concession facilities will be of a size and at a location that the Service determines to be necessary and appropriate for their intended purposes. All concession facilities must comply with applicable federal, state, and local construction codes, and meet accessibility

requirements as set forth in applicable accessibility guidelines. Proposed concession facilities must conform to NPS standards for sustainable design, universal design, and architectural design. Concession development or improvement proposals must undergo review for compliance with ~~NEPA~~the National Environmental Policy Act of 1969 and section 106 of ~~NHPA~~the National Historic Preservation Act (16 USC 470f), and must be carried out in a manner consistent with applicable provisions of the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation*~~,~~ and other applicable legal requirements.

In addition to general park design requirements, the ~~NPS~~Park Service will apply value analysis during the design process to analyze the functions of facilities, processes, systems, equipment, services, and supplies. Value analysis must be used to help achieve essential functions at the lowest life-~~-~~cycle cost, consistent with required performance, reliability, environmental quality, and safety criteria and standards.

(See Facility Planning and Design 9.1.1)

10.2.6.2 Accessibility of Commercial Services

Concessioners share the National Park Service's responsibility to provide employees and visitors with the greatest degree of access to programs, facilities, and services that is reasonable, within the terms of existing contracts and agreements. Applicable laws include, but are not limited to (1) regulations issued under the authority of section 504 of the Rehabilitation Act of 1973, as amended (43 CFR Part 17), which prohibits discrimination on the basis of disability in programs or activities conducted by federal executive agencies; and (2) the Architectural Barriers Act of 1968, which requires physical access to buildings and facilities. Where there is no specific language identifying applicable accessibility laws in an existing concession contract, the ~~NPS~~Park Service will address the issue of compliance in the annual concession operating plan.

(See Physical Access for Persons with Disabilities 5.3.2; Accessibility for Persons with Disabilities 8.2.4 and 9.1.2. Also see Director's Order #42: Accessibility for Visitors with Disabilities)

10.2.6.3 Maintenance

Concession contracts will require concessioners to be responsible for all maintenance and repair of facilities, lands, and utility systems assigned for their use, in accordance with standards acceptable to the Service. Exceptions will be made only in extraordinary circumstances, as determined by the Director. All concession contracts must include a current maintenance plan as specified in the concession contract. Maintenance plans are an exhibit to the concession contract and will be considered an integral part of a concessioner's contractual performance compliance.

Maintenance of historic properties and cultural landscapes will be carried out in a manner consistent with applicable provisions of the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation*.

10.2.6.4 Utilities and Services

Utilities include, but are not limited to, electricity, fuel, natural gas, water, disposal of wastewater and solid waste, and communication systems. The Service may provide utilities to the concessioner for use in connection with the operations required or authorized under the contract, when available, at rates to be determined in accordance with applicable laws. If the Service does not provide utilities to the concessioner, the concessioner will, with the written approval of the Director~~,~~ and under any requirements prescribed by the Director, (1) secure necessary utilities at its own expense from sources outside the area; or (2) install the utilities within the area, subject to conditions ~~mentioned in~~of the contract.

(Also see Director's Order #35B: Sale of Park Utilities and Services to Support Activities Within Parks)

10.2.6.5 Closure of Commercial Operations ~~During~~during Government Shutdown

The Anti-Deficiency Act requires federal agencies to suspend all non~~-~~essential activities whenever there is a failure to enact an appropriations bill or adopt a continuing resolution. All concessioner-operated programs and services must cease, and visitors must be asked to leave within 48 hours.

All commercial facilities and services in a park will be closed ~~in order~~ to protect the safety of visitors and the integrity of park resources. Exceptions to this policy include concessions that are required for health and safety purposes or protection of the environment, or that are necessary to support park operations that are deemed essential, such as law enforcement.

Commercial facilities located on through-roads (roads or public highways that begin and end outside of a park, plus parkways) and public highways may remain open if doing so does not result in additional costs to the park (for example, the staffing of entrance stations). These commercial facilities may include operations such as service stations, food services, stores, and lodging, or portions of such operations that will not contribute to additional park expenses. The commercial facility in question should have access directly from the road or highway~~,~~ and not require the re~~-~~opening of park roads having other destinations.

More specific aspects of closures may be guided by a Servicewide shutdown plan.

10.2.7 Concessioner Employees and Employment Conditions

10.2.7.1 Non~~-~~discrimination

Concessioners will comply with all applicable laws and regulations relating to nondiscrimination in employment and the provision of services to the public.

10.2.7.2 Substance Abuse

In compliance with state and federal regulations condemning substance abuse, the ~~NPS~~ Park Service prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol. The Service also prohibits the unlawful manufacture, cultivation, processing, or transportation of illicit drugs. This policy applies to concessioners and their employees, at any facility or in any activity taking place on ~~National Park Service~~ NPS lands. Concessioners are required to provide and advise employees about the availability of Employee Assistance Programs addressing substance abuse problems.

10.2.8 National Park Service Employees

10.2.8.1 Accepting Gifts and Reduced Rates from Concessioners

~~National Park Service~~ NPS employees may not receive concessioner goods or services at a discount unless it is in connection with official business, is to the government's advantage, and is provided for under the terms of a concession contract. However, employees may accept reduced rates or discounts offered by the concessioner when those same reduced rates or discounts are available to the general public.

~~National Park Service~~NPS employees may not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value from a concessioner or other person who conducts operations and activities that are regulated by the Department of the Interior. Employees should consult with their ~~assistant~~ ethics counselor regarding the limited exceptions to the general prohibition on accepting gifts from outside sources.

10.2.8.2 Employment of NPS Personnel or Family Members by Concessioners

Federal law prohibits government employees from making recommendations, decisions, or approvals relating to applications, contracts, controversies, or other matters in which the employee or the employee's spouse or minor child has a financial interest. Park employees may not make decisions, approvals, or recommendations related to concession activities when their spouse or dependent child is employed by a park concessioner in that particular park. For example, the spouse or dependent child of the superintendent, assistant superintendent, concession staff, environmental manager, or public health specialist may not be employed by a concessioner in the specific park in which the NPS employee works.

(Also see Director's Order #37: Home Businesses in Parks)

10.2.8.3 NPS Employee Ownership or Investment in Concession Businesses

Department of the Interior policy prohibits employees and their spouses and minor children from acquiring or retaining for commercial purposes any permit, lease, or other rights granted by the Department for conducting commercial services on federal lands. Therefore, no ~~National Park Service~~NPS concession contract or commercial use authorization to

conduct commercial services in a park will be issued to ~~National Park Service~~NPS employees or their spouses and minor children who are owners, partners, corporate officers, or general managers of any business seeking such a contract in federal land managed by the Department of the Interior. Further, to avoid the appearance of partiality and conflicts of interest, and to comply with ethics laws that apply to all federal employees, ~~National Park Service~~NPS employees may not work on any matter involving a business in which they, their spouse, or their minor children have a financial interest.

10.2.8.4 Concession Management Personnel Qualifications

To effectively carry out the concession management program, managers and supervisors will make every effort to ensure that personnel selected for positions meet the essential competencies established for the position being filled. When concession management personnel lack the full complement of essential competencies or require refresher training for their position, managers and supervisors will ensure that those employees are trained and certified as competent. All personnel vacancy announcements issued for concession management must include program competencies.

10.3 Commercial Use Authorizations

Comment: Regulations implementing the CUA authority have not yet been promulgated. The new text below reflects provisions contained in the applicable statute

Commercial use authorizations (CUAs~~)~~)—which are distinguished from concession contracts—may be issued ~~under~~ pursuant to section 418 of the ~~authority of~~ National Park Service Concessions Management Improvement Act of 1998 (16 USC 5951—5966~~. CUAs are not considered concessions contracts.~~

~~As of the date of publication of this edition of Management Policies, the NPS has not yet issued policies or regulations for the administration of CUAs. However, the applicable provisions of law are quite prescriptive and should be carefully considered.~~). As the statute is quite prescriptive, it should be carefully considered in addition to the policies contained in this section. A more detailed discussion of ~~CUAs~~commercial use authorizations will be included at a later date in implementing regulations and in Director's Order #48B: Commercial Use Authorizations.

10.3.1 General

Commercial use authorizations may be issued only to authorize services that (1) are determined to be an appropriate use of the park, (2) will have minimal impact on park resources and values, and (3) are consistent with the purpose for which the unit was established, as well as all applicable management plans and park policies and regulations.

10.3.2 Requirements

By law, a CUA must provide for

- payment of a reasonable fee, such fees to be used, at a minimum, to recover associated management and administrative costs,

- provision of services in a manner consistent to the highest practicable degree with the preservation and conservation of park resources and values, and
- limitation of liability of the Federal government arising from the commercial use authorization.

No park may issue commercial use authorizations in a quantity inconsistent with the preservation and proper management of park resources and values. Each park issuing commercial use authorizations will ensure that they contain provisions for the protection of visitors and the resources and values of the park.

10.3.3 Limitations

By law, commercial use authorizations may be issued only for

- commercial operations with annual gross receipts of not more than $25,000 resulting from services originating and provided solely within a unit of the national park system pursuant to such authorization,
- the incidental use of resources of the unit by commercial operations that provide services originating and terminating outside of the boundaries of the unit, or
- such uses by organized children's camps, outdoor clubs, nonprofit institutions (including backcountry use), and such other uses as the Secretary of the Interior deems appropriate.

Nonprofits will be required to obtain commercial use authorizations only when they generate taxable income from the authorized use.

10.3.4 Construction Prohibition

By law, under no circumstances will a commercial use authorization provide for or allow construction of any structure, fixture, or improvement on federally owned land within any unit of the national park system.

10.3.5 Duration

By law, the maximum term for any commercial use authorization is two years in length. No rights of renewal are associated with commercial use authorizations.

10.3.6 Other Contracts

Holding or seeking to obtain a commercial use authorization does not preclude a person, corporation, or other entity from submitting proposals for concessions contracts.

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Glossary

Accessibility—individuals with disabilities are able to reach, use, understand or appreciate NPS programs, facilities and services, or those individuals have the same benefits available to persons without disabilities. See also, "universal design."

Accession— a transaction whereby a museum object or specimen is acquired for a museum collection. Accessions include gifts, exchanges, purchases, field collections, loans, and transfers.

Adaptive management—[is a decision process that] promotes flexible decision-making that can be adjusted in the face of uncertainties as outcomes from management actions and other events become better understood. Careful monitoring of these outcomes both advances scientific understanding and helps adjust policies or operations as part of an iterative learning process. Adaptive management also recognizes the importance of natural variability in contributing to ecological resilience and productivity. It is not a "trial and error" process, but rather emphasizes learning while doing. Adaptive management does not represent an end in itself, but rather a means to more effective decisions and enhanced benefits. Its true measure is how well it helps meet environmental, social, and economic goals, increases scientific knowledge, and reduces tensions among stakeholders. *(Source: National Research Council)*

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

Appropriate use— see "Terms and Concepts" in the Introduction.

Archeological resource— any material remains or physical evidence of past human life or activities that 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.

Backcountry— refers to primitive, undeveloped portions of parks, some of which may be categorized as "wilderness."

Best available technology – the use of the latest technology that will result in fewer impacts at the same level of use.

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

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.

Civic Engagement – is a continuous, dynamic conversation with the public on many levels that reinforces the commitment of both NPS and the public to the preservation of heritage resources, both cultural and natural, and strengthens public understanding of the full meaning and contemporary relevance of these resources.

Commemorative work— any statue, monument, sculpture, plaque, memorial, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate the memory of a person, group, event, or other significant element of history.

Conserve (and Preserve and Protect)—see "Terms and Concepts" within the Introduction.

Consultation— a discussion, conference, or forum in which advice or information is sought or given, or information or ideas are exchanged. Consultation generally takes place on an informal basis; formal consultation requirements for compliance with section 106 of NHPA are published in 36 CFR Part 800.

Cooperating associations— private, nonprofit corporations established under state law which support the educational, scientific, historical, and interpretive activities of the NPS in a variety of ways, pursuant to formal agreements with the Service.

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.

Cultural landscape— a geographic area, including 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.

Cultural resource— an aspect of a cultural system that is valued by or significantly representative of a culture, or that contains significant information about a culture. A cultural resource may be a tangible entity or a cultural practice. Tangible cultural resources are categorized as districts, sites, buildings, structures, and objects for the National Register of Historic Places, and as archeological resources, cultural landscapes, structures, museum objects, and ethnographic resources for NPS management purposes.

Defensible space— the space needed for firefighters to adequately defend structures from oncoming wildland fires, or to stop a structural fire before it ignites wildland vegetation. Defensible space describes the desired result of planning, siting, landscaping and constructing developed facilities in a way that minimizes their vulnerability to wildfire threats and maximizes their protection against wildfire hazards.

Derogation— see "impairment."

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.

Directives system— policy guidance system established by Director's Order #1 in 1996. The system replaces and updates guidance documents formerly known as NPS Guidelines, Special Directives, and Staff Directives. The system consists of 3 levels:

> **Level 1— NPS Management Policies**— first overview level of the Directives system.
>
> **Level 2— Director's Orders**— operational policies and procedures that supplement Level 1.
>
> **Level 3—** Reference Manuals and other detailed guidance on how to implement Service-wide policies and procedures.

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

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

Environmental impact statement— a detailed NEPA analysis document prepared, with extensive public involvement, when a proposed action or alternatives have the potential for significant impact on the human environment.

Environmental leadership— advocating, on a personal and organizational level, cooperative conservation, best management practices, best available technology, adaptive management, and the principles of sustainability, and making decisions that demonstrate a commitment to those practices and principles.

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.

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

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.

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.

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.

Impact— the likely effects of an action or proposed action upon specific natural, cultural, or socioeconomic resources. Impacts may be direct, indirect, individual, cumulative, beneficial, or adverse. (Also see **Unacceptable impacts** in "Terms and Concepts" within the Introduction.)

Impairment—see "Terms and Concepts" in the Introduction.

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.

Integrated pest management— a decision-making process that coordinates knowledge of pest biology, the environment, and available technology to prevent unacceptable levels of pest damage, by cost- effective means, while posing the least possible hazard to people, resources, and the environment.

Leave-no-trace (LNT)— principles and practices that emphasize the ethic of leaving a place free and clear of the residual evidence of human presence; applied to all forms of recreation management within wilderness or backcountry areas.

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.

Lightscape management (natural ambient)— the effective use of good design to appropriately light areas and minimize or eliminate light clutter, the spill over of light into areas where light is not wanted and light pollution, all of which wastes energy, and impacts park visitors, neighbors and resources.

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.

Mission-critical— something that is essential to the accomplishment of an organization's core responsibilities.

Mitigation— a modification of a proposal to lessen the intensity of its impact on a particular resource.

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

Native Americans— includes American Indians, Alaska Natives, native peoples of the Caribbean, native Hawaiians, and other native Pacific islanders.

NEPA process— the objective analysis of a proposed action to determine the degree of its impact on the natural, physical, and human environment; alternatives and mitigation that reduce that impact; and the full and candid presentation of the analysis to, and involvement of, the interested and affected public – as required of federal agencies by the National Environmental Policy Act of 1969.

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."

Preserve (and Conserve and Protect)—see "Terms and Concepts" in the Introduction.

Professional Judgment—One of the major responsibilities of park superintendents is to make decisions that affect the future of the parks they manage. Some of these decisions, and those made by other managers at the park, regional, and national level, have the potential for major and long-term consequences. These Management Policies are intended to help shape those decisions, promote a degree of consistency in the decision-making process, and help to ensure the long-term protection of each park's integrity. However, in virtually all situations, the quality of the decisions that are made will depend largely on the professional judgment of the decision-maker. That is why these Management Policies frequently refer to management decisions being based on the "professional judgment" of NPS managers. For the purposes of these Management Policies, professional judgment means a decision or opinion that is shaped by study and analysis and full consideration of all the relevant facts, and taking into account

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

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

Record of decision (ROD)— the document which is prepared to substantiate a decision based on an analysis of a range alternatives (e.g., an EIS). When applicable, it includes a detailed discussion of rationale and reasons for choosing a particular alternative or not adopting all mitigation measures analyzed.

Sacred sites— certain natural and cultural resources treated by Native Americans as sacred places having established religious meaning, and as locales of private ceremonial activities.

Scholarship—knowledge resulting from study and research in a particular field, or the mastery of a particular area of learning reflected in a scholar's work. A scholar is a learned person; someone who by long study has gained mastery in one or more disciplines and practices, and whose mastery is recognized by a peer group.

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.

Stewardship— the cultural and natural resource protection ethic of employing the most effective concepts, techniques, equipment, and technology to prevent, avoid, or mitigate impacts that would compromise the integrity of park resources.

Strategic plan— a Service-wide, 5-year plan required by GPRA (5 USC 306) in which the NPS states (1) how it plans to accomplish its mission during that time, and (2) the value it expects to produce for the tax dollars expended. Similarly, each park, program, or central office has its own strategic plan, which considers the Service-wide mission plus its own particular mission. Strategic plans serve as "performance agreements" with the American people.

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

Sustainable design— design that applies the principles of ecology, economics, and ethics to the business of creating necessary and appropriate places for people to visit, live, and work. Development that has a sustainable design, sits lightly upon the land, demonstrates resource efficiency, and promotes ecological restoration and integrity, thus improving the environment, the economy, and society.

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

Traditional— pertains to recognizable, but not necessarily identical, cultural patterns transmitted by a group across at least two generations. Also applies to sites, structures, objects, landscapes, and natural resources associated with those patterns. Popular synonyms include "ancestral" and "customary."

Traditionally associated peoples—. For purposes of these Management Policies, social/ cultural entities such as tribes, communities, and kinship units, as well as park neighbors, traditional residents, and former residents who remain attached to a park area despite having relocated, are "traditionally associated" with a particular park when (1) the entity regards park resources as essential to its development and continued identity as a culturally distinct people; (2) the association has endured for at least two generations (40 years); and (3) the association began prior to establishment of the park.

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

Tread Lightly ®-- a private, nonprofit organization that promotes responsible outdoor use to help recreationists minimize their impact on the environment, with a core focus on the ethical use of motorized and mechanized vehicles on both land and water.

Unacceptable impacts—see "Terms and Concepts" in the Introduction.

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

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

Visitor— anyone who visits a park.

Visitor Experience and Resource Protection (VERP) framework— a visitor carrying capacity planning process applied to determine the desired resource and visitor experience conditions, and used as an aid to decision-making.

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

Wilderness (area)— federal land that has been designated by Congress as a component of the national wilderness preservation system. For the purpose of applying these policies, "wilderness" includes the categories of proposed, recommended, and designated wilderness. Potential wilderness may be a subset of any of these five categories.

Executive Summary

Summary of the Document. The new draft ***Management Policies*** has an Introduction plus 10 chapters, the same as the 2001 edition. The draft Introduction provides an overview of the policy-making function. An important new subsection has been added to the Introduction to explain key terms and concepts that will help NPS employees understand how they are to apply the policies. In particular, the terms and concepts explain the relationship between the words conserve, preserve, and protect; the concept of impairment; the concept of appropriate use of the parks; the concept of unacceptable impacts to park resources and values; and the concept of professional judgment.

Chapter 1-The Foundation-lays out basic information about the national park system, the primary laws that govern park management, and the principles that guide NPS field operations.

Chapter 2 describes policies applicable to the **Park Planning** process, which helps define the types of resource conditions, visitor experiences, and management actions that will best achieve each park's goals.

Chapter 3 sets forth the methods and techniques that will be used for **Land Protection**, including the acquisition of lands (or interests in lands) necessary to conserve each park's resources and values and provide for their enjoyment.

Chapter 4 explains the Service's **Natural Resource Management** policies, which are intended to conserve in an unimpaired condition not only the resources, but also the natural processes, systems, and values of the parks.

Chapter 5 focuses on **Cultural Resource Management**, and explains the policies by which the Service will preserve and foster appreciation of park cultural resources.

Chapter 6 sets forth the policies under which the Service will meet its **Wilderness Stewardship** responsibilities.

Chapter 7 explains the Interpretation and Education policies that will produce memorable educational and recreational experiences for visitors, and foster the development of a personal stewardship ethic toward national park resources and values.

Chapter 8 describes the policies by which the Service will provide opportunities for appropriate **Use of the Parks**, with the most important type of

use being the enjoyment of unimpaired park resources and values by present and future generations.

Chapter 9 describes the policies that govern the development and care of **Park Facilities** that are necessary and appropriate to meet visitor and park management needs, and that are also sustainable and consistent with the conservation of park resources and values.

Chapter 10 explains the policies under which **Commercial Visitor Services** that are necessary and appropriate for visitor use and enjoyment will be provided through the use of concession contracts and commercial use authorizations.

INTRODUCTION

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Management of National Park Service Programs

This volume of *Management Policies* focuses exclusively on management of the national park system. Beyond managing the national park system, the National Park Service administers a broad range of programs that serve the conservation and recreation needs of the nation and the world. Examples include the following:

- National Register of Historic Places
- National Historic Landmarks Program
- National Natural Landmarks Program
- Land and Water Conservation Fund Grants Program
- Historic American Building Survey
- Historic American Engineering Record
- American Battlefield Protection Program
- National Maritime Heritage Grants Program
- Rivers, Trails and Conservation Assistance Program
- Tribal Heritage Preservation Grants Program

Although these programs operate mainly outside the national parks, they form a vital part of the National Park Service mission. Information about the policies and procedures that govern these programs will be incorporated into a companion volume.

U. S. Department of the Interior

The U.S. Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its special responsibilities to American Indians, Alaska Natives, and affiliated Island Communities.

National Park Service

The National Park Service conserves unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. The National Park Service cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world.

INTRODUCTION

TERMS AND CONCEPTS USED IN MANAGEMENT POLICIES

A list of five key terms and concepts particularly relevant to managing the national parks is provided below. These key terms and concepts are important to understanding NPS management policies and principles. Definitions of additional terms may be obtained from the Glossary. Statutory definitions can be accessed on-line, e.g., at <http://www4.law.cornell.edu/uscode/>.

Conserve, Preserve, Protect

The words "conserve," "preserve," and "protect" are used frequently throughout these *Management Policies*. They are words that, in some contexts, carry distinctly different meanings. However, in the context of these *Management Policies*, it is not appropriate to create or imply highly prescribed distinctions between them. This is because there are many statutes applicable to the parks, and some of them use the term "conserve," some use "preserve," some use "protect," and some even use a combination of these terms. It is clear from the legislative history of these statutes, and from case law, that each of these words reflects the high standard of care for park resources that Congress has required of the Service from its beginning. For this reason, these words are used interchangeably, except where their application is tied to a quotation or close paraphrase of a statute. The choice of any one of these words within these policies is not intended to, and should not be construed to, imply a greater or lesser restriction on opportunities for visitor enjoyment or level of care for park resources and values.

Impairment

Impairment means a significant impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values, including the opportunity that otherwise would be present for the enjoyment of those resources or values, in violation of the NPS Organic Act.

Appropriate Use

As used in these *Management Policies*, an "appropriate use" is a use that is suitable, proper, or fitting for a particular park, or to a particular location within a park. What is appropriate may vary from one park to another, and from one location to another within a park.

In its role as steward of park resources, the Park Service must ensure that all park uses are appropriate and do not cause unacceptable impacts on park resources and values. When proposed park uses and the protection of park resources come into conflict, park managers are obligated to ensure that the resources and values for which the park was created are not diminished. To determine appropriateness, the park manager must rely on the Organic Act, the park's enabling legislation, NPS regulations, NPS *Management Policies*, director's orders, the park's general management plan, and other relevant guidance and planning documents.

The concept of appropriate use is especially important with regard to visitor enjoyment, because the Park Service is required by the Organic Act to provide for the enjoyment of

park resources and values. As with other park uses, a form of visitor enjoyment that is appropriate in one park may be inappropriate in another.

The Park Service will always welcome activities that are appropriate to the parks. In evaluating the appropriateness of an activity, NPS planning and decision-making procedures will be used to engage the public and use the best scientific information available. The criteria for determining whether a particular use is appropriate in a park are set forth in section 1.4.3. In applying the criteria, the responsible NPS manager will use good judgment to ensure that uses will not

- cause an "unacceptable impact"
- be inconsistent with the park purposes or values
- unreasonably interfere with park programs or activities
- disrupt the operations of park concessions or contractors
- create an unsafe or unhealthful environment for visitors or employees
- result in significant conflict with other appropriate uses
- diminish opportunities for current or future generations to enjoy park resources or values

Subject to the above criteria, appropriate uses may include

- uses that have occurred historically in a park when the type and/or the level of impact has not increased significantly,
- uses that may represent new technology, or
- uses whose impacts can be successfully mitigated or eliminated through
    - visitor education,
    - temporal, spatial, or numerical limitations on the use,
    - the application of best available technology, or
    - the application of adaptive management techniques.

<u>Unacceptable Impacts</u>

Relevant to the concept of "appropriate and inappropriate use" is the concept of "acceptable and unacceptable impacts." In determining whether a proposed park use is appropriate or inappropriate, there are several factors that a manager must consider. But the key factor is whether the associated impacts on park resources and values are "acceptable." With virtually every form of visitor use and enjoyment there will be at least some degree of impact on park resources or values, but that does not mean a proposed use must or should be disallowed. The Park Service may balance resource conservation and visitor enjoyment in managing parks while ensuring that its management actions leave the resources and values unimpaired. This means that the Service has discretion in allowing

activities that may cause impacts as long as the activities do not lead to impairment. For the purposes of implementing this important management concept, unacceptable impacts that would keep a use from being "appropriate" are impacts that would

- be inconsistent with the park's purposes or values,
- individually or cumulatively degrade resource conditions so as to preclude future generations from enjoying the resource in as good or better condition,
- individually or cumulatively create an unsafe or unhealthful environment for other visitors or employees, or
- unreasonably interfere with
  - existing appropriate park uses,
  - NPS interpretive, visitor service, administrative, or other activities,
  - NPS concessioner or contractor operations or services, or
  - the attainment of a park's desired conditions as identified through the park's planning process.

As part of its standard decision-making process, the Service will engage the public and use the best scientific information available in evaluating whether impacts from an activity would be acceptable.

Third-party Enforceability

The policies contained in this document are intended only to improve the internal management of the Park Service, and are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

Law, Policy, and Other Guidance

This volume is the basic Servicewide policy document of the National Park Service. Adherence to policy is mandatory unless specifically waived or modified by the Secretary, the Assistant Secretary, or the Director.

In carrying out their responsibilities under the 1916 National Park Service [1] Organic Act and other pertinent statutes, all NPS officials and employees must be knowledgeable about the laws, regulations, and policies that pertain to their work. The property clause of the U. S. Constitution, which is the supreme law of the United States, gives Congress the authority to develop laws governing the management of the national park system. The property clause specifically directs that "The Congress will have the Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States" (article IV, section 3). Once laws are enacted, authority for interpreting and implementing them is delegated to appropriate levels of government. In carrying out this function, the National Park Service, like other federal agencies, develops policy to interpret the ambiguities of the law and to fill in the details left unaddressed by Congress in the statutes.

Hierarchy of Authorities

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

Policy Development

Policy sets the framework and provides direction for all management decisions. This direction may be general or specific; it may prescribe the process through which decisions are made, how an action is to be accomplished, or the results to be achieved. Policy initiatives may originate as a sudden, urgent response to an unanticipated problem or issue, or through a slow, evolutionary process as the Service gains increased experience or insight regarding a problem or issue. Sometimes the initiative does not originate within the Service, but rather with persons or organizations outside the Service who have a strong

[1] The terms "National Park Service," "Park Service," "Service," and "NPS" are used interchangeably in this document.

interest in how the Service manages the parks. However, NPS policy is usually developed through a concerted workgroup and consensus-building team effort involving extensive field review, consultation with NPS senior managers, and review and comment by affected parties and the general public.

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

Compliance and Accountability

The policies contained within this document are intended only to improve the internal management of the National Park Service, and are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

Servicewide policy is articulated by the Director of the National Park Service. NPS employees must follow these policies unless specifically waived or modified in writing by the Secretary, the Assistant Secretary, or the Director. Waivers and modifications will be considered on a case-by-case basis, and previous waivers or modifications will not necessarily be regarded as precedents for future waivers or modifications. Park superintendents will be held accountable for their, and their staff's, adherence to Servicewide policy. A request for a waiver or modification of policy must include a written justification and be submitted to the Director through the Office of Policy, which will coordinate with appropriate program offices.

The Directives System

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

Management Policies will be revised at appropriate intervals to consolidate Servicewide policy decisions, or to respond to new laws and technologies, new understandings of park resources and the factors that affect them, or changes in American society. Interim updates or amendments may be accomplished through Director's Orders (the second level of the Directives System), which also serve as a vehicle to clarify or supplement the *Management Policies* to meet the needs of NPS managers. Any previously dated statement of policy not consistent with these *Management Policies*, or with a Director's Order that updates, amends, or clarifies policy, is to be disregarded.

Under the Directives System, the most detailed and comprehensive guidance on implementing Servicewide policy is found in "level 3" documents, which are usually in the

form of handbooks or reference manuals issued by associate directors. These documents provide NPS field employees with a compilation of legal references, operating policies, standards, procedures, general information, recommendations, and examples to assist them in carrying out *Management Policies* and Director's Orders. Level 3 documents may not impose any new Servicewide requirements unless the Director has specifically authorized them to do so, but may reiterate or compile requirements (for example, laws, regulations, and policies) that have been imposed by higher authorities.

The Directives System replaces the guidelines, special directives, and staff directives issued under the former system. Some Director's Orders planned for completion were not yet approved when this edition of *Management Policies* was published. Anyone who needs additional information about a Director's Order that has not yet been approved should contact the NPS program manager responsible for the particular subject matter, or the Office of Policy in Washington, DC. (See Appendix C for a listing of Director's Orders.)

Other Sources of Guidance

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

National Park Service Program Policies

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

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Management Policies 2006

Chapter 1: The Foundation

Beginning with Yellowstone, the idea of a national park was an American invention of historic consequences. The areas that now comprise the national park system, and those that will be added in years to come, are overall cumulative expressions of a single national heritage. The National Park Service must manage park resources and values in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

1.1 The National Park Idea

The world's first national park—Yellowstone—was created in 1872, at which time Congress set aside more than one million acres as "a public park or pleasuring ground for the benefit and enjoyment of the people." The legislation assigned control of the new park to the Secretary of the Interior, who would be responsible for issuing regulations to provide for the "preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities, or wonders, within the park, and their retention in their natural condition." Other park management functions were to include the development of visitor accommodations, the construction of roads and bridle trails, the removal of trespassers, and protection "against the wanton destruction of the fish and game found within the park" (16 United States Code 21-22).

This American invention marked the beginning of a worldwide movement that has subsequently spread to more than 100 countries and 1,200 national parks and conservation preserves. However, when Yellowstone National Park was created, no concept or plan existed upon which to build a system of such parks. The concept now described as the national park system, which embraces, nationwide, a wide variety of natural and cultural resources, evolved slowly over the years—often through the consolidation of federal land management responsibilities.

As interest grew in preserving the great scenic wonders of the West, efforts were also underway to protect the sites and structures associated with early Native American culture, particularly in the Southwest. The Antiquities Act of 1906 authorized the President "to declare by public proclamation [as national monuments] historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest" (16 USC 431).

In 1916, Congress created the National Park Service[2] in the Department of the Interior to "promote and regulate the use of the federal areas known as national parks, monuments, and reservations," and to "conserve" the resources and values in these areas "unimpaired" for the enjoyment of future generations (16 USC 1). The words "conserve," "preserve," and "protect" are used frequently throughout these *Management Policies*. They are words that, in some contexts, carry distinctly different meanings. However, in the context of *Management Policies*, it is not appropriate to create or imply highly prescribed distinctions between them. This is because there are many statutes applicable to the parks, and some of them use the term "conserve," some use "preserve," some use "protect," and some even

[2] The terms "National Park Service," "Park Service," "Service," and "NPS" are used interchangeably in this document.

use a combination of these terms. It is clear from the legislative history of these statutes, and from case law, that each of these words reflects the high standard of care for park resources that Congress has required of the Service from its beginning. For this reason, these words are used interchangeably, except where their application is tied to a quotation or close paraphrase of a statute. The choice of any one of these words within these policies is not intended to, and should not be construed to, imply a greater or lesser restriction on opportunities for visitor enjoyment, or level of care for park resources and values.

1.2 The National Park System

The number and diversity of parks within the national park system grew as a result of a government reorganization in 1933, another following World War II, and yet another during the 1960s. Today there are more than 388 units in the national park system. These units are variously designated as national parks, monuments, preserves, lakeshores, seashores, wild and scenic rivers, trails, historic sites, military parks, battlefields, historical parks, recreation areas, memorials, and parkways. Regardless of the many names and official designations of the park units that make up the national park system, all represent some nationally significant aspect of our natural or cultural heritage. As the physical remnants of our past, and great scenic and natural places that continue to evolve as repositories of outstanding recreational opportunities, classrooms of our heritage, and the legacy we leave to future generations, they warrant the highest standard of protection.

1.3 Criteria for Inclusion

Congress has declared in the NPS General Authorities Act of 1970 that areas comprising the national park system are cumulative expressions of a single national heritage. Potential additions to the national park system should therefore contribute in their own special way to a system that fully represents the broad spectrum of natural and cultural resources that characterize our nation. The National Park Service is responsible for conducting professional studies of potential additions to the national park system when specifically authorized by an act of Congress, and for making recommendations to the Secretary of the Interior, the President, and Congress. Several laws outline criteria for units of the national park system, and for additions to the national wild and scenic rivers system and the national trails system. To receive a favorable recommendation from the Service, a proposed addition to the national park system must (1) possess nationally significant natural or cultural resources, (2) be a suitable addition to the system, (3) be a feasible addition to the system, and (4) require direct NPS management instead of alternative protection by other public agencies or the private sector. These criteria are designed to ensure that the national park system includes only the most outstanding examples of the nation's natural and cultural resources. These criteria also recognize that there are other management alternatives for preserving the nation's outstanding resources.

1.3.1 National Significance

NPS professionals, in consultation with subject-matter experts, scholars, and scientists, will determine whether a resource is nationally significant. An area will be considered nationally significant if it

- is an outstanding example of a particular type of resource,

- possesses exceptional value or quality in illustrating or interpreting the natural or cultural themes of our nation's heritage,
- offers superlative opportunities for public enjoyment or for scientific study, and
- retains a high degree of integrity as a true, accurate, and relatively unspoiled example of a resource.

National significance for cultural resources will be evaluated by applying the National Historic Landmarks criteria contained in 36 CFR *(Code of Federal Regulations)* Part 65.

1.3.2 Suitability

An area is considered suitable for addition to the national park system if it represents a natural or cultural resource type that is not already adequately represented in the national park system, or is not comparably represented and conserved for public enjoyment by other federal agencies; tribal, state, or local governments; or the private sector.

Adequacy of representation is determined on a case-by-case basis by comparing the potential addition to other comparably managed areas representing the same resource type, while considering differences or similarities in the character, quality, quantity, or combination of resource values. The comparative analysis also addresses rarity of the resources, interpretive and educational potential, and similar resources already conserved in the national park system or in other public or private ownership. The comparison results in a determination of whether the proposed new area would expand, enhance, or duplicate resource conservation or visitor use opportunities found in other comparably managed areas.

1.3.3 Feasibility

To be feasible as a new unit of the national park system, an area must (1) be of sufficient size and appropriate configuration to ensure sustainable resource conservation and visitor enjoyment; and (2) be capable of efficient administration by the Park Service at a reasonable cost.

In evaluating feasibility, the Service considers a variety of factors for a study area, such as

- size
- boundary configurations
- current and potential uses of the study area and surrounding lands
- landownership patterns
- willingness of landowners to sell their land or interests therein
- public enjoyment potential
- costs associated with acquisition, development, restoration, and operation
- access
- current and potential threats to the resources

- existing degradation of resources
- staffing requirements
- local planning and zoning
- the level of local and general public support
- the economic/ socioeconomic impacts of designation as a unit of the national park system

The feasibility evaluation also considers the ability of the National Park Service to undertake new management responsibilities in light of current and projected availability of funding and personnel and the priority of maintaining and conserving existing national park system units.

An overall evaluation of feasibility will be made after taking into account all of the above factors. However, evaluations may sometimes identify concerns or conditions, rather than simply reach a yes or no conclusion. For example, some new areas may be feasible additions to the national park system only if landowners are willing to sell; or the boundary encompasses specific areas necessary for visitor access; or state or local governments will provide appropriate assurances that adjacent land uses will remain compatible with the study area's resources and values.

1.3.4 Direct NPS Management

There are many excellent examples of the successful management of important natural and cultural resources by other public agencies, private conservation organizations, and individuals. The National Park Service applauds these accomplishments and actively encourages the expansion of conservation activities by state, local, and private entities and by other federal agencies. Unless direct NPS management of a studied area is identified as the clearly superior alternative, the Service will recommend that one or more of these other entities assume a lead management role, and that the area not receive national park system status.

Studies will evaluate an appropriate range of management alternatives and will identify which alternative or combination of alternatives would, in the professional judgment of the Director, be most effective and efficient in protecting significant resources and providing opportunities for appropriate public enjoyment. Alternatives for NPS management will not be developed for study areas that fail to meet any one of the four criteria for inclusion listed in section 1.3.

In cases where a study area's resources meet criteria for national significance but do not meet other criteria for inclusion in the national park system, the Service may instead recommend an alternative status, such as "affiliated area." To be eligible for affiliated area status, the area's resources must (1) meet the same section 1.3.1 standards for national significance that apply to units of the national park system; (2) require some special recognition or technical assistance beyond what is available through existing NPS programs; (3) be managed in accordance with the policies and standards that apply to units of the national park system; and (4) be assured of sustained resource protection, as documented in a formal agreement between the Park Service and the nonfederal

management entity. Designation as a "heritage area" is another option that may be recommended. Heritage areas are distinctive landscapes that do not necessarily meet the same standards of national significance as national park areas, or may benefit from continued nonfederal ownership and management. Either of these two alternatives (and others, as well) would recognize an area's importance to the nation without requiring or implying management by the National Park Service.

1.4 Park Management

1.4.1 The Laws Generally Governing Park Management

The most important statutory directive for the National Park Service is provided by interrelated provisions of the NPS Organic Act of 1916 and the NPS General Authorities Act of 1970, including amendments to the latter law enacted in 1978.

The key management-related provision of the Organic Act is as follows:

> [The National Park Service] shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified … by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. (16 USC 1)

Congress supplemented and clarified these provisions through enactment of the General Authorities Act in 1970, and again through enactment of a 1978 amendment to that law (the "Redwood amendment," contained in a bill expanding Redwood National Park), which added the last two sentences in the following provision. The key part of that act, as amended, is as follows:

> Congress declares that the national park system, which began with establishment of Yellowstone National Park in 1872, has since grown to include superlative natural, historic, and recreation areas in every major region of the United States, its territories and island possessions; that these areas, though distinct in character, are united through their inter-related purposes and resources into one national park system as cumulative expressions of a single national heritage; that, individually and collectively, these areas derive increased national dignity and recognition of their superlative environmental quality through their inclusion jointly with each other in one national park system preserved and managed for the benefit and inspiration of all the people of the United States; and that it is the purpose of this Act to include all such areas in the System and to clarify the authorities applicable to the system. Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined in section 1c of this title, shall be consistent with and founded in the purpose established by section 1 of this title [the Organic Act provision quoted above], to the common benefit of all the people of the United States. The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public

> value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress. (16 USC 1a-1)

This section 1.4 of *Management Policies* represents the agency's interpretation of these key statutory provisions.

1.4.2 "Impairment" and "Derogation": One Standard

Congress intended the language of the Redwood amendment to the General Authorities Act to reiterate the provisions of the Organic Act, not create a substantively different management standard. The House committee report described the Redwood amendment as a "declaration by Congress" that the promotion and regulation of the national park system is to be consistent with the Organic Act. The Senate committee report stated that under the Redwood amendment, "The Secretary has an absolute duty, which is not to be compromised, to fulfill the mandate of the 1916 Act to take whatever actions and seek whatever relief as will safeguard the units of the national park system." So, although the Organic Act and the General Authorities Act, as amended by the Redwood amendment, use different wording ("unimpaired" and "derogation") to describe what the National Park Service must avoid, they define a single standard for the management of the national park system—not two different standards. For simplicity, *Management Policies* uses "impairment" (or a variation thereof), not both statutory phrases, to refer to that single standard.

1.4.3 The NPS Obligations to Conserve and Provide for Enjoyment of Park Resources and Values

The "fundamental purpose" of the national park system, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, is "to conserve the scenery and the natural and historic objects and the wild life 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." Through this mandate, Congress established the overarching mission for national parks, which is to protect park resources and values to ensure that these resources and values are maintained in as good, or better, condition for the enjoyment of present and future generations. NPS managers must always seek ways to avoid, or to minimize to the greatest extent practicable, unacceptable impacts on park resources and values. However, the laws do give the Service the management discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, so long as the impact does not rise to the level of impairment or diminish visitor experience over time.

As noted, the "enjoyment" of park resources and values is part of the fundamental purpose of all parks. The "enjoyment" that is contemplated by the statute is broad; it is the enjoyment of all the people of the United States, and so includes enjoyment both by people who visit parks and by those who appreciate them from afar. It also includes deriving benefit (including scientific knowledge) and inspiration from parks, as well as other uses. The Park Service recognizes that activities in which park visitors engage can cause impacts to park resources and values, and the Service must balance the sometimes competing obligations of conservation and enjoyment in managing the parks. The courts have recognized that the Service has broad discretion in determining how best to fulfill the

Organic Act's mandate. Because the enjoyment of park resources and values by present and future generations is dependent on their preservation, when there are concerns as to whether an activity or action will cause an impairment, the Service will protect the resources while taking appropriate steps, including scientific study and public involvement, to resolve the concerns.

1.4.3.1 Appropriate Use

In each case where a form of enjoyment or other use is under consideration, the responsible NPS manager must determine whether the use is "appropriate" in a particular park. Appropriate uses are those uses that, in the professional judgment of the responsible NPS manager, will not

- cause an unacceptable impact,
- be inconsistent with the park purposes or values,
- unreasonably interfere with park programs or activities,
- disrupt the operations of park concessions or contractors,
- create an unsafe or unhealthful environment for visitors or employees,
- result in significant conflict with other appropriate uses, or
- diminish opportunities for current or future generations to enjoy park resources or values.

Subject to the above criteria, appropriate uses may include

- uses that have occurred historically in a park and when the type and/or the level of impact has not increased significantly,
- uses that may represent new technology, or
- uses whose impacts can be successfully mitigated or eliminated through
  - visitor education,
  - temporal, spatial, or numerical limitations on the use,
  - the application of best available technology, or
  - the application of adaptive management techniques.

1.4.3.2 Unacceptable Impacts

In evaluating the appropriateness of an activity, standard NPS planning and decision-making procedures will be employed to engage the public and to utilize the best scientific information available. These procedures will also be used to determine whether there would be an unacceptable impact. An unacceptable impact is an impact that would

- be inconsistent with the park's purposes or values,

- degrade resource conditions so as to preclude future generations from enjoying the resource in as good, or better, condition,
- create an unsafe or unhealthful environment for other visitors or employees, or
- unreasonably interfere with
  - existing appropriate park uses,
  - NPS interpretive, visitor service, administrative, or other activities,
  - NPS concessioner or contractor operations or services, or
  - the attainment of a park's desired conditions, as identified through the park's planning process.

1.4.3.3 Park Purposes and Legislatively Authorized Uses

Park purposes are found in the general laws pertaining to the national park system, as well as the enabling legislation or proclamation establishing each unit. In addition to park purposes, in many cases, the enabling legislation or proclamation for a park may also identify uses that are either mandated or authorized.

In the administration of mandated uses, park managers must allow the use; however, they do have the authority to and must manage and regulate the use to minimize impacts on park resources, values, and visitor enjoyment. In the administration of authorized uses, park managers have the discretionary authority to allow and manage the use, provided that the use will not cause impairment or unacceptable impacts. In considering whether to allow the use, park managers must respect and be responsive to the desire, as reflected in the enabling legislation or proclamation, that the use or uses continue.

(See Major Elements of NPS Park Planning and Decision-making 2.2; General 8.1)

1.4.4 The Prohibition on Impairment of Park Resources and Values

Although Congress has given the Service the management discretion to allow impacts from activities within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired, unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the National Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them.

The impairment of park resources and values may not be allowed by the Service unless directly and specifically provided for by legislation or by the proclamation establishing the park. The relevant legislation or proclamation must provide explicitly (not by implication or inference) for the activity, in terms that keep the Service from having the authority to manage the activity so as to avoid the impairment.

1.4.5 What Constitutes Impairment of Park Resources and Values

The impairment that is prohibited by the Organic Act and the General Authorities Act is a significant impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values. The responsible NPS manager must have followed a process including civic engagement as well as the use

of the best available scientific, scholarly, and technical information, and be able to clearly articulate the reasoning applied in reaching a finding of impairment or non-impairment. Whether an impact meets this definition depends on the particular resources and values that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts.

An impact to any park resource or value may, but does not necessarily, constitute an impairment. An impact would be more likely to constitute an impairment to the extent that it affects a resource or value whose conservation is

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, or
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or
- identified in the park's general management plan or other relevant NPS planning documents as being of special significance.

An impact would be less likely to constitute an impairment to the extent that it is an unavoidable result, which cannot reasonably be further mitigated, of an action necessary to preserve or restore the integrity of park resources or values.

An impact that may lead to impairment may result from NPS administrative activities; activities undertaken by concessioners, contractors, and others operating in the park; or visitor activities.

1.4.6 What Constitutes Park Resources and Values

The "park resources" that are subject to the no impairment standard include the following:

- The park's scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals.

The "park values" that are subject to the no impairment standard include

- appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing the same,
- the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system, and

- any additional attributes encompassed by the specific values and purposes for which it was established.

(See introduction to chapter 4)

1.4.7 Decision-making Requirements to Avoid Impairments

Before approving a proposed action that could lead to an impairment of park resources and values, an NPS decision-maker must consider the impacts of the proposed action and determine, in writing, that the activity will not lead to an impairment of park resources and values. If there would be an impairment, the action may not be approved.

In making a determination of whether there would be an impairment, a National Park Service decision-maker must use his or her professional judgment. The decision maker must consider any environmental assessments or environmental impact statements required by the National Environmental Policy Act of 1969 (NEPA); relevant scientific studies, and other sources of information; and public comments.

When an NPS decision maker becomes aware that an ongoing activity might have led or might be leading to an impairment of park resources or values, he or she must investigate and determine if there is, or will be, impairment. Whenever reasonable and practicable, such an investigation and determination will be made as part of an appropriate park planning process undertaken for other purposes. If it is determined that there is, or will be, such an impairment, the decision maker must take appropriate action, to the extent possible within the Service's authorities and available resources, to mitigate the impacts so as to eliminate the impairment, or reduce impacts as needed to eliminate the impairment. The action must eliminate the impairment as soon as reasonably possible, taking into consideration the nature, duration, magnitude, and other characteristics of the impacts to park resources and values, as well as the requirements of NEPA, the Administrative Procedure Act, and other applicable laws.

(See Levels of Park Planning 2.3; Evaluating Environmental Impacts 4.1.3; Planning 5.2; General 8.1; Visitor Use 8.2; General 9.1. Also see Director's Order #12: Conservation Planning and Environmental Impact Analysis)

1.5 Cooperative Conservation Beyond Park Boundaries

Cooperation beyond park boundaries has become increasingly necessary as the National Park Service strives to fulfill its mandate to conserve the natural and cultural resources of parks unimpaired for future generations. Ecological processes cross park boundaries, and park boundaries may not incorporate all of the natural resources, cultural sites, and scenic vistas that relate to park resources or the quality of the visitor experience. Therefore, activities proposed for adjacent lands may significantly affect park programs, resources, and values. Conversely, Park Service activities may have impacts outside park boundaries. Recognizing that parks are integral parts of larger regional environments, the Service will work cooperatively with others to (1) anticipate, avoid, and resolve potential conflicts; (2) protect park resources and values; (3) provide for visitor enjoyment; and (4) address mutual interests in the quality of life of community residents, including matters such as compatible economic development and resource and environmental protection. Such local and regional cooperation may involve other federal agencies; tribal, state, and local

governments; neighboring landowners; nonprofit and private sector organizations; and all other concerned parties.

The Service will use all available authorities to conserve park resources and values and protect them from impairment. Superintendents will monitor land use proposals and changes to adjacent lands, and their potential impacts on park resources and values. It is appropriate for superintendents to engage constructively with the broader community in the same way that any good neighbor would. Superintendents will encourage compatible adjacent land uses, and seek to mitigate potential adverse impacts on park resources and values by actively participating in the planning and regulatory processes of other federal agencies and tribal, state, and local governments having jurisdiction over property directly affecting, or directly affected by, the park. When engaged in these activities, superintendents should fully apply the principles of civic engagement to promote better understanding and communication by documenting the park's concerns and sharing them with all who are interested, and by listening to the concerns of those who are affected by the park's actions.

(See Civic Engagement 1.11; Cooperative Planning 2.3.1.9; Addressing Threats from External Sources 3.4; Air Quality 4.7.1; Soundscape Management 4.9. Also see Director's Order #75A)

1.6 Environmental Leadership

Given the scope of its responsibility for the resources and values entrusted to its care, the Service has an obligation, as well as a unique opportunity, to demonstrate leadership in environmental stewardship. The Park Service must lead by example not only for visitors, other governmental agencies, the private sector, and the public at large, but also for a worldwide audience.

Environmental leadership will be demonstrated in all aspects of NPS activities, including policy development; park planning; all aspects of park operations; land protection; natural and cultural resource management; wilderness management; interpretation and education; facilities design, construction, and management; and commercial visitor services. In demonstrating environmental leadership, the Service will fully comply with the letter and the spirit of NEPA, and continually assess the impact its operations have on natural and cultural resources so that it may identify areas for improvement. The Service will institutionalize an assessment process, through a Servicewide environmental auditing program, that will evaluate a broad array of NPS activities for meeting the highest standards of environmental protection and compliance. The program will also screen for opportunities to implement sustainable practices, and tangibly demonstrate the highest levels of environmental ethic.

(See Facility Planning and Design 9.1.1)

1.7 Management Excellence

Successful and sustained realization of the Service's mission requires attentive employment of the most effective and efficient business principles and practices available. Individually, and in isolation from one another, these business concepts might appear to some to have little to do with the work of conserving America's heritage resources

unimpaired for the enjoyment of present and future generations. However, unless park managers can demonstrate their responsibility to and accountability for concepts ranging from competent management of information technology and finances, to the successful management and development of human resources, their opportunities to conserve resources and provide opportunities for public enjoyment will be severely limited.

1.7.1 Managing Information

NPS information resources exist in a variety of different media, including paper records, electronic documents, maps, databases, photographs, and video and audio media. The use of information management and technology tools increases the understanding and management of the nation's natural and cultural resources, facilities and utilities, and accountability responsibilities.

Today's information technology environment is based on the convergence of many technologies, requiring a more comprehensive management and governance structure than necessary previously. Information technology (IT) assets must be cost-effective and relevant to the Service's mission. Consistent policies, procedures, and processes throughout the Service will improve interoperability (the ability of information systems to work with each other) and reduce redundant systems and uses of technology.

The Park Service will use industry "best practices" when and where appropriate and will consistently manage its IT assets using federal IT statutes, principles, standards, and guidance, such as the Clinger-Cohen Act of 1996, the federal architecture framework, the IT investment model, and National Institute of Standards and Technology guidance on information and technology security.

The Park Service will participate as a part of the larger federal, state, and public information community through data-sharing, developing system interfaces, using common technologies and practices, and seeking cost-saving possibilities through partnerships with other organizations.

The Service will use a wide variety of proven tools and technologies that will enhance the following:

- development or acquisition of information systems using a system lifecycle development approach that meet the needs of NPS management and the public
- information captured and maintained in a secure, yet accessible manner that is easily integrated with other NPS data stores storage
- information management that is required by NPS policy and by legal and professional standards
- management of electronic, textual, and audiovisual information resources, including still images, for continuous accessibility by NPS staff and the public
- presentation of information through the World Wide Web (Web) in a professional, consistent, and comprehensive manner that meets the needs of our employees and the public and demonstrates the Service's commitment to a citizen-centered environment
- the broad development of spatial information through the technology of geographic information systems

- educational opportunities for a diverse range of people and public sectors, including the international community

(Also see Director's Order #11A: Information Technology Management, DO 11C: Web Publishing, and DO 19: Records Management)

1.7.1.1 Information Sharing

The Service is committed to the widest possible sharing and availability of knowledge, and to fostering discussion about the national park system, America's natural and cultural heritage found in national parks, and the national experiences and values they represent. The Service will comply fully with its information security responsibilities under the Federal Information Security Management Act of 2002 (44 USC 3544) and determine the sensitivity of stored information. Information not found to be confidential will be made available in the "public domain" to anyone who is interested. The only exceptions to information sharing are where disclosure could jeopardize specific park resources or donor agreements, or where disclosure would violate legal or confidentiality requirements.

(Also see Director's Orders #66: FOIA and Protected Resource Information and #75A: Civic Engagement and Public Involvement))

1.7.1.2 Proprietary Information

When producing or acquiring new works (such as images, graphic designs, logos, writing, or Web sites) through acquisition by donation, contracting, partnerships, or other means, the Park Service will acquire the appropriate copyrights and any necessary releases, such as model or interview releases, whenever there is a current or anticipated need for unrestricted access to those works. The Service will respect the rights of owners of copyrights to control how their works are used, and will comply with "fair use" standards when information or works are not licensed for dissemination.

(Also see Director's Order #67: Copyrights and Trademarks)

1.7.1.3 Information Confidentiality

Although it is the general policy of the Park Service to share information widely, the Service also realizes that providing information about the location of park resources may sometimes place those resources at risk of harm, theft, or destruction. This can occur, for example, with regard to caves, archeological sites, and rare plant and animal species. Some types of personnel, financial, and law enforcement matters are other examples of information that may be inappropriate for release to the public. Therefore, information will be withheld when the Service foresees that disclosure would be harmful to an interest protected by an exemption under the Freedom of Information Act (FOIA).

Information will also be withheld when the Park Service has entered into a written agreement (e.g., deed of gift, interview release, or similar written contract) to withhold data for a fixed period of time at the time of acquisition of the information. Such information will not be provided unless required by the Freedom of Information Act or other applicable law, a subpoena, a court order, or a federal audit.

NPS managers will use these exemptions sparingly, and only to the extent allowed by law. In general, if information is withheld from one requesting party, it must be withheld from anyone else who requests it, and if information is provided to one requesting party, it must be provided to anyone else who requests it. Procedures contained in Director's Order #66: FOIA and Protected Resource Information will be followed to document any decisions to release information or to withhold information from the public.

(See Natural Resources Information 4.1.3; Studies and Collections 4.2; Caves 4.8.2.2; Research 5.1; Confidentiality 5.2.3; Interpretation and Education Services Beyond Park Boundaries 7.5.2. Also see Director's Orders #5: Paper and Electronic Communications, #19: Records Management, #84: NPS Library Programs, and #70: Internet and Intranet Publishing. Also see Reference Manual 53, Chapter 5)

1.7.2 Accessibility for Persons with Disabilities

All practicable efforts will be made to make NPS facilities, programs, services, employment, and meaningful work opportunities accessible and usable by all people, including those with disabilities. This policy reflects the commitment to provide access to the widest cross section of the public, and to ensure compliance with the Architectural Barriers Act of 1968, the Rehabilitation Act of 1973, and the Equal Employment Opportunity Act of 1972. Specific guidance for implementing these laws is found in the Secretary of the Interior's regulations regarding enforcement of nondiscrimination of the basis of disability in Department of the Interior programs (43 CFR Part 17, Subpart E).

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

1.7.3 Public Information and Media Relations

The Service will provide timely and accurate information to the public and news media in accordance with applicable laws, Departmental policy, and Director's Orders. Park managers should identify appropriate opportunities to inform and educate the public about park resources and values and ways to enjoy the same. Every effort should be made to provide early notification of changes in park management practices, and to conduct active civic engagement pursuant to Directors Order #75A. Park managers should keep the public informed of ongoing events in parks, especially as they may affect visitors and gateway communities. In some instances, certain information about individuals or events may need to be withheld for privacy, security, or other reasons, consistent with the Freedom of Information Act and the Privacy Act.

1.7.4 Management Accountability

Management accountability is the expectation that managers are responsible for the quality and timeliness of program performance, increasing productivity, controlling costs, and

mitigating the adverse aspects of agency operations, and for assuring that programs are managed with integrity and in compliance with applicable law.

The National Park Service will comply with OMB (Office of Management and Budget) Circular A-123 and the Federal Managers' Financial Integrity Act of 1982 (31 USC 3512(d)), which require that all federal agencies and individual managers take systematic and proactive measures to (1) develop and implement appropriate, cost-effective management controls for results-oriented management, (2) assess the adequacy of management controls in federal programs and operations, (3) identify needed improvements, (4) take corresponding corrective action, and (5) report annually on management controls.

The concept of management accountability will be applied to all strategies, plans, guidance, and procedures that govern programs and operations throughout the Service, including those at the park level, the program center level, and the Servicewide level. The Service will, through its organization, policies, and procedures, implement systems of controls to reasonably ensure that

- programs achieve their intended results,
- resources are used consistent with the NPS mission,
- programs and resources are managed to prevent waste, fraud, abuse, and mismanagement,
- laws and regulations are followed, and
- reliable and timely information is obtained, maintained, reported, and used for decision making.

1.7.4.1 Government Performance and Results Act

As the business system for the National Park Service, performance management will be used to set goals and track accomplishments. Servicewide strategic plans, annual performance plans, and annual performance reports will be prepared, distributed, used, and analyzed for management accountability. These requirements are based on the Government Performance and Results Act of 1993 (GPRA). Park superintendents and other NPS managers will implement a performance management system that focuses on achieving, through daily operations, the desired conditions or results identified in the plans. More details on performance management responsibilities at the national, regional, and park level are found in section 2.3.3, *Strategic Planning*.

1.7.4.2 Financial Sustainability

The Park Service will strive to be an effective and efficient steward of appropriated and nonappropriated funds and services. These include revenues from recreation and other fees, as well as financial and in-kind support from cooperating associations, friends' groups, other partnership entities, and volunteers. The Service will attempt to meet management goals consistently through strategic planning that anticipates budget requirements, changing conditions, and reasonably foreseeable trends and events.

The Service will continually implement best management practices to achieve financial sustainability, including

- analyzing and revising work processes to achieve greater efficiency,
- making full use of information technology,
- anticipating and addressing funding availability through credible business practices,
- ensuring that the out-year budget implications of decision making are carefully considered in planning and other processes,
- ensuring that both short- and long-term costs of facility development and operation are factored into the project formulation and selection process,
- utilizing value-based decision-making processes such as value analysis, capital asset planning, benefit-cost analysis, life-cycle cost estimating, risk analysis, and total cost of ownership analysis,
- linking performance management elements to achieving and maintaining financial sustainability.

The Service will continually seek improvement and innovation in the following subsections.

1.7.4.3 Construction Projects

The Service will continue to build necessary and appropriately sized new facilities to meet its mission when no other alternatives are available. However, the Service recognizes that, in the past, some building projects have too often involved facilities that may have exceeded minimum functional requirements. In many instances, the development of these facilities has affected the park's operational budget. Additionally, in some partnership projects, there have been expectations that presume an unacceptably large federal contribution—not only for the project's construction, but also for the cost of maintaining the new facility. Therefore, the Park Service will implement a comprehensive project review process to ensure that projects are essential to the mission, achievable, and sustainable. As elements of this process, the Park Service will deploy Servicewide training, a project tracking system, and an accountability system that will be incorporated into the performance plans of regional directors and superintendents.

The Park Service will proceed with projects only after the responsible manager has determined that

- the proposed projects address NPS priorities and are consistent with park general management plans,
- partners have the capability to raise promised funding,
- any expected capital contributions from the Park Service have been prioritized in the five-year capital plan, and
- ongoing operation and maintenance costs are known and can be sustained over time.

These policies will apply both to projects that are built solely with appropriated funds, and those that are built solely or partially with funds donated to the Service. In addition, where donated funds are used, the Park Service will follow the requirements of Director's Order

#21 and will include in all agreements with partners language that specifically prohibits the solicitation of funding from Congress outside of the budget process.

1.7.4.4 Facilities Management

The Service will strive to reduce the backlog of deferred facility and infrastructure maintenance and construction, including park roads and other assets. The comprehensive asset management strategy will be used to prioritize asset investments, including preventive maintenance, as well as major rehabilitation and replacement of facilities when appropriate. The comprehensive asset management strategy will include a complete inventory, baseline facility condition information, and a recurring program of comprehensive condition assessments. The Service will use these management tools to establish performance goals for NPS facilities.

1.7.4.5 Business-like Concession Program

The Service will seek to provide a better return to the federal government from concession franchise fees, as well as by requiring, as a condition of concession contracts, the improved maintenance of facilities. When appropriate, the Park Service will seek outside reviews and recommendations for improving the concession program.

1.7.4.6 Budget Performance and Accountability Programs

The Park Service will continue to pursue and employ the most useful and effective tools for improving budget performance and accountability. The Service will also continue to improve the budget formulation process, particularly related to park specifics, by making it more transparent. The goal of these efforts will be to ensure that

- funds are spent in support of a park's purpose,
- funds are spent in an efficient manner,
- a park's request for funding is credible, and
- there are adequate funds and staff to conserve and protect the resources for which parks are responsible, and provide for the enjoyment of the same.

1.7.5 Human Capital

The Service will pursue a human capital program that is comprehensive and competency based, and encompasses the entire workforce, including employees, volunteers, contractors, concession employees, students, and partners.

1.7.5.1 Career Development, Training and Management

Employee development helps organizations achieve greater success. The goals of the Park Service's employee development activities are to help employees strengthen their skills, knowledge, and experience, as well as to promote broader employee engagement in the NPS mission. Employee development planning and strategies will be directly linked to core competencies and ensure the highest return on investment for the organization. Employees will also have opportunities to broaden their experiences and to progress in their careers through continuing education and training. In accordance with section 102 of the National Parks Omnibus Management Act of 1998 (16 USC 5912), the Park Service will implement a comprehensive training program for employees in all professional careers in the workforce to ensure that the workforce has available the best, up-to-date knowledge, skills, and abilities with which to manage, interpret, and protect the resources of the national park system.

1.7.5.2 Succession Planning

The Park Service recognizes that essential institutional knowledge erodes as seasoned, mature employees retire without replacements ready to take their place. To maintain institutional memory, the Service will develop a cadre of employees who have historical and current service experiences, have implemented proven practices, and have the ability to address issues as they arise. The Service will develop the capacity to supply future leadership through a strategic and conscious effort to purposefully develop a diverse workforce with the potential to take on leadership positions. This process will include a collaborative effort among all possible interests (including pre-employment/educational institutions) to prepare employees to meet the needs for leadership talent over time. The Service will cultivate talent for the short term and the long term to ensure the availability of a sufficient number of people who reflect the diversity of America. In accordance with section 103 of the National Parks Omnibus Management Act of 1998 (16 USC 5913), the Service will implement a management training and development plan whereby career, professional NPS employees from any appropriate academic field may obtain sufficient training, experience, and advancement opportunity to enable those qualified to move into park management positions, including the position of park superintendent. Similar efforts will be made for central office positions.

1.7.5.3 Workforce Planning

The Service will implement a process to

- evaluate the workforce,
- identify the competencies needed by the workforce in each of the career fields,
- evaluate present and future trends,
- develop strategies to address competency gaps,
- benchmark best practices, and
- develop a plan that will allow us to meet mission and strategic goals.

In concert with employee development and succession planning, workforce planning will ensure that all elements of the workforce are provided the orientation and training necessary to support the NPS mission.

1.7.5.4 Employee Safety and Health

The safety and health of our employees, contractors, volunteers, and the public is one of the Service's core values. In making decisions on matters concerning employee safety and health, NPS managers must exercise good judgment and discretion, and, above all, keep in mind that the safeguarding of human life must not be compromised. The Service will strive to ensure that all employees understand how to do their jobs safely, and that they have the necessary clothing, materials, and equipment to perform their duties with minimal personal risk.

(See Human Health and Safety 8.2.5)

1.7.5.5 Workforce Diversity

The Park Service will continue to seek ways to achieve its workforce diversity goals and to recognize workforce diversity as a sound business practice. Success in achieving workforce diversity will also enhance the Service's ability to more successfully connect with park visitors who represent America's diverse population. Continuing efforts will be made to increase public awareness of employment opportunities and to develop partnerships with diverse populations and organizations for the purpose of improving workforce diversity.

1.8 Civic Engagement

The Service will embrace civic engagement as a fundamental discipline and practice. Civic engagement is a continuous, dynamic conversation with the public on many levels to reinforce the commitment of both the Service and the public to the preservation of heritage resources, both cultural and natural, and strengthens public understanding of the full meaning and contemporary relevance of these resources. The Service's commitment to civic engagement is founded on the central principle that preservation of the nation's heritage resources relies on continued collaborative relationships between the Service and American society. These relationships will encompass significant and meaningful public involvement in NPS operations, programming, planning, and decision making. Our civic engagement practices will acknowledge that these relationships must extend to all communities that comprise America, including to those people who have felt little or no connection with the nation's heritage resources or parks, or who have felt excluded from enjoying the parks. At its heart, civic engagement is about inclusiveness and being respectful of the views of those who take their valuable time to participate in the Service's public processes and who raise issues or voice their concerns. By doing this, the Park Service will strengthen public understanding of the full meaning and contemporary relevance of park resources and values, and the Service will gain a better understanding of the needs and concerns of the public and its leaders.

Civic engagement will be viewed as a commitment to building and sustaining relationships with neighbors and other communities of interest. The first principle is that we will welcome people to enjoy their parks in appropriate, sustainable ways. This practice will promote civic responsibility by building long-term, collaborative relationships with a broad range of communities, which in turn will foster a widespread investment in stewardship of the nation's resources. Park and program managers will work in partnership with state, local, and tribal governments and all interested parties to jointly sponsor, develop, and promote public involvement activities to improve mutual understanding, decisions, and work products.

(Also see Director's Order #75A: Civic Engagement and Public Involvement)

1.9 Partnerships

The Service recognizes the benefits of consultation, cooperation, and communication in the service of conservation, as well as the significant role partners play in achieving conservation goals and funding conservation initiatives on behalf of the national park system. The Service has had many successful partnerships with individuals; organizations; tribal, state, and local governments; and other federal agencies that have helped fulfill the NPS mission. Through these partnerships, the Service has received valuable assistance in the form of educational programs, visitor services, living history demonstrations, search-

and-rescue operations, fundraising campaigns, habitat restoration, scientific research, ecosystem management, and a host of other activities. These partnerships, both formal and informal, have produced countless benefits for the Service and for the national park system.

Benefits often extend into the future, because many people who participate as partners connect more strongly with the parks and commit themselves to long-term stewardship. The Service will continue to welcome and actively seek partnership activities with individuals, organizations, and others who share the Service's commitment to protecting park resources and values and providing for their enjoyment. The Service will embrace partnership opportunities that will help accomplish the NPS mission, provided that personnel and funding requirements do not make it impractical for the Service to participate, and provided that the partnership activity would not (1) violate legal or ethical standards, (2) otherwise reflect adversely on the NPS mission and image, or (3) imply or indicate an unwillingness by the Service to perform an inherently governmental function.

In the spirit of partnership, the Service will also seek opportunities for cooperative management agreements with state or local agencies that will allow for more effective and efficient management of the parks, as authorized by section 802 of the National Parks Omnibus Management Act of 1998 (16 USC 1a- 2(l)).

Park superintendents occasionally receive partnership proposals from groups or organizations who wish to offer advice on park management issues. The Park Service encourages conservation through consultation, cooperation, and communication, and through other forms of public involvement, including "consensus-based management" as described in Part 516 of the *Department of the Interior Manual*. Whenever groups are created, controlled, or managed for the purpose of providing advice or recommendations to the Service, the Service will first consult with the Office of the Solicitor to determine whether the Federal Advisory Committee Act requires the chartering of an advisory committee. Consultation with the Office of the Solicitor will not be necessary when the Service meets with individuals, existing groups, or existing organizations simply to exchange views and information, or to solicit individual advice on proposed NPS actions. The Park Service will give appropriate consideration to consensus advice presented to it when those recommendations have been developed independent of the Park Service.

(See Public Involvement 2.3.1.6; Partnerships 4.1.4; Studies and Collections 4.2; Independent Research 5.1.2; Agreements 5.2.2; Interpretive and Educational Partnerships 7.6; Volunteers in Parks 7.6.1; Cooperating Associations 7.6.2; Enforcement Authority 8.3.4; Commercial Visitor Services Chapter 10; also see Director's Orders #7: Volunteers in Parks; #20: Agreements, #21: Donations and Fundraising; #27: Challenge Cost- Share Program; #32: Cooperating Associations; NPS Guide to the Federal Advisory Committee Act)

1.10 An Enduring Message

The need for management policies in the National Park Service was first articulated by Secretary of the Interior Franklin K. Lane in a letter to the first Director of the National Park Service, Stephen T. Mather, on May 13, 1918.

Secretary Lane stated that administrative policy should adhere to three broad principles based on the 1916 Organic Act:

> First, that the national parks must be maintained in absolutely unimpaired form for the use of future generations as well as those of our own time; second, that they are set apart for the use, observation, health, and pleasure of the people; and third, that the national interest must dictate all decisions affecting public or private enterprise in the parks.

Today's national parks have become important to our nation in more ways than Secretary Lane could possibly have imagined. Parks are a true reflection of our nation's collective history, heritage, and ideals. To remain relevant now and into the future, parks must be welcoming to our citizenry so that they may understand and appreciate these special places set aside for their enjoyment. As America's story continues to evolve, new park units will be added in the future, and they will carry equally compelling reasons for their inclusion in the national park system.

Secretary Lane's guiding principles remain fundamentally valid, and serve as a useful reminder of the need for a sustained commitment to park resource protection and public enjoyment. The Service's commitment to protecting the national parks and ensuring public enjoyment for present and future generations is embodied in this 2006 edition of *Management Policies*.

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CHAPTER 2: PARK SYSTEM PLANNING

[Cover page summary statement.] Park planning helps define the set of resource conditions, visitor experiences, and management actions that, taken as a whole, will best achieve the mandate to conserve resources unimpaired for the enjoyment of present and future generations. NPS planning is holistic and interdisciplinary, recognizing that *"To isolate and emphasize either use or preservation to the exclusion of the other can seriously distort park planning, confuse park management, and imperil the validity of the whole national park concept."* (Howard R. Stagner)

2.1 General Principles

2.1.1 Decision Making

The National Park Service uses planning to involve the public in making decisions about the future of their parks, to provide a logical and consistent framework that analyzes a broad spectrum of options for long-term management of the park, and to provide accountability for future management decisions. Decisions and directions identified in long-term park planning will be used as the guidance for a tiered series of short-and medium-term planning documents that will document implementation of the long-range plan. Each park will be able to demonstrate to decision makers, staff, and the public through an administrative record that documents how planning decisions relate to one another in a logical progression.

2.1.2 Scientific, Technical, and Scholarly Analysis

Decision makers and planners will use the best available scientific and technical information and scholarly analysis to identify appropriate management actions for use and protection of park resources. General management plans (GMPs) should consider if adaptive management is appropriate. Analysis will be interdisciplinary and tiered, focusing first on the park as a whole (including its global, national, and regional contexts) and then on site-specific details. At key points in planning, the Park Service will identify a range of reasonable, legal, feasible, and practicable alternatives, and will analyze and compare their differences with respect to

- their consistency with the park's purpose and foundation documents,
- the impacts on park visitors and park resources,
- short- and long-term costs, and
- the environmental and socioeconomic impacts to areas and interests beyond park boundaries.

2.1.3 Public Participation

Americans have strong ties with national parks, which are part of their national heritage, cultural traditions, and communities. Public participation in planning and decision making will be conducted in such a way that the Park Service fully appreciates and considers the

public's interests and concerns about the parks, the resources, and their use. The Service will actively seek out and consult with existing and potential visitors; neighbors; people with traditional cultural ties to park lands; scientists and scholars; and those with socioeconomic ties, such as concessioners, cooperating associations, gateway communities; other partners; and government agencies. The Service will work cooperatively with others to improve the resources and infrastructure of parks; to enhance services for park visitors; and to integrate parks into larger ecological, cultural, and socioeconomic systems that extend beyond the park boundaries.

(See Public Involvement 2.3.1.6; Consultation 5.2.1. Also see Director's Order #75A: Civic Engagement and Public Involvement)

2.1.4 Goal Orientation

Managers will identify long-term goals and annual goals that are incremental steps to carry out the park mission. Such planning is a critical and essential part of the National Park Service Performance Management System that is designed to improve the Service's performance and results. Park staff will monitor resource conditions and visitor experiences, and plan, track, and report performance. If goals are not being met, managers will seek to understand why, and initiate appropriate actions. The broadest goals will be periodically reassessed, taking into account their efficacy, new knowledge and technology, changing conditions, and any previously unforeseen circumstances.

(See Park Management 1.4)

2.2 Major Elements of NPS Park Planning and Decision Making

Park managers and regional directors are responsible for ensuring that planning is properly conducted within the planning framework, and for making management decisions supported by civic engagement, the best available information, and analysis. However, many parks may initially lack one or more of these planning elements. In the interim, management will be guided by the park's foundation document, strategic plan, and other current approved plans. No major new development, or other major commitment of park land or natural or cultural resources, will be authorized without an approved general management plan.

The following planning elements are part of an interrelated framework that will inform NPS decision making:

- **Foundation Document** — The planning process begins with the development of a single foundation document that includes the park mission, purpose, significance, special mandates and administrative commitments, fundamental resources and values (how each primary resource relates to the reason the park was established), and primary interpretive themes. Because this document plays an important role in all future planning and decision making, it must be developed with input from a wide range of people (public, other agencies, governmental entities and NPS staff).

- **General Management Plans** (GMPs) — A broad umbrella document that sets the long-term goals for the park based on the foundation document. The general management plan (1) clearly defines the desired natural and cultural resource conditions and visitor experiences to be achieved and maintained over time; (2) identifies the kinds and levels of management activities, visitor use, and development that are appropriate for maintaining the desired conditions; and (3) identifies indicators and standards for maintaining the desired conditions.
- **Program Management Plans** — Program management plans are more detailed documents that follow the general management plan and provide program-specific information on strategies to achieve and maintain the desired resource conditions and visitor experiences, including identification of appropriate visitor use where applicable (e.g., resource stewardship plan and comprehensive interpretation plan).
- **Strategic Plans** — Provide 1- to 5-year direction and objective, measurable goals for resource conditions and visitor experiences. Results on progress towards these goals are reported annually. These goals are based on an assessment of the park's natural and cultural resources; park visitors' experiences; and the park's performance capability, given available personnel, funding, and external factors.
- **Implementation Plans** — These plans provide project-specific details needed to implement a specific action in a specific area of a park and how these actions help the park achieve its long-term goals.
- **Annual Performance Plans** — These plans contain annual goals and an annual work plan that guide park efforts for a fiscal year.
- **Annual Performance Report —** This report is an accounting of annual results in relation to annual goals.

(See Visitor Use 8.2)

2.3 Levels of Park Planning

The order of plan development will generally flow from broad general management planning to progressively more specific planning.

It is important to distinguish which issues can most appropriately be addressed by general management planning, and which can be most appropriately addressed by more detailed program, strategic, or implementation planning. Each level of planning has a distinctive function, and all levels are designed to interrelate with a minimum of duplication and confusion. At each level, plans will be written to make the links and relationships among the planning levels apparent to readers.

Environmental analysis of alternatives and public involvement required under section 102(2)(C) of the National Environmental Policy Act (NEPA) (42 USC 4332(2)(C)) will be conducted at all levels of planning. Normally, NEPA analysis and public participation will be done at the general management planning level—when the overall direction for the park's future is decided—and again at the implementation planning level, before funding and resources are committed to carry out specific actions (see 2.3.1 and 2.3.4, below). In keeping with the Council on Environmental Quality's guidelines for NEPA compliance,

environmental analysis for more specific programs or actions will follow, or flow from, earlier NEPA documents for the broader general management plan. The Service will apply the Departmental NEPA guidance principles of (1) tiering analyses off of other completed NEPA documents, (2) using adaptive management and consensus based decision making, and (3) complying with Executive Order 13352 regarding cooperating agency status.

(Also see Director's Orders #2: Park Planning, and #12: Conservation Planning and Environmental Impact Analysis)

2.3.1 General Management Planning

The Service will maintain a general management plan for each unit (or group of units) of the national park system. The purpose of the general management plan is to ensure that the park has a clearly defined direction for resource protection and appropriate uses. This document will be developed by an interdisciplinary team, in consultation with relevant offices within the Service, other federal and state agencies, local and tribal governments, other interested parties, and the general public. The general management plan will be based on full and proper use of scientific and scholarly information related to existing and potential resource conditions, visitor experiences, environmental impacts, and relative costs of alternative courses of action. The approved general management plan will create a realistic vision for the future, setting a direction for the park that takes into consideration the financial as well as environmental impact of proposed facilities and programs, and ensures that the final plan is achievable and sustainable.

The first phase of general management planning will be the development of the foundation document. The general management plan will take the long view when dealing with the time frames of natural and cultural processes. The plan will consider the park in its full ecological, scenic, and cultural contexts as a unit of the national park system and as part of a surrounding region. The management plan will also establish a management direction for all park divisions and districts. This integration will help avoid inadvertently creating new problems in one area while attempting to solve problems in another.

(See Decision-making Requirements to Avoid Impairments 1.4.7; Visitor Use 8.2)

2.3.1.1 Statutory Requirements

General management plans will meet all statutory requirements contained in 16 USC 1a-7(b), and will include

- the types of management actions required for the preservation of park resources,
- the types and general intensities of development (including visitor circulation and transportation patterns, systems, and modes) associated with public enjoyment and use of the area, including general locations, timing of implementation, and anticipated costs,
- visitor carrying capacities, and implementation commitments, for all areas of the park, and
- potential modifications to the external boundaries of the park—if any—and the reasons for the proposed changes.

(See Visitor Carrying Capacity 8.2.1)

2.3.1.2 Management Zoning

Each park's general management plan will include a map that delineates management zones or districts, a prescription of the desired resource and visitor experience conditions to be achieved for each zone, and appropriate management activities needed to achieve those desired resource and visitor experience conditions. Management zoning will outline the criteria for (or describe the kind of) appropriate uses and describe the facilities necessary to support these uses. For example, highly sensitive natural areas might tolerate little use, while other areas might accommodate much higher levels of use. Even in historic structures, one floor might be most appropriate for exhibits, while another could accommodate offices or administrative uses. Some desired conditions may apply parkwide, but the delineation of management zones will illustrate where there are differences in intended resource conditions, visitor experience, and management activity.

2.3.1.3 Planning Team

An interdisciplinary team, including park managers and staff and technical experts, will prepare general management plans. Planning teams will consult with park staff, Service and Departmental leadership, other agencies with expertise or jurisdiction by virtue of law, other knowledgeable persons, and the public concerning future management of park resources. Because this document serves as the framework for all future planning efforts, it is important that the senior park manager be involved with the plan's development from the beginning and have frequent updates from the planning team. The planning team will advise the park superintendent and the regional director, but the superintendent and regional director have ultimate responsibility for the contents of the plan. The regional director is the official responsible for approving general management plans.

2.3.1.4 Public Involvement

Members of the public—including existing and potential visitors; park neighbors; people with traditional cultural ties to lands within the park; scientists and scholars; and those with socioeconomic ties such as concessioners, cooperating associations, other partners, state and local governments, and other federal agencies—will be encouraged to participate during the preparation of a general management plan and the associated environmental analysis. Public involvement will meet NEPA and other federal requirements for identifying the scope of issues, developing the range of alternatives considered in planning, reviewing the analysis of potential impacts, and disclosing the rationale for decisions about the park's future.

The Service will use the public involvement process to

- share information about (1) legal and policy mandates, budget, and other constraints affecting development of alternatives and capacity of the Service to implement the planning process, (2) issues, and (3) proposed management directions,
- learn about the values placed by other people and groups on the same resources and visitor experiences,

- build support for implementing the plan among local interests, visitors, Congress, and others at the regional and national level, and
- gain scientific, technical, scholarly, and socioeconomic information from a variety of sources.

The Park Service encourages conservation through consultation, cooperation, and communication, and through multiple forms of public involvement, including "consensus-based management" as described in Part 516 of the *Department of the Interior Manual*. The Park Service will give appropriate consideration to consensus advice presented to it when those recommendations have been developed independent of the Park Service. Whenever groups are created, controlled, or managed for the purpose of providing advice or recommendations to the Service, the Service will first consult with the Office of the Solicitor to determine whether the Federal Advisory Committee Act requires the chartering of an advisory committee. Consultation with the Office of the Solicitor will not be necessary when the Service meets with individuals, existing groups, or existing organizations simply to exchange views and information, or to solicit individual advice on proposed NPS actions.

(See Consultation 5.2.1. Also see Director's Order #75A: Civic Engagement and Public Involvement; NPS Guide to the Federal Advisory Committee Act)

2.3.1.5 Alternative Futures

Alternative futures for the park will be explored and assessed during general management planning and environmental analysis. Within the broad parameters of the park mission and purpose, various approaches to park resource preservation, use, and development may be possible, some of which may represent competing demands for the same resource base. The management plan will be the principal tool for generally resolving such issues. The range of alternatives will examine different combinations of management actions as well as life-cycle costs within the limits of laws, regulations, and policies governing national parks.

2.3.1.6 Environmental Analysis

The analysis of alternatives will meet the program standards for NPS implementation of the National Environmental Policy Act and related legislation, including the National Historic Preservation Act (NHPA). In most cases, an environmental impact statement (EIS) will be prepared for general management plans. In a few cases, the regional director, in consultation with the NPS Environmental Quality Division, through the Associate Director for Natural Resource Stewardship and Science, may approve an exception to this general rule if completion of scoping demonstrates that there is no public controversy concerning potential environmental effects, and when the initial analysis of alternatives clearly indicates there is no potential for significant impact by any alternative. Where NEPA and sections 106 and 110 of NHPA (16 USC 470f and 470h-2, respectively) apply, NEPA procedures will be used to inform the public about undertakings having the potential to affect properties listed on, or eligible for listing on, the National Register of Historic Places, consistent with the Advisory Council on Historic Preservation's regulatory

provisions governing coordination with NEPA and the NPS nationwide programmatic agreement on Section 106 compliance.

(See Evaluating Impacts on Natural Resources 4.1.3; Planning 5.2. Also see Director's Order #12: Conservation Planning and Environmental Impact Analysis)

2.3.1.7 Cooperative Planning

General management planning will be conducted as part of cooperative regional planning and ecosystem planning whenever possible. NPS participation in cooperative regional planning will be undertaken with the hope of better coordinating and focusing the independent and autonomous efforts of multiple parties. Service participation in such planning efforts will acknowledge the rights and interests of other landowners. While being consistent with NPS management policies and park goals, plans will identify and consider potential effects outside, as well as inside, park boundaries, and will identify ways to enhance beneficial effects and mitigate adverse effects.

2.3.1.8 Wild and Scenic Rivers

The Park Service has been charged by Congress to maintain an inventory of all rivers and river segments in the nation potentially eligible for inclusion in the national wild and scenic rivers system. As a part of that charge, the Service will compile a listing of all rivers and river segments in the national park system that it considers potentially eligible for the national wild and scenic rivers system. Rivers and river segments the Service considers eligible and proposes for listing on the Nationwide Rivers Inventory must be published in the *Federal Register*. A listing on the inventory, or a determination of eligibility, will not necessarily mean that the Service will seek designation, which requires Departmental approval and legislation. NPS plans potentially affecting these listed river resources will propose no actions that could adversely affect the values that qualify a river for the national wild and scenic rivers system. A decision concerning whether or not to seek designation will be initiated through a general management plan, or an amendment to an existing general management plan, or the legislative review process.

(See National Wild and Scenic Rivers System 4.3.4)

2.3.1.9 Alaska Park Units

General management plans for park system units in Alaska that were established or expanded by the Alaska National Interest Lands Conservation Act will address the provisions for conservation and management planning specified in section 1301 of that act (16 USC 3191).

2.3.1.10 Periodic Review of General Management Plans

General management plans will be reviewed regularly to ensure that they are current. GMP revisions are generally needed every 10 to 15 years but may be needed sooner if conditions change significantly, or longer if conditions remain substantially unchanged. Even in parks with strong traditions and established patterns of use and development, managers will be responsible for assessing whether resources are threatened with impairment, the visitor experience has been diminished, or the park's built environment is difficult to sustain.

Periodically reassessing the general management plan will give everyone with a major stake in the park an opportunity to revalidate the park's role in the nation and in the region, and to reevaluate whether the kinds of resource conditions and visitor experiences being pursued are the best possible mix for the future. An approved general management plan may be amended to address a single issue, or a limited number of issues, or area of the park, rather than preparing a whole new plan if conditions and management prescriptions governing most of the area covered by the existing plan remain substantially unchanged from those present when the plan was originally approved. Amendments to an existing general management plan will be accompanied by suitable NEPA analysis and public involvement.

(See Chapter 1: the Foundation; Chapter 3: Land Protection; Chapter 4: Natural Resource Management; Chapter 5: Cultural Resource Management; Chapter 6: Wilderness Stewardship; Chapter 8: Use of the Parks; Chapter 9: Park Facilities; Chapter 10: Commercial Visitor Services. Also see Director's Orders #2: Park Planning; and #12: Conservation Planning and Environmental Impact Analysis; #75A: Civic Engagement and Public Involvement)

2.3.2 Program Management Planning

Program management planning for a park provides a bridge between the broad direction provided in the general management plan and specific actions taken to achieve goals. These plans provide a comprehensive approach for a specific park program area across most or all of the park. Program management plans planning may include special emphasis plans, such as a park resource stewardship plan, a comprehensive interpretive plan, a land protection plan, a visitor use plan, a fire management plan, an asset management plan, or a wilderness stewardship plan. Integrated, interdisciplinary approaches to program planning are encouraged. Program management plans will provide comprehensive recommendations about specific actions needed to achieve and maintain the desired resource conditions and visitor experiences.

2.3.3 Strategic Planning

Strategic planning will be conducted for the National Park Service as a whole, and every park, program, and central office will be covered by a strategic plan. Strategic plans will address Servicewide and local outcomes, and will be recommended by the superintendent, approved by the regional director, and consistent with the Department's overall strategic plan. Strategic plans will contain the following elements:

- mission statement and purpose from the foundation document,
- long-term performance goals (with performance targets),
- a short description of the strategies chosen to accomplish the goals,
- a description of how the annual goals will relate to the long-term goals (if it is not obvious),
- an identification of the key external factors that could significantly affect achievement of the goals,
- a description of the core analysis used to establish or revise goals,

- a section that identifies the civic engagement strategy used to involve stakeholders and communities in the development of the strategic plan, and
- a list of those who developed the plan.

Because information in park strategic plans is used to compile Servicewide achievements, these plans must contain similar information.

2.3.3.1 Relationship between the Strategic Plan and the General Management Plan

The park's strategic plan will be consistent the Department of the Interior's strategic plan and with the general management plan, building on the foundation document. Parks that lack a current general management plan will work from their existing plans or an updated foundation document. A strategic plan is focused on a shorter time frame than a general management plan; targets more measurable results; and does not usually require the comprehensive resource analysis, consultation, and compliance required for a general management plan.

Should a park decide, through its strategic planning process, that a major shift in direction or emphasis is needed, the strategic plan will identify the need for a new general management plan, or a GMP amendment. Strategic plans may also identify the need for more detailed program management or implementation plans.

2.3.4 Implementation Planning

Implementation planning will focus on how to implement activities and projects needed to achieve the desired conditions identified in the general management plan and other planning documents. Implementation plans may deal with complex, technical, and sometimes controversial issues that often require a level of detail and thorough analysis beyond that appropriate for other planning documents.

Implementation plans may concentrate on individual projects or components of the general management plan, and may specify the techniques, disciplines, equipment, infrastructure, schedule, and funding necessary to accomplish outcomes.

Implementation plan details may vary widely, and may direct a finite project (such as reintroducing an extirpated species or developing a trail) or a continuous activity (such as maintaining a historic structure). Examples of implementation plan details include management plans for specific species and habitats, site designs, off-road-vehicle management plans, and interpretive media plans. Details will generally be deferred until the activity or project under consideration has attained sufficient priority to indicate that action will be taken within the next two to five years, and will then be included in an annual work plan. This will help ensure that decisions about how to best achieve a certain goal are relevant, timely, and based on current data.

Technical specialty teams under the direction of the program leader in the park (usually a division chief) or in the regional office will develop implementation plans, and the park superintendent will approve the plans.

Development of an implementation plan may overlap other planning efforts, if appropriate for the purposes of planning efficiency or public involvement. However, the decisions made for the general management plan will precede—and direct—more detailed decisions regarding projects and activities to accomplish goals. Major actions or commitments aimed at changing resource conditions or visitor use in a park, and major new development or rehabilitation, must be consistent with an approved general management plan. Even if they are conducted simultaneously, the general management plan and an implementation plan will be contained in separate documents.

2.3.4.1 Environmental Analysis

Any decisions calling for actions having the potential to significantly affect the environment or be controversial will require a formal analysis of alternatives, in compliance with the National Environmental Policy Act and related legislation, including the National Historic Preservation Act. Because many issues involving environmental quality and cultural resources will be resolved through implementation plans rather than general management plans; implementation plans will often tier off the general management plan's NEPA and NHPA section 106 processes.

(See Park Management 1.4; Chapter 3: Land Protection; Chapter 4: Natural Resource Management; Chapter 5: Cultural Resource Management; Chapter 6: Wilderness Stewardship; Chapter 8: Use of the Parks; Chapter 9: Park Facilities; Chapter 10: Commercial Visitor Services. Also see Director's Orders #2: Park Planning, and #12: Conservation Planning and Environmental Impact Analysis)

2.3.4.2 Annual Performance Planning and Reporting

Each park will prepare annual performance plans, articulating annual goals for each fiscal year, and annual performance reports, describing the progress made in meeting the annual goals. The development of the annual performance plan and report will be synchronized with NPS budget development.

CHAPTER 3: LAND PROTECTION

LAND PROTECTION
3.1 GENERAL
3.2 LAND PROTECTION METHODS
3.3 LAND PROTECTION PLANS
3.4 COOPERATIVE CONSERVATION
3.5 BOUNDARY ADJUSTMENTS
3.6 LAND ACQUISITION AUTHORITY
3.7 LAND ACQUISITION FUNDING
3.8 CONDEMNATION

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CHAPTER 3: LAND PROTECTION

[Cover page summary statement.] The National Park Service will use all available authorities to protect lands and resources within units of the national park system, and will seek to acquire as promptly as possible nonfederal lands and interests in land that have been identified and approved for acquisition, consistent with Departmental land transaction and appraisal policies. When lands within a park unit's authorized boundaries are not federally owned, the Service will cooperate with federal agencies; tribal, state, and local governments; nonprofit organizations; and property owners to provide appropriate protection measures and to protect property rights. Cooperation with these entities will also be pursued, and other available land protection tools may be employed when threats to park resources originate outside boundaries.

3.1 General

A number of park units have nonfederally owned lands within their authorized boundaries. When nonfederal lands exist within park boundaries, acquisition of those lands and/or interests in those lands may be the best way to protect and manage natural and cultural resources or provide for public enjoyment. When acquisition is necessary and appropriate, the Service will acquire those lands and/or interests as promptly as possible consistent with Departmental land transaction and appraisal policies. Practical, cost-effective alternatives to fee-simple acquisition will be considered and pursued by the Service to advance protection and management goals.

The boundaries of most park units are not based strictly on ecological processes or other resource protection principles, and park units are increasingly subject to impacts from external sources. Examples include air and water pollution and the loss of scenic vistas, natural quiet, and wildlife habitat. To fulfill NPS protection responsibilities, strategies and actions beyond park boundaries may be necessary. External threats may be addressed by using available tools, such as gateway community planning and partnership arrangements; NPS educational programs; and participation in the planning processes of federal agencies and tribal, state, and local governments.

3.2 Land Protection Methods

The Service may employ a variety of different methods, as appropriate, for protecting park resources. These methods will be considered in the land protection planning process for each unit. Examples include

- cooperative approaches, such as cooperative agreements, participation in regional consortia, local planning and zoning processes, or other measures that do not involve federal acquisition of any interest in real property,

- acquisition of less-than-fee real property interests, such as easements or rights-of-way, and
- acquisition of fee-simple real property interest, possibly with arrangements for some rights to be reserved.

Fee-simple ownership (all of the rights associated with real property) whether exclusively by the Service or in partnership with others provides the greatest ability to protect and manage resources and provide for public use and enjoyment. Less-than-fee interests (some of the rights associated with real property) may in many instances be the most practicable and acceptable way to protect and manage resources. Less-than-fee interests do, however, require a federal commitment to monitor and enforce the Service's interest in the affected property. Acquisition of less-than-fee interests may be most appropriate in instances in which the Service needs only a specific interest in land, or in which it only needs to modify uses of the land in order to protect resources or values but full fee ownership is not required or possible.

Acquisition of fee-simple interests is an important and effective land protection method for lands within unit boundaries. The Service may employ, as appropriate, a broad strategy to protect land and resources, including innovative techniques, partnerships, participation in the planning and decision-making processes of other federal agencies, and vigilance at the regional and local levels of government, where nonfederal land use decisions are generally made.

Some park units created by Congress have been specifically authorized to continue historical or traditional activities such as farming, ranching, or low-density residential uses. Congress may also restrict the method of acquisition or prohibit acquisition without owner consent. In all cases, the Service will acquire the lands and/or interests in land only by the method or methods authorized.

When nonfederal land is identified for acquisition, the Service will make every reasonable effort to reach an agreement with the owner on the purchase price. All appraisals must conform to Departmental appraisal policies. If an agreement cannot be reached, the Service will take further steps in accordance with authorities and congressional directions that apply to the unit in question. Service policy is to acquire lands and interests in lands from willing sellers, and condemnation is generally considered only as a last resort. However, acquisition by condemnation is sometimes necessary to establish just compensation, to clear a title, or to prevent imminent damage or unacceptable threats to park resources and values.

(See Condemnation 3.8)

3.3 Land Protection Plans

Planning for the protection of park lands will be integrated into the planning process for park management. Land protection plans (LPPs) should be prepared to determine and publicly document all nonfederal lands within a park unit, the minimum interest in land

that needs to be in public ownership, and the relative priority for acquiring that interest. These plans will be prepared for each unit of the national park system containing nonfederal land or interests in land within its authorized boundary. A thorough review of a park's authorizing statutes and complete legislative history will be conducted as part of the land protection planning process.

Land acquisition priorities will be guided by a park unit's land protection plan. Superintendents will ensure that land protection plans are developed, and periodically reviewed and updated as necessary, to identify what land or interests in land would facilitate achieving park purposes. These purposes and the desired conditions for resources and visitor experiences are normally defined in the park's general management plan. Strategic plans define what results can be accomplished in the foreseeable future—usually a five-year period. Land protection plans will be coordinated with general management plans, strategic plans, and other plans for resource management and visitor use. Decisions about acquisition within park boundaries will consider the relationship between the park and its adjacent lands. Superintendents have the responsibility to be aware of uses or activities that are planned for lands around the park that may have impacts on park resources and opportunities for visitor enjoyment.

A land protection plan should be as simple and concise as possible; it should document (1) what lands or interests in land would advance park purposes and benefit the public through public ownership, (2) what means of protection are available to achieve park purposes as established by Congress, (3) the protection methods and funds that will be sought or applied to protect resources and to provide for visitor use and/or park facility development, and (4) acquisition priorities. Historic structures and objects on the land under consideration within the land protection plan will be evaluated for their relevance to the park mission and the scope of the park museum collection. The land protection plan will specify those structures and objects that benefit the public through public ownership, and identify the appropriate sources of funding. Personal property not identified for acquisition should be removed by the property owner before acquisition. For acquisition of water rights, see chapter 4, section 4.6.2.

When appropriate, the land protection plan may serve as a vehicle for addressing land protection issues external to a park's boundaries. When external impacts or opportunities are addressed, plans will clearly distinguish between the authorities related to land acquisition and the authorities for the Service to cooperate with other entities beyond the park boundary.

3.4 Cooperative Conservation

External threats may originate with proposed uses outside a park that may adversely impact park resources or values. Superintendents should therefore be aware of and monitor land use proposals and changes to adjacent lands, and their potential impacts. Superintendents will also encourage compatible adjacent land uses to avoid or to mitigate potential adverse effects. Superintendents will make their concerns known, and, when

appropriate, actively participate in the planning and regulatory processes of neighboring jurisdictions, including other federal, tribal, state, and local governments.

In working cooperatively with surrounding landowners and managers, a superintendent might, for example, comment on potential zoning changes for proposed development projects, or brief the public and officials about park resources and related studies that are relevant to proposed zoning or other changes. Superintendents should, whenever possible, work cooperatively and communicate their concerns as early as possible in the process in such a manner as will minimize potential conflict. Superintendents should seek advice from the appropriate NPS program managers and the Solicitor's Office when dealing with complicated external land protection issues and threats, especially those with potential Servicewide controversy or consequences.

Superintendents should be aware of and monitor state government programs and activities for managing state-owned submerged lands and resources within NPS units. When there is potential for such programs or activities to adversely impact park resources or values, superintendents will make their concerns known to appropriate state governmental officials, and encourage compatible land uses that avoid or mitigate potential adverse impacts. When federal acquisition of state-owned submerged lands and resources within NPS units is not appropriate or feasible, the Park Service will seek to enter into cooperative agreements with state governments to ensure the adequate protection of park resources and values.

In some cases—such as air or water pollution—the source of a significant threat may be far removed from the park's boundaries. In such cases, the Service will coordinate at the regional or national level in making its concerns known, and in seeking a remedy to the problem. Threats to parks from external sources should be identified and addressed in the general management plan or in other planning documents. The result will be enhanced public awareness of the far-reaching impacts of these threats, and an increased likelihood of remedial actions by those who are responsible.

(See External Threats to Park Resources and Values 1.5; Evaluating Environmental Impacts 4.1.3; Partnerships 4.1.4; Biological Resource Management 4.4; Removal of Exotic Species Already Present 4.4.4.2; Water Resource Management 4.6; Air Resource Management 4.7; Geologic Resource Management 4.8; Soundscape Management 4.9; Lightscape Management 4.10; Stewardship 5.3. Also see Director's Order #25: Land Protection, and Reference Manual 25; Director's Order #75A: Civic Engagement and Public Involvement)

3.5 Boundary Adjustments

The boundary of a national park may be modified only as authorized by law. For many parks, such statutory authority is included in the enabling legislation or subsequent legislation specifically authorizing a boundary revision. Where park specific authority is not available, the Land and Water Conservation Fund (LWCF) Act of 1965, as amended, provides an additional, but limited, authority to adjust boundaries.

The act provides for boundary adjustments that essentially fall into three distinct categories: (1) technical revisions; (2) minor revisions based upon statutorily defined criteria; and (3) revisions to include adjacent real property acquired by donation, purchased with donated funds, transferred from any other federal agency, or obtained by exchange. Adjacent real property is considered to be land located contiguous to but outside the boundary of a national park system unit.

As part of the planning process, the Park Service will identify and evaluate boundary adjustments that will facilitate achieving the purposes of the park unit. Boundary adjustments may be recommended to

- protect significant resources and values, or to enhance opportunities for public enjoyment related to park purposes,
- address operational and management issues, such as the need for access or the need for boundaries to correspond to logical boundary delineations such as topographic or other natural features or roads, or
- otherwise protect park resources that are critical to fulfilling park purposes.

If the acquisition will be made using appropriated funds, and is not merely a technical boundary revision, the criteria set forth by Congress at 16 USC 460l-9(c)(2) must be met. All recommendations for boundary changes must meet the following two criteria.

- The added lands will be feasible to administer, considering their size, configuration, and ownership, hazardous substances, costs, the views of and impacts on local communities and surrounding jurisdictions, and other factors such as the presence of exotic species.
- Other alternatives for management and resource protection are not adequate.

These criteria apply conversely to recommendations for the deletion of lands from the authorized boundaries of a park unit. For example, before recommending the deletion of land from a park boundary, a finding would have to be made that the land did not include a significant resource, value, or opportunity for public enjoyment related to the purposes of the park. Full consideration should be given to present and future park needs before a recommendation is made to delete lands from the authorized boundaries of a park unit. Actions consisting solely of deletions of land from existing park boundaries require an act of Congress.

3.6 Land Acquisition Authority

The National Park Service acquires lands or interests in land within parks when authorized to do so by an act of Congress or by presidential proclamation. Although acquisition outside authorized boundaries is generally prohibited, certain statutes provide limited systemwide authority for minor boundary changes and the acceptance of donated lands adjacent to a park's boundaries. There is no single statute authorizing land acquisition. There are, however, several laws that provide limited acquisition authority that is applicable systemwide. For most parks, acquisition authority is provided by

statutes specific to the park. The Service land acquisition process and land protection planning process will comply with all applicable legislation, congressional guidelines, executive orders, and Department of the Interior policies. For delegations of authority for land acquisition, see Director's Order #25: Land Protection.

3.7 Land Acquisition Funding

When the acquisition of lands and/or interests in lands within a park boundary is necessary, the Park Service will consider acquisition by: purchase with appropriated or donated funds; exchange; donation; bargain sale; transfer or withdrawal from public domain; or in limited circumstances condemnation. Funding for land acquisition within the national park system is derived primarily from the Land and Water Conservation Fund (LWCF). LWCF monies are restricted to uses associated with the acquisition of land and/or interests in land within the authorized boundaries of NPS units. As outlined in Department of the Interior policy, the federal portion of LWCF monies will be used to acquire the lands, waters, and interests therein necessary to achieve the Service's natural, cultural, wildlife, and recreation management objectives. To implement this policy, the fund will be used in accordance with management objectives for each park unit based on the NPS mission and congressional mandates, and with an analysis of long-range goals for resource protection, safe public access, and park management. As further required by Departmental policy, the Park Service will, to the extent consistent with statutory authorities,

- use to the maximum extent practical, cost-effective alternatives to the direct federal purchase of privately owned lands, and, when acquisition is necessary, acquire or retain only the minimum interests determined by park officials to be necessary to meet management objectives,
- cooperate with landowners, other federal agencies, tribal, state, and local governments, and the private sector to manage land for public use or protect it for resource conservation, and
- formulate, or revise as necessary, land protection plans.

3.8 Condemnation

As a general principle, and consistent with Congressional direction, condemnation is the least desirable tool for the Service to use for land acquisition.

It is the Service's goal to acquire lands or interests in lands through a cooperative negotiation process with a willing seller. Under certain circumstances, however, condemnation may be necessary. "Friendly" condemnations with willing sellers may be appropriate to ensure that the United States acquires clear title to the property in question, or to enable a court to determine the fair market value to be paid for the property. If there is no willing seller, and it is determined that other acquisition means will not be successful, consistent with any restrictions applicable to that park unit, the Service, with the approval of the Director and other approvals as required (e.g., by the Department of

the Interior or Congress) may pursue condemnation proceedings to acquire the property or interests therein.

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CHAPTER 4—NATURAL RESOURCES

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CHAPTER 4: NATURAL RESOURCE MANAGEMENT

[wording for introductory page:] The National Park Service will preserve the natural resources, processes, systems, and associated values of units of the national park system in an unimpaired condition, strive to perpetuate their inherent integrity, and provide present and future generations with the opportunity to enjoy them.

The National Park Service will strive to understand, maintain, restore, and protect the inherent integrity of the natural resources, processes, systems, and associated values of the parks, as well as the opportunity to enjoy them. The Park Service recognizes that natural processes and species are dynamic and will continue to evolve. The natural resources, processes, systems, and values that the Service conserves are described generally in the 1916 NPS Organic Act and in the enabling legislation or presidential proclamation establishing each park. They are described in greater detail in management plans specific to each park. Natural resources, processes, systems, and values found in parks include

- physical resources such as water, air, soils, sound, topographic features, geologic features, and paleontological resources
- physical processes such as weather, erosion, cave formation, and wildland fire
- biological resources such as native plant and animal communities
- biological processes such as photosynthesis, plant and animal community succession, pollination, evolution, population dynamics, and predator/prey relationships
- ecosystems
- associated characteristics such as scenic views, clear skies and natural soundscapes

In this chapter, natural resources, processes, systems, and values are all included in the term “natural resources.” The term “natural condition” is used here to describe the condition of resources that would occur in the absence of human dominance over the landscape but not necessarily the absence of humans.

The Service manages the natural resources of parks to maintain them in an unimpaired condition for present and future generations in accordance with NPS-specific statutes, including the NPS Organic Act and the National Parks Omnibus Management Act of 1998; general environmental laws such as the Clean Air Act, the Clean Water Act, the Endangered Species Act, the National Environmental Policy Act, and the Wilderness Act; executive orders; and applicable regulations.

Activities that take place outside park boundaries and that are not managed by the Service sometimes have profound effects on the Service’s ability to protect natural resources inside parks. The Service will act to protect natural resources from impacts caused by external activities and to identify and achieve broad natural resource goals by working

cooperatively with federal, state, and local agencies; Native American authorities; user groups; adjacent landowners; and others. This, and fostering both formal and informal lines of communication, will help the Service better achieve park management objectives and the conservation of park natural resources.

(See Park Management 1.4; External Threats and Opportunities 1.5; Partnerships 4.1.4)

4.1 General Management Concepts

As explained in chapter 1 of these *Management Policies*, preserving park resources and values unimpaired is the overarching responsibility of NPS managers. The Service cannot conduct or allow activities in parks that would impact park resources and values to a level that would constitute impairment. To comply with this mandate, park managers must determine in writing whether proposed activities in parks would impair natural resources. Park managers must also take action to ensure that ongoing NPS activities do not cause the impairment of park natural resources. In cases of uncertainty as to the impacts of activities on park natural resources, the Service will protect the natural resources and will strive to reduce such uncertainty by facilitating and building a science-based understanding of park resources and the nature and extent of the impacts involved.

Natural resources will be managed to preserve fundamental physical and biological processes, as well as individual species, features, and plant and animal communities. The Park Service will not attempt to solely preserve individual species (except threatened or endangered species) or individual natural processes. Rather, it will try to maintain all the components and processes of natural park ecosystems, including the naturally dynamic abundance, diversity, and genetic and ecological integrity of the plant and animal species native to those ecosystems. Just as all components of a natural system will be recognized as important, natural change will also be recognized as an integral part of the functioning of natural systems. By preserving these natural components and processes in their natural condition, the Service will prevent resource degradation, and therefore avoid any subsequent need for resource restoration. In managing parks to preserve naturally evolving ecosystems, and in accordance with requirements of the National Parks Omnibus Management Act of 1998, the Service will use the findings of science and the analyses of scientifically trained resource specialists in decision making.

Park units with significant natural resources range in size from a few to millions of acres, and from urban to remote settings. As integral parts of a national park *system*, these park units individually and cumulatively contribute to America's natural heritage and provide the places where that heritage can be better understood and enjoyed.

Science has demonstrated that few, if any, park units can fully realize or maintain their physical and biological integrity if managed as biogeographic islands. Instead, they must be managed in the context of their larger ecosystems. The ecosystem contexts for some species and processes may be relatively small, while for others they are vast. In any case, superintendents face the challenge of placing each of the resources they protect in their

appropriate ecosystem context and then working with all involved, interested, and affected parties to advance their conservation and avoid adverse impacts on these resources.

Superintendents must be mindful of the setting in which they undertake the protection of park resources. The practicability of achieving a virtually natural soundscape may be quite reasonable at a park unit in a remote setting, but the same may not be true at a popular roadside viewpoint in the same park unit, or at a park unit in a more urban locale. Similarly, the restoration and maintenance of natural fire regimes can advance more rapidly and on a larger landscape scale in wilderness areas, where considerations for public safety and the protection of private property and physical developments can usually be readily addressed, than it can in more developed and highly visited locations where the same considerations can be extremely complicated. The goal of protecting natural resources and values while providing for their enjoyment remains the same in all cases except to the extent that Congress has directly and specifically provided otherwise. However, the degree to which it can practicably be achieved will vary, reflecting factors such as size, existing conditions, surrounding land uses, availability of resources, and management priorities. The Park Service will determine the degree of practicability for each park through the planning process.

The Service will not intervene in natural biological or physical processes, except

- when directed by Congress,
- in emergencies in which human life and property are at stake,
- to restore, where practicable, natural ecosystem functioning that has been disrupted by past or ongoing human activities,
- when necessary to provide for appropriate visitor enjoyment so long as the intervention does not lead to unacceptable adverse impacts, or
- when a park plan has identified the intervention as necessary to protect other park resources or facilities.

Any such intervention will be kept to the minimum necessary to achieve the stated management objectives.

Natural systems in the national park system, and the human influences upon them, will be monitored to detect change. The Park Service will use the results of monitoring and research to understand the detected change. Appropriate management actions will be developed when a change could result in unacceptable adverse impacts to resources.

Biological or physical processes altered in the past by human activities may need to be actively managed to restore them to a natural condition or to maintain the closest approximation of the natural condition in situations in which a truly natural system is no longer attainable. Prescribed burning and the control of ungulates when predators have been extirpated are two examples where active management may be necessary. The extent and degree of management actions taken to protect or restore park ecosystems or their components will be based on clearly articulated and well-supported management objectives and the best scientific information available.

In some situations, an area may be closed to visitor use to protect the natural resources (for example, during an animal breeding season) or for reasons of public safety (for example, during a wildland fire). Such closures may be accomplished under the superintendent's discretionary authority, and will comply with applicable regulations (36 *Code of Federal Regulations* 1.5 and 1.7 or 36 CFR 1.5 and 1.7).

(See The Prohibition on Impairment of Park Resources and Values 1.4.4; General Management Planning 2.3.1; Facility Planning and Design 9.1.1)

4.1.1 Planning for Natural Resource Management

Each park with a significant natural resource base will prepare and periodically update a long-range (with at least one to two decades in view) comprehensive strategy for natural resource management. This long-range strategy will describe the comprehensive program of activities needed to achieve the desired future conditions for the park's natural resources. It will integrate the best available science, and will prescribe activities such as inventories, research, monitoring, restoration, mitigation, protection, education, and management of resource uses. The strategy will also describe the natural-resource-related activities needed to achieve desired future conditions for cultural resources (such as historic landscapes) and visitor enjoyment.

Similarly, planning for park operations, development, and management activities that might affect natural resources will be guided by high-quality, scientifically acceptable information, data, and impact assessment. Where existing information is inadequate, the collection of new information and data may be required prior to decision making. Long-term research or monitoring may also be necessary to correctly understand the effects of management actions on natural resources whose function and significance are not clearly understood.

(See Decision- making Requirements to Avoid Impairments 1.4.7; General Management Planning 2.3.1; Land Protection Plans 3.3; Cultural Landscapes 5.3.5.2; Chapter 8: Use of the Parks; NPS- conducted or NPS–sponsored Inventory, Monitoring, and Research Studies 4.2.1; Chapter 9: Park Facilities)

4.1.2 Natural Resource Information

Information about natural resources that is collected and developed will be maintained in perpetuity. All forms of information collected through inventorying, monitoring, research, assessment, traditional knowledge, and management actions will be managed to professional and NPS archival and library standards.

Most information about park natural resources will be made broadly available to park employees, the scientific community, and the public. Pursuant to provisions of the National Parks Omnibus Management Act, the Park Service will withhold information about the nature and specific location of sensitive park natural resources—specifically mineral, paleontological, endangered, threatened, rare, or commercially valuable resources—unless the Service determines, in writing, that disclosure of the information would further the

purposes of the park, would not create an unreasonable risk of harm, theft, or destruction of resources, and would be consistent with other applicable laws.

Under the Freedom of Information Act (FOIA), the Park Service may be able to withhold sensitive natural resource data and information used in ongoing law enforcement investigations or subject to national security clearance classification. The Service may be able to withhold data provided through interim project reporting, pending the completion of relevant projects and the receipt of final project reports, if the release of information will cause foreseeable harm to the interests of the Park Service. The conditions under which data will be withheld should be specified in approved scientific research and collecting permits and associated research proposals. Information that is made available to the public (that is, not withheld under the Freedom of Information Act or other laws) will remain searchable and accessible under the professional and NPS archival and library standards.

(See Information Confidentiality 1.7.1.3; Confidentiality 5.2.3. Also see Director's Order #66: FOIA and Protected Resource Information; Museum Handbook 24-Part II)

4.1.3 Evaluating Impacts on Natural Resources

Planning, environmental evaluation, and public involvement regarding management actions that may affect the natural resources of the national park system are essential for carrying out the Service's responsibilities to present and future generations. The Service will ensure that the environmental costs and benefits of proposed operations, development, and resource management are fully and openly evaluated before taking actions that may impact the natural resources of the parks. This evaluation must include appropriate participation by the public; the application of scholarly, scientific, and technical information in the planning, evaluation, and decision-making processes; the use of NPS knowledge and expertise through interdisciplinary teams and processes; and the incorporation of mitigation measures, pollution prevention techniques, and other principles of sustainable park management.

Every environmental assessment and environmental impact statement produced by the Service will include an analysis of whether the impacts of a proposed activity constitute impairment of park natural resources and values. Every finding of no significant impact, record of decision, and National Historic Preservation Act Section 106 memorandum of agreement signed by the Park Service will contain a discrete certification that the impacts of the proposed activity will not impair park natural resources and values.

(See Park Management 1.4; Implementation Planning 2.3.3; NPS-conducted or -sponsored Inventory, Monitoring, and Research Studies 4.2.1. Also see Director's Order #12: Conservation Planning and Environmental Impact Analysis)

4.1.4 Partnerships

The Service will pursue opportunities to improve natural resource management within parks and across administrative boundaries through cooperation, communication, and consultation with public agencies, appropriate Native American representatives, and private landowners. The Service recognizes that cooperation with other land managers can

accomplish ecosystem stability and other resource management objectives when the best efforts of a single manager might fail. Therefore, the Service will develop agreements, consistent with federal law, Departmental, and NPS policies with federal, tribal, state, and local governments and organizations, and private landowners, when appropriate, to coordinate plant, animal, water, and other natural resource management activities in ways that maintain and protect, not compromise, park resources and values. Such cooperation may include park restoration activities, research on park natural resources, and the management of species harvested in parks. Such cooperation also may involve coordinating management activities in two or more separate areas, integrating management practices to reduce conflicts, coordinating research, sharing data and expertise, exchanging native biological resources for species management or ecosystem restoration purposes, establishing native wildlife corridors, and providing essential habitats adjacent to, or across, park boundaries.

In addition, to minimize the impacts of influences originating outside parks, the Park Service will seek the cooperation of others in controlling noise and artificial lighting, maintaining water quality and quantity, eliminating toxic substances, preserving scenic views, improving air quality, preserving wetlands, protecting threatened or endangered species, eliminating exotic species, managing the use of pesticides, protecting shoreline processes, managing fires, managing boundary influences, and in using other means of conserving and protecting natural resources.

(See Cooperative Conservation Beyond Park Boundaries 1.5; Partnerships 1.9; Addressing Threats from External Sources 3.4; Agreements 5.2.2. Also see Director's Order #75A: Civic Engagement and Public Involvement)

4.1.5 Restoration of Natural Systems

The Service will reestablish natural functions and processes in unnaturally disturbed components of natural systems in parks when practicable unless otherwise directed by Congress. Landscapes disturbed by natural phenomena, such as landslides, earthquakes, floods, hurricanes, tornadoes, and fires, will be allowed to recover naturally unless manipulation is necessary to protect other park resources, developments, or visitor safety. Potential impacts to natural systems resulting from human disturbances include the introduction of exotic species; the contamination of air, water, and soil; changes to hydrologic patterns and sediment transport; the acceleration of erosion and sedimentation; and the disruption of natural processes. When practicable the Park Service will seek to return human-disturbed areas to the natural conditions and processes characteristic of the ecological zone in which the damaged resources are situated. The Service will use the best available technology, within available resources, to restore the biological and physical components of these systems, accelerating both their recovery and the recovery of landscape and biological community structure and function. Efforts may include, for example,

- removal of exotic species
- removal of contaminants and non-historic structures or facilities

- restoration of abandoned mineral lands, abandoned or unauthorized roads, areas overgrazed by domestic animals, or disrupted natural waterways and/or shoreline processes
- restoration of areas disturbed by NPS administrative, management, or development activities (such as hazard tree removal, construction, or sand and gravel extraction) or by public use
- restoration of natural soundscapes
- restoration of native plants and animals

When park development is damaged or destroyed and replacement is necessary, the development will be replaced or relocated to promote the restoration of natural resources and processes whenever practicable. If possible, these developments will be relocated in areas less prone to future damage.

(See Decision- making Requirements to Avoid Impairments 1.4.7; Restoration of Native Plant and Animal Species 4.4.2.2; Management of Natural Landscapes 4.4.2.4; Siting Facilities to Avoid Natural Hazards 9.1.1.6. Also see Director's Order #18: Wildland fire Management)

4.1.6 Compensation for Injuries to Natural Resources

The Park Service will take all steps necessary to protect and restore natural resources and the environmental benefits they provide when actions of another party cause the destruction or loss of, or injury to, park resources or values.

Pursuant to the National Park System Resource Protection Act, the Service will

- determine the injury caused to natural resources, assess all appropriate damages, and monitor damages
- seek to recover all appropriate costs associated with responses to such actions, and the costs of assessing resource damages, including the direct costs of response, restoration, and monitoring activities
- use all sums recovered in compensation for resource injuries to restore, replace, or acquire the equivalent of the resources that were the subject of the action

(See Compensation for Damages 5.3.1.3. Also see Director's Order #14 Resource Damage Assessment and Restoration)

4.2 Studies and Collections

The Service will encourage appropriately reviewed natural resource studies whenever such studies are consistent with applicable laws and policies. These studies support the NPS mission by providing the Service, the scientific community, and the public with an understanding of park resources, processes, values, and uses that will be cumulative and constantly refined. This approach will provide a scientific and scholarly basis for park planning, development, operations, management, education, and interpretive activities.

The term "studies," as used here, means short- or long-term scientific or scholarly investigations or educational activities that may involve natural resource surveys, inventories, monitoring, and research, including data and specimen collection. Studies include projects conducted by researchers and scholars in universities, foundations and other institutions, tribal colleges and organizations, other federal and state agencies, and NPS staff. The data and information acquired through studies conducted in parks will be made publicly available, consistent with section 4.1.2.

The Park Service will promote cooperative relationships with educational and scientific institutions and qualified individuals offering expertise that can assist the Service in obtaining information, and when the opportunity for research and study in the parks offers the cooperators a significant benefit to their programs. NPS facilities and assistance may be made available to qualified cooperators who are conducting NPS-authorized studies.

Studies in parks will be preceded by (1) an approved scope of work, proposal, or other detailed written description of the work to be performed; and (2) a written statement of environmental and cultural resource compliance appropriate to the proposed methodology and study site. All studies in parks will employ nondestructive methods to the maximum extent feasible with respect to resource conservation, research methodology, and the scientific and management value of the information and collections to be obtained. Although studies involving physical impacts on park resources or the removal of objects or specimens may be permitted, studies and collecting activities that will lead to the impairment of park resources and values are prohibited.

Scientific natural resource collecting activities are governed by 36 CFR 2.5. A very limited number of other types of natural resource collecting are governed by 36 CFR 2.1. In most cases, only small quantities may be collected. The repeated collection of materials to ensure a continuing source of supply for research or propagation is prohibited, unless the proposed activity clearly requires repeated collection, as might be the case with a monitoring or park restoration program and when these activities will not lead to unacceptable adverse impacts on park resources and values.

(See Decision-making Requirements to Avoid Impairments 1.4.7; Managing Information 1.7.1; Research 5.1; Resource Access and Use 5.3.5.3.1; Collecting Natural Products 8.8; Consumptive Uses 8.9; Social Science Studies 8.11. Also see Director's Order #74: Studies and Collecting; Director's Order #78: Social Science)

4.2.1 NPS-conducted or -sponsored Inventory, Monitoring, and Research Studies

The Park Service will

- identify, acquire, and interpret needed inventory, monitoring, and research, including applicable traditional knowledge, to obtain information and data that will help park managers accomplish park management objectives provided for in law and planning documents

- define, assemble, and synthesize comprehensive baseline inventory data describing the natural resources under its stewardship, and identify the processes that influence those resources
- use qualitative and quantitative techniques to monitor key aspects of resources and processes at regular intervals
- analyze the resulting information to detect or predict changes, including interrelationships with visitor carrying capacities, that may require management intervention, and to provide reference points for comparison with other environments and time frames
- use the resulting information to maintain—and, where practicable, restore—the integrity of natural systems

The Service may support studies to (among other things)

- ensure a systematic, current, and fully adequate park information base
- provide a sound basis for policy, guidelines, and management actions
- develop effective strategies, methods, and technologies to restore disturbed resources, and to predict, avoid, or minimize adverse impacts on natural and cultural resources, and on visitors and related activities
- ensure that plans and actions reflect contemporary knowledge about the natural and cultural context of special natural areas, cultural landscapes, and natural resources having traditional cultural meaning and value to associated human groups
- determine the causes and potential resolution of natural resource management problems
- understand the ceremonial and traditional resource management practices of Native American tribes, subsistence uses by rural Alaska residents, and traditional uses by groups with demonstrated ties to particular natural resources of parks
- further understand park ecosystems and related human social systems, including visitors and gateway communities, and document their components, condition, and significance
- ensure that the interpretation of the natural resources and issues of parks reflects current standards of scholarship relating to the history, cultural context, science, and condition of the resources

Superintendents may authorize NPS staff to carry out routine inventory, monitoring, study, and related duties without requiring an NPS scientific research and collecting permit. With or without an NPS permit, NPS staff will comply appropriately with professional standards and with general and park-specific research and collecting permit conditions. All research and data and specimen collection conducted by NPS employees will be appropriately documented and carried out in accordance with all laws, regulations, policies, and professional standards pertaining to survey, inventory, monitoring, and research. NPS staff will be expected to make their findings available to the public, such as by publication in professional journals or presentation in interpretive programs.

Park inventory, monitoring, and research needs and specific research objectives will be identified in the appropriate management plans for each park, or in park, regional, or Servicewide program plans.

(See Decision-making Requirements to Avoid Impairments 1.4.7; Natural Resource Information 4.1.2; Restoration of Natural Systems 4.1.5; Weather and Climate 4.7.2; Miscellaneous Management Facilities 9.4.5)

4.2.2 Independent Studies

Non-NPS studies conducted in parks are not required to address specifically identified NPS management issues or information needs. However, these studies, including data and specimen collection, require an NPS scientific research and collecting permit. The studies must conform to NPS policies and guidelines regarding the collection and publication of data, the conduct of studies, wilderness restrictions, and park-specific requirements identified in the terms and conditions of the permit. Projects will be administered and conducted only by fully qualified personnel, and will conform to current standards of scholarship. Service scientific research and collecting permits may include requirements that permittees provide for parks, within agreed-upon time frames, copies of appropriate field notes, cataloging and other data, information about the data, progress reports, interim and final reports, and publications derived from the permitted activities.

(See Independent Research 5.1.2)

4.2.3 Natural Resource Collections

Natural resource collections include nonliving and living specimens. Guidance for collecting and managing specimens and associated field records can be found in 36 CFR 2.5 and NPS guidance documents, including the museum handbook. Nonliving specimens and their associated field records are managed as museum collections. Living collections will be managed in accordance with the provisions of a park's management plan, the Animal Welfare Act, and other appropriate requirements.

Field data, objects, specimens, and features obtained for preservation during inventory, monitoring, research, and study projects, together with associated records and reports, will be managed over the long term within the Park Service's museum collection program. Specimens that are not authorized for consumptive analysis will be labeled and cataloged into an appropriate cataloging system in accordance with applicable regulations (36 CFR 2.5).

(See Paleontological Resources and Their Contexts 4.8.2.1; Collecting Natural Products 8.8; Consumptive Uses 8.9; Natural and Cultural Studies, Research, and Collection Activities 8.10; Social Science Studies 8.11. Also see Director's Order #24: Museum Management)

4.2.4 Collection Associated with the Development of Commercial Products

Extractive use of park resources for commercial purposes is prohibited except when specifically authorized by law or in the exercise of valid existing rights.

Research, including the collection of nonliving or living material or parts thereof, that is intended to support investigations that may lead to the development of commercial products is an authorized activity that currently is not being implemented. Such research and collecting may be permitted only in limited circumstances and managed under appropriate federal authority. Should a decision be made to implement this authority, permits for such research and collecting will be issued only after the applicant has signed a benefit sharing agreement—such as a cooperative research and development agreement—to provide equitable benefit sharing to the park research and resource management effort. Should any process be implemented to permit research and collecting associated with development of commercial products and to require entering into a benefit sharing agreement, it will be done in accordance with policy guidance contained in Director's Order #77-6, and following completion of appropriate NEPA compliance.

(Also see Director's Order #74: Studies and Collecting; and Director's Order #77-6: Cooperative Research and Development Agreements)

4.3 Special Designations

The Park Service recognizes that special designation labels apply to parts or all of some parks to highlight the additional management considerations that those designated areas warrant. These labels include Research Natural Area, Experimental Research Area, Wilderness Area, National Wild and Scenic River, National Natural Landmark, Biosphere Reserve, and World Heritage Site. These designations do not reduce the Service's authority for managing the parks, although in some cases they may create additional management requirements or considerations.

4.3.1 Research Natural Areas

Research Natural Areas contain prime examples of natural resources and processes, including significant genetic resources, that have value for long-term observational studies or as control areas for manipulative research taking place outside the parks. Superintendents recommend areas of parks to their regional director, who is authorized to designate them as Research Natural Areas when such a designation does not unacceptably impact the values and purposes of the park. Superintendents cooperate with other federal land managers in identifying park sites for designation, and in planning research and educational activities for this interagency program.

Activities in Research Natural Areas generally will be restricted to nonmanipulative research, education, and other activities that will not detract from an area's research values.

4.3.2 Experimental Research Areas

Experimental Research Areas are specific tracts that are set aside and managed for approved manipulative research. Manipulative research is defined as research in which conscious alteration of existing conditions is part of the experiment. The limited situations that may warrant establishment of Experimental Research Areas are identified in the *Natural Resources Reference Manual 77*. Superintendents recommend areas of the park to their regional director, who is authorized to designate them as Experimental Research

Areas when such a designation does not unacceptably impact the values and purposes of the park.

4.3.3 Wilderness Areas

See chapter 6.

4.3.4 National Wild and Scenic Rivers System

Parks containing one or more river segments listed in the national rivers inventory maintained by the National Park Service, or that have characteristics that might make them eligible for the National Wild and Scenic Rivers System, will comply with section 5(d)(1) of the Wild and Scenic Rivers Act, which instructs each federal agency to assess whether those rivers are suitable for inclusion in the system. Such assessments, and any resulting management requirements, may be incorporated into a park's general management plan or other management plan. No management actions will be taken that could adversely affect the values that qualify a river for inclusion in the National Wild and Scenic Rivers System.

(See Wild and Scenic Rivers 2.3.10. Also see Wild and Scenic Rivers Act)

4.3.5 National Natural Landmarks

Park sites that are among the best examples of a type of biotic community or geological feature in its physiographic province may be nominated to the Secretary of the Interior for inclusion in the National Registry of Natural Landmarks. As the agency responsible for maintaining the registry, the Park Service has developed criteria for eligibility (36 CFR Part 62).

4.3.6 Biosphere Reserves

Biosphere Reserves are sites that are part of a worldwide network of natural reserves recognized for their roles in conserving genetic resources; facilitating long-term research and monitoring; and encouraging education, training, and the demonstration of sustainable resource use. A Biosphere Reserve is usually representative of a biogeographic province.

With the approval of the NPS Director, parks may be nominated for recognition as Biosphere Reserves, or as constituents of Biosphere Reserves. Specific guidance for recognition is provided by the United States Man and Biosphere (MAB) program based on the general guidance of the United Nations Education, Scientific, and Cultural Organization. Working within the MAB program, the Service may assist in determining the suitability and feasibility of including parks in Biosphere Reserves, may participate in research and educational activities, and may furnish information on its Biosphere Reserves for inclusion in domestic and international information systems when such a designation does not unacceptably impact the values and purposes of the park.

The designation of park lands as Biosphere Reserves, or as constituents of Biosphere Reserves, does not alter the purposes for which the parks were established, change the management requirements, or reduce NPS jurisdiction over parks. To the extent practicable, superintendents of parks that are recognized as Biosphere Reserves will incorporate biosphere reserve objectives that are consistent with statutes, regulations and

also incorporate these policies into general management plans, implementation plans, action plans, and park interpretive programs. Superintendents will pursue opportunities to use the biosphere reserve designation as a framework for local, regional, and international cooperation when such a designation does not unacceptably impact the values and purposes of the park.

4.3.7 World Heritage Sites

Parks containing natural features believed to possess outstanding universal value to humanity may qualify for placement on the World Heritage List under criteria described in the World Heritage Committee Operational Guidelines and in accordance with the World Heritage Convention. Before they can be nominated, all such properties must be assessed according to World Heritage criteria, and before the United States can submit a nomination to the World Heritage Committee, the site must first be included on the U.S. Tentative List of Potential Future World Heritage Nominations.

Any park superintendent who believes that part or all of the park they manage should be considered for inscription on the World Heritage List must consult with the NPS Office of International Affairs, the NPS Director, and the Department before proceeding. U.S. recommendations are approved by an interagency panel chaired by the Assistant Secretary for Fish and Wildlife and Parks, based on criteria promulgated by the World Heritage Committee. These criteria and the rules for U.S. participation in the Convention Concerning the World Cultural and Natural Heritage are published in 36 CFR Part 73.

Once an area is designated a world heritage site, the Park Service will recognize the designation in public information and interpretive programs. Where appropriate, park superintendents should use the park's World Heritage status as a platform to promote sustainable tourism. Designation as a World Heritage Site will not alter the purposes for which the park was established, change the management requirements, reduce NPS jurisdiction over the park, or otherwise cause unacceptable impacts to park values and purposes.

(See World Heritage List Designation 5.1.3.2.3)

4.4 Biological Resource Management

4.4.1 General Principles for Managing Biological Resources

The National Park Service will maintain as parts of the natural ecosystems of parks all native plants and animals. The term “plants and animals” refers to all of the commonly recognized kingdoms of living things and includes such groups as flowering plants, ferns, mosses, lichens, algae, fungi, bacteria, mammals, birds, reptiles, amphibians, fishes, insects, worms, crustaceans, and microscopic plants or animals. The Service will strive to achieve this maintenance by

- preserving and restoring the natural abundances, diversities, dynamics, distributions, habitats, and behaviors of native plant and animal populations and the communities and ecosystems in which they occur,

- restoring native plant and animal populations in parks when they have been extirpated by past human-caused actions, and
- minimizing or mitigating human impacts on native plants, animals, populations, communities, and ecosystems, and the processes that sustain them.

4.4.1.1 Plant and Animal Population Management Principles

The individual plants and animals found within parks are genetically parts of species populations that may extend across both park and non-park lands. As local populations within a group of populations naturally fluctuate in size, they become vulnerable to extirpation during periods when their numbers are low. The periodic disappearance of local populations is common in some species, and the regional persistence of these species depends upon the natural recolonization of suitable habitat by individuals from the remaining local populations. Thus, providing for the persistence of a species in a park may require maintaining a number of local populations, often both within and outside the park.

In addition, some populations of vertebrate and invertebrate animals, such as bats, ungulates, warblers, marine turtles, frogs, salmon, whales, and butterflies, migrate at regular intervals into and out of parks. For these migratory populations, the parks provide only one of the several major habitats they need, and survival of the species in parks also depends on the existence and quality of habitats outside the parks. The Service will adopt park resource preservation, development, and use management strategies intended to maintain the natural population fluctuations and processes that influence the dynamics of individual plant and animal populations, groups of plant and animal populations, and migratory animal populations in parks.

In addition to maintaining all native plant and animal species and their habitats inside parks, the Service will work with other land managers to encourage the conservation of the populations and habitats of these species outside parks whenever possible. To meet its commitments for maintaining native species in parks, the Service will cooperate with states, tribal governments, the U. S. Fish and Wildlife Service, and the NOAA Fisheries, as appropriate, to

- participate in local and regional scientific and planning efforts, identify ranges of populations of native plants and animals, and develop cooperative strategies for maintaining or restoring these populations in the parks,
- suggest mutually beneficial harvest regulations for
  - lands and waters outside the parks for populations that extend across park boundaries, such as resident deer or fishes
  - for short-distance seasonal migrant populations, such as elk or fishes
  - or for long-distance migrant populations, such as salmon,
- develop data, through monitoring, for use in plant and animal management programs (such as local land management decision making for assessing resident plant and animal population trends, and in international management negotiations for such far-ranging seasonal migrants as geese, whales, and marine turtles),

- present information about species life cycles, ranges, and population dynamics in park interpretive programs for use in increasing public awareness of management needs for all species, both resident and migrant, that occur in parks, and
- prevent the introduction of exotic species into units of the national park system, and, where reasonable, practicable, and consistent with park priorities, remove populations of these species that have already become established in parks

4.4.1.2 Genetic Resource Management Principles

The Park Service will strive to protect the full range of genetic types (genotypes) of native plant and animal populations in the parks by perpetuating natural processes and minimizing human interference with evolving genetic diversity.

The restoration of native plants and animals will be accomplished using organisms taken from populations as closely related genetically and ecologically as possible to park populations, preferably from similar habitats in adjacent or local areas. Deviations from this general policy may be made where the management goal is to increase the variability of the park gene pool to mitigate unnatural loss of genetic variability. Actions to transplant organisms for purposes of restoring genetic variability through gene flow between native breeding populations will be preceded by an assessment of the genetic compatibility of the populations.

The need to maintain appropriate levels of genetic diversity will guide decisions on what actions to take to manage isolated populations of species or to enhance the recovery of populations of rare, threatened, or endangered species. All resource management actions involving planting or relocating species, subspecies, or varieties will be guided by knowledge of local adaptations, ranges, and habitat requirements, and detailed knowledge of site ecological histories.

When native plants or animals are removed for any reason—such as hunting, fishing, pest management, or culling to reduce unnatural population conditions—the Service will maintain the appropriate levels of natural genetic diversity.

(See Restoration of Native Plant and Animal Species 4.4.2.2; Restoration of Natural Systems 4.1.5)

4.4.1.3 Definition of Native and Exotic Species

"Native species" are defined as all species that have occurred or now occur as a result of natural processes on lands designated as units of the national park system. Native species in a place are evolving in concert with each other. "Exotic species" are those species that occupy or could occupy park lands directly or indirectly as the result of deliberate or accidental introduction. Because an exotic species did not evolve in concert with species native to the place, the exotic species is not a natural component of the ecosystem at that place. Exotic species are also commonly referred to as, or include, nonnative, alien, invasive, or noxious invasive species. Genetically modified organisms exist solely due to human activities and therefore are managed as exotic species in parks.

4.4.2 Management of Native Plants and Animals

Whenever possible, natural processes will be relied upon to maintain native plant and animal species, and to influence natural fluctuations in populations of these species. The Park Service may intervene to manage individuals or populations of native species only when such intervention will not cause unacceptable impacts on the populations of the species or on other components and processes of the ecosystems that support them, and when at least one of the following conditions exists:

- Management is necessary
    - because a population occurs in an unnaturally high or low concentration as a result of human influences (such as loss of seasonal habitat, the extirpation of predators, or the creation of highly productive habitat through agriculture or urban landscapes) and it is not possible to mitigate the effects of the human influences,
    - to protect specific cultural resources of parks,
    - to accommodate intensive development in portions of parks appropriate for, and dedicated to, such development,
    - to protect rare, threatened, or endangered species,
    - to protect human health as advised by the U. S. Public Health Service (which includes the Centers for Disease Control and the NPS Public Health Service Program),
    - to protect property in cases in which it is not possible to change the pattern of human activities,
    - because failure to manage would result in more harmful impacts to park resources, or
    - to maintain human safety in cases in which it is not possible to change the pattern of human activities.
- Or, removal of individuals or parts thereof
    - is part of an NPS research project described in an approved management plan, or is part of research being conducted by others who have been issued a scientific research and collecting permit,
    - is done to provide plants or animals for restoring native populations in parks or cooperating areas without diminishing the viability of the park populations from which the individuals are taken, or
    - meets specific park management objectives.

In planning and implementing plant and animal population management actions, the Park Service will follow established planning procedures, including provisions for public review and comment. The Service will consult, as appropriate, with other federal land-management agencies, the U. S. Fish and Wildlife Service, the NOAA Fisheries, state wildlife management agencies, other appropriate state agencies, tribal governments, and others. Such consultation will address (1) the management of selected animal populations, (2) research involving the taking of animal species of management interest to these

agencies, and (3) cooperative studies and plans dealing with the public hunting and fishing of animal populations that occur across park boundaries. The Service's consultation, cooperation, and communication concerning fish and wildlife management will be consistent with Departmental policy articulated at 43 CFR Part 24. This Departmental policy recognizes the broad authorities and responsibilities of federal and state agencies with regard to the management of the nation's fish and wildlife resources, and promotes cooperative management relationships among these agencies. In particular, the policy calls on the Service to consult with state agencies on certain fish and wildlife management actions, and encourages the execution of memoranda of understanding as appropriate to ensure the conduct of programs that meet mutual objectives.

The Park Service will assess the results of managing plant and animal populations by conducting follow-up monitoring or other studies to determine the impacts of the management methods on non-targeted, as well as targeted, components of the ecosystem.

4.4.2.1 NPS Actions That Remove Native Plants and Animals

Whenever the Park Service removes native plants or animals, manages native plant or animal populations to reduce their sizes, or allows others to remove native plants or animals for an authorized purpose, the Service will seek to ensure that such removals will not cause unacceptable impacts to native resources, natural processes, or other park resources. Whenever the Service identifies a possible need for reducing the size of a park's native plant or animal population, the Service will use scientifically valid resource information obtained through consultation with technical experts, literature review, inventory, monitoring, or research to evaluate the identified need for population management, and to document it in the appropriate park management plan.

In addition, the Park Service will manage such removals to prevent them from interfering broadly with

- natural habitats, natural abundances, and natural distributions of native species and natural processes
- rare, threatened, and endangered plant or animal species or their critical habitats
- scientific study, interpretation, environmental education, appreciation of wildlife, or other public benefits
- opportunities to restore depressed populations of native species
- breeding or spawning grounds of native species

Where the need to reduce animal populations may be due to persistent human/animal conflicts, the Park Service will determine whether or not it can eliminate or mitigate the conflicts by modifying or curtailing the conflicting visitor use or other human activities. Where visitor use or other human activities cannot be modified or curtailed, the Service may directly reduce the animal population by using several animal population management techniques, either separately or together. These techniques include relocation, public hunting on lands outside the park, public hunting on lands inside the park when authorized in the establishing legislation, habitat management, predator restoration, reproductive intervention, and destruction of animals by NPS personnel or their authorized agents.

Where animal populations are reduced, destroyed animals may be left in natural areas of the park to decompose or be consumed by other organisms if there is no risk of disease transmission or other health and sanitary concerns associated with decomposition. Live animals or carcasses may be removed from parks according to the provisions of applicable laws, agreements, and regulations, including the granting of preference to Native Americans.

(See Pest Management 4.4.5. Also see Director's Order #18: Wildland Fire Management; and #60B)

4.4.2.2 Restoration of Native Plant and Animal Species

The Park Service will strive to restore extirpated native plant and animal species to parks whenever all of the following criteria are met.

- Adequate habitat to support the species either exists or can reasonably be restored in the park, and if necessary also on adjacent public lands and waters, and, once a natural population level is achieved, the population can be self- perpetuating.
- The species does not, based on an effective management plan, pose a serious threat to the safety of people in parks, park resources, or persons or property outside park boundaries.
- The genetic type used in restoration most nearly approximates the extirpated genetic type.
- The species disappeared, or was substantially diminished, as a direct or indirect result of human-induced change to the species population or to the ecosystem.
- The impacts on park management including the opportunities for enjoyment of park resources and values have been carefully considered.

Programs to restore animal species may include confining animals in small field enclosures during restoration efforts, but only until the animals have become accustomed to the new area, or they have become sufficiently established to minimize threats from predators, poaching, disease, or other factors. Programs to restore animal species may also include confining animals in cages for captive breeding to increase the number of offspring for release to the wild or to manage the population's gene pool. Programs to restore plant species may include propagating plants in greenhouses, gardens, or other confined areas to develop propagation materials (propagules) for restoration efforts or to manage a population's gene pool.

(See Restoration of Natural Systems 4.1.5)

4.4.2.3 Management of Threatened or Endangered Plants and Animals

The Park Service will survey for, protect, and strive to recover all species, native to national park system units, that are listed under the Endangered Species Act. The Service will fully meet its obligations under the NPS Organic Act and the Endangered Species Act to both proactively conserve listed species and prevent detrimental effects on these species. To meet these obligations, the Service will undertake the following actions.

- Cooperate with both the U. S. Fish and Wildlife Service and the NOAA Fisheries to ensure that NPS actions comply with the Endangered Species Act. It is particularly important that this cooperation includes the full range of activities associated with the Endangered Species Act, including consultation, conferencing, informal discussions, and securing all necessary scientific and/or recovery permits.
  - Whenever there is a disagreement about the science or effectiveness of a proposed action on behalf of the U.S. Fish and Wildlife Service, the Assistant Secretary for Fish and Wildlife and Parks will be the final authority.
  - Whenever there is a disagreement about the science or effectiveness of a proposed action by the NOAA Fisheries, the issue will be discussed at appropriate levels at the Departments of Commerce and Interior and, if necessary, referred to the Council on Environmental Quality.
- Undertake active management programs to inventory, monitor, restore, and maintain listed species' habitats, control detrimental nonnative species, manage detrimental visitor access, and reestablish extirpated populations as necessary to maintain the species and the habitats upon which they depend.
- Manage designated critical habitat and recovery areas to maintain and enhance their value for the recovery of threatened and endangered species.
- Cooperate with other agencies to ensure that the delineation of critical habitat, and/or recovery areas on park-managed lands provides needed conservation benefits to the total recovery efforts being conducted by all the participating agencies.
- Participate in the recovery planning process, including the provision of members on recovery teams and recovery implementation teams where appropriate.
- Cooperate with other agencies, states, and private entities to promote candidate conservation agreements aimed at precluding the need to list species.
- Conduct actions and allocate funding to address endangered, threatened, proposed, and candidate species.

The National Park Service will inventory, monitor, and manage state and locally listed species in a manner similar to its treatment of federally listed species, to the greatest extent possible. In addition, the Service will inventory other native species that are of special management concern to parks (such as rare, declining, sensitive, or unique species and their habitats) and will manage them to maintain their natural distribution and abundance.

The Service will determine all management actions for the protection and perpetuation of federal, state, or locally listed species through the park management planning process, and will include consultation with lead federal and state agencies as appropriate.

4.4.2.4 Management of Natural Landscapes

Natural landscapes disturbed by natural phenomena, such as landslides, earthquakes, floods, hurricanes, tornadoes, and fires, will be allowed to recover naturally unless manipulation is necessary to mitigate for excessive disturbance caused by past human effects, to preserve cultural and historic resources as appropriate based on park planning documents, or to protect park developments or the safety of people using those developments. Landscape and vegetation conditions altered by human activity may be

manipulated where the park management plan provides for restoring the lands to a natural condition. Management activities to restore human-altered landscapes may include, but are not restricted to

- removing constructed features, restoring natural topographic gradients, and revegetating with native park species on acquired inholdings and on sites from which previous development is being removed,
- restoring natural processes and conditions to areas disturbed by human activities such as fire suppression,
- rehabilitating areas disturbed by visitor use or by the removal of hazard trees, and
- maintaining open areas and meadows in situations in which they were formerly maintained by natural processes that now are altered by human activities.

Landscape revegetation efforts will use seeds, cuttings, or transplants representing species and gene pools native to the ecological portion of the park in which the restoration project is occurring. Where a natural area has become so degraded that restoration with gene pools native to the park has proven unsuccessful, improved varieties or closely related native species may be used.

Landscape restoration efforts will use geological materials and soils obtained in accordance with geological and soil resource management policies. Landscape restoration efforts may use, on a temporary basis, appropriate soil fertilizers or other soil amendments so long as that use does not unacceptably alter the physical, chemical, or biological characteristics of the soil and biological community, and does not degrade surface or groundwaters.

(See Restoration of Natural Systems 4.1.5; Cultural Landscapes 5.3.5.2)

4.4.2.5 Maintenance of Altered Plant Communities

In altered plant communities managed for a specified purpose, plantings will consist of species that are native to the park or that are historically appropriate for the period or event commemorated. Communities altered to maintain habitat for threatened or endangered species may only use native plants, and the manipulation of existing plants will be carried out in a manner designed to enhance the recovery of the threatened or endangered species, or the recovery of the natural functioning of the plant and animal community of which the endangered species is a natural part. Use of exotic plants must conform to exotic species policy. Use of nonnatural plantings in altered communities may be permitted under any of the following conditions.

- In localized, specific areas, screen plantings may be used to protect against the undesirable impacts of adjacent land uses, provided that the plantings do not result in the invasion of exotic species.
- Where necessary to preserve and protect the desired condition of specific cultural and historic resources and landscapes, plants and plant communities generally will be managed to reflect the character of the landscape that prevailed during the historic period. Efforts may be made to extend the lives of specimen trees dating

from the historic period being commemorated. An individual tree or shrub known to be of historic value that is diseased beyond recovery and has become hazardous will be removed and may be replaced. While specimen trees or shrubs that need to be perpetuated are still healthy, their own progeny will be propagated from seeds or through vegetative reproduction, such as cuttings.

- To ensure that NPS actions comply with the Endangered Species Act, the Park Service will cooperate with both the U.S. Fish and Wildlife Service and NOAA Fisheries. It is particularly important that this cooperation includes the full range of activities associated with the Endangered Species Act, including consultation, conferencing, informal discussions, and securing of all necessary scientific and/or recovery permits.
  - Whenever there is a disagreement about the science or effectiveness of a proposed action on behalf of the U.S. Fish and Wildlife Service, the Assistant Secretary for Fish and Wildlife and Parks will be the final authority.
  - Whenever there is a disagreement about the science or effectiveness of a proposed action by the NOAA Fisheries, the issue will be discussed at appropriate levels at the Departments of Commerce and Interior and, if necessary, referred to the Council on Environmental Quality.
- Where cultivated crop plants may be needed for livestock or agricultural uses that are allowed as part of the cultural landscape, authorized by federal law, or retained as a property right.
- Where needed for intensive development areas. Such plantings will use native or historic species and materials to the maximum extent possible. Certain native species may be fostered for aesthetic, interpretive, or educational purposes.

Exotic species may not be used to vegetate vista clearings in otherwise natural vegetation.

Limited, recurring use of soil fertilizers or other soil amendments may be allowed only as needed to maintain the desired condition of the altered plant community, and only where such use does not unacceptably alter the physical, chemical, or biological characteristics of the soil and biological community, and does not degrade surface or groundwaters.

(See Management of Threatened or Endangered Plants and Animals 4.4.2.3, Management of Exotic Species 4.4.4; Cultural Landscapes 5.3.5.2)

4.4.3 Harvest of Plants and Animals by the Public

Public harvesting of designated species of plants and animals, or their components, may be allowed in park units when

- hunting, trapping, subsistence use, or other harvesting is specifically authorized by statute or regulation and not subsequently prohibited by regulation,
- harvest of certain plant parts or unoccupied seashells for personal consumption or use is specifically authorized by the superintendent in accordance with 36 CFR 2. 1(c)(1),
- recreational fishing is not specifically prohibited, or
- commercial fishing is specifically authorized by statute or regulation.

Where harvesting is a discretionary activity, the Service will allow harvesting only when the monitoring requirement contained in section 4.4.2 and the criteria in section 4.4.2.1, above, have been met, and the Service has determined that the harvesting will not unacceptably impact park resources or natural processes, including the natural distributions, densities, age-class distributions, and behavior of

- harvested species,
- native species that the harvested species use for any purpose, or
- native species that use the harvested species for any purpose.

The Service will manage harvesting programs, and any associated habitat management programs intended to restore and maintain habitats supporting harvested plant or animal populations, to conform with applicable federal and state regulations and in consultation and cooperation, as appropriate, with individual states or tribal governments.

Habitat manipulation for harvested species may include the restoration of a disturbed area to its natural condition so it can become self-perpetuating, but will not include the artificial manipulation of habitat to increase the numbers of a harvested species above its natural range in population levels.

The Service may encourage the intensive harvesting of exotic species in certain situations when needed to meet park management objectives.

In some situations, the Service may stock native or exotic animals for recreational harvesting purposes, but only when

- the stocking is of fish into constructed large reservoirs or other significantly altered large water bodies and the purpose is to provide for recreational fishing, or
- such stocking is in an area that has continually been stocked by a government agency (in these situations, stocking only of the same species may be continued), or
- congressional intent for stocking is expressed in statute or a House or Senate report accompanying a statute.

The Service will not stock waters that are naturally barren of harvested aquatic species.

4.4.4 Management of Exotic Species

Exotic species will not be allowed to displace native species if displacement can be prevented.

4.4.4.1 Introduction or Maintenance of Exotic Species

In general, new exotic species will not be introduced into parks. In rare situations, an exotic species may be introduced or maintained to meet specific, identified management needs when all feasible and prudent measures to minimize the risk of harm have been taken, and

- it is a closely related race, subspecies, or hybrid of an extirpated native species, or

- it is an improved variety of a native species in situations in which the natural variety cannot survive current, human-altered environmental conditions, or
- used to control another, already-established exotic species, or made this a bullet
- it is needed to meet the desired condition of a historic resource, but only where it is noninvasive, is prevented from being invasive by such means as cultivating (for plants) or tethering, herding, or pasturing (for animals). In such cases, the exotic species used must be known to be historically significant, to have existed in the park during the park's period of historical significance, to be a contributing element to a cultural landscape, or to have been commonly used in the local area at that time, or
- it is an agricultural crop used to maintain the character of a cultural landscape, or
- it is necessary to provide for intensive visitor use in developed areas, and both of the following conditions exist:
  - available native species will not meet park management objectives, and
  - the exotic species is managed so it will not spread or become a pest on park or adjacent lands,

  or
- it is a sterile, noninvasive plant that is used temporarily for erosion control, or
- it is directed by law or expressed legislative intent.

Domestic livestock such as cattle, sheep, goats, horses, mules, burros, reindeer, and llamas are exotic species that are maintained in some parks for (1) purposes of commercial herding, pasturing, grazing, or trailing, (2) for recreational use, or (3) administrative use for maintaining the historic scene or supporting park operations. The policies applicable to the grazing of commercial domestic livestock are discussed in chapter 8, section 8.6.8. The Service will phase out the commercial grazing of livestock whenever possible, and will manage recreational and administrative uses of livestock to prevent those uses from unacceptably impacting park resources.

4.4.4.2 Removal of Exotic Species Already Present

All exotic plant and animal species not maintained to meet an identified park purpose will be managed—up to and including eradication—if (1) control is prudent and feasible, and (2) the exotic species

- interferes with natural processes and the perpetuation of natural features, native species or natural habitats
- disrupts the genetic integrity of native species
- disrupts the accurate presentation of a cultural landscape
- damages cultural resources
- significantly hampers the management of park or adjacent lands
- poses a public health hazard as advised by the U. S. Public Health Service (which includes the Centers for Disease Control and the NPS Public Health Program)
- creates a hazard to public safety

High priority will be given to managing exotic species that have, or potentially could have, a substantial impact on park resources, and that can reasonably be expected to be

successfully controllable. Lower priority will be given to exotic species that have almost no impact on park resources or that probably cannot be successfully controlled.

The decision to initiate management should be based on a determination that the species is exotic. For species determined to be exotic and where management appears to be feasible and effective, superintendents should (1) evaluate the species' current or potential impact on park resources; (2) develop and implement exotic species management plans according to established planning procedures; (3) consult, as appropriate, with federal, tribal state, and local agencies; and (4) invite public review and comment, where appropriate. Programs to manage exotic species will be designed to avoid causing significant damage to native species, natural ecological communities, natural ecological processes, cultural resources, and human health and safety.

(Also see Executive Order # 13112 (Invasive Species))

4.4.5 Pest Management

All park employees, concessioners, contractors, permittees, licensees, and visitors on all lands managed or regulated by the National Park Service will comply with NPS pest management policies.

4.4.5.1 Pests

Pests are living organisms that interfere with the purposes or management objectives of a specific site within a park, or that jeopardize human health or safety. Decisions concerning whether or not to manage a pest or pest population will be influenced by whether the pest is an exotic or a native species. Exotic pests will be managed according to both the policies in this section (4.4.5) and the exotic species policies in section 4.4.4. Native pests will be allowed to function unimpeded, except as noted below. Many fungi, insects, rodents, disease organisms, and other organisms that may be perceived as pests are, in fact, native organisms existing under natural conditions and are natural elements of the ecosystem. Also, native pests that were evident in pesticide-free times are traditional elements in park cultural settings.

The Service may control native pests to

- conserve threatened, rare, or endangered species, or unique specimens or communities
- preserve, maintain, or restore the historical integrity of cultural resources
- conserve and protect plants, animals, and facilities in developed areas
- prevent outbreaks of a pest from invading uninfested areas outside the park
- manage a human health hazard when advised to do so by the U. S. Public Health Service (which includes the Centers for Disease Control and the NPS Public Health Program), or to otherwise protect against a significant threat to human safety

4.4.5.2 Integrated Pest Management Program

The Service conducts an integrated pest management (IPM) program to reduce risks to the public, park resources, and the environment from pests and pest-related management

strategies. Integrated pest management is a decision-making process that coordinates knowledge of pest biology, the environment, and available technology to prevent unacceptable levels of pest damage, by cost-effective means, while posing the least possible risk to people, resources, and the environment.

The Service, and each park unit, will use an IPM approach to address pest issues. Proposed pest management activities must be conducted according to the IPM process prescribed in Director's Order #77–7: Integrated Pest Management. Pest issues will be reviewed on a case-by-case basis. Controversial issues, or those that have potential to negatively impact the environment, must be addressed through established planning procedures and be included in an approved park management or IPM plan. IPM procedures will be used to determine when to implement pest management actions, and which combination of strategies will be most effective for each pest situation.

Under the Service's IPM program, all pesticide use on lands managed or regulated by the Service, whether that use was authorized or unauthorized, must be reported annually.

4.4.5.3 Pesticide Use

A pesticide, as defined by the Federal Insecticide, Fungicide and Rodenticide Act, is any substance or mixture that is used in any manner to destroy, repel, or control the growth of any viral, microbial, plant, or animal pest. Except as identified in the next paragraph, all prospective users of pesticides in parks must submit pesticide use requests, which will be reviewed on a case-by-case basis, taking into account environmental effects, cost, and staffing, and other relevant considerations. The decision to incorporate a chemical, biological, or bioengineered pesticide into a management strategy will be based on a determination by a designated IPM specialist that it is necessary and that all other available options are either not acceptable or not feasible.

Insect repellents, bear deterrent sprays, and insecticides applied to persons or to livestock must conform to NPS policies and approval procedures, except pesticides used under the following conditions do not require approval:

- cleansers and disinfectants used in restrooms and restaurants
- personal insect repellents, insecticides, and bear deterrent sprays that employees or park visitors personally obtain and use to meet personal needs
- insect repellents and insecticides applied to personally owned pets and pack and saddle stock

4.4.5.4 Biological Control Agents and Bio-engineered Products

The application or release of any biocontrol agent or bioengineered product relating to pest management activities must be reviewed by designated IPM specialists in accordance with Director's Order #77-7, and conform to the exotic species policies in section 4.4.4.

4.4.5.5 Pesticide Purchase and Storage

Pesticides must not be stockpiled. No pesticides may be purchased unless they are authorized and expected to be used within one year from the date of purchase. Pesticide

storage, transport, and disposal will comply with procedures established by (1) the Environmental Protection Agency; (2) the individual states in which parks are located; and (3) Director's Order #30A: Hazardous and Solid Waste Management, Director's Order #77-1: Wetland Protection, and Director's Order 77-7.

(See Planning for Natural Resource Management 4.1.1; Genetic Resource Management Principles 4.4.1.2; Management of Exotic Species 4.4.4)

4.5 Fire Management

Wildland fire may contribute to or hinder the achievement of park management objectives. Naturally ignited wildland fire is a process that is part of many of the natural systems that are being sustained in parks. However, fires that do not meet management objectives often cause the destruction of park natural resources. Therefore, park fire management programs will be designed to meet park resource management objectives while ensuring that firefighter and public safety are not compromised. Each park with vegetation capable of burning will prepare a fire management plan and will address the need for adequate funding and staffing to support its fire management program consistent with federal law and Departmental fire management policies. The plan will be designed to guide a program that responds to the park's natural and cultural resource objectives; provides for safety considerations for park visitors, employees, neighbors, and developed facilities; and addresses potential impacts on park resources and public and private property adjacent to the park. The fire management plan will include guidance on programmatic post-fire stabilization and rehabilitation strategies commensurate with potential impacts. Environmental and cultural resource compliance documentation developed in support of the plan will consider the effects on air quality, water quality, health and safety, and natural and cultural resource management objectives. Preparation of the plan and supporting documents will include consultation and collaboration with adjacent communities, interest groups, state and federal agencies, and tribal governments, and cooperative agency status will be granted if requested by eligible adjacent communities, state and federal agencies, and tribal governments.

All fires burning in natural or landscaped vegetation in parks will be classified as either *wildfires*, *prescribed fires*, or *wildland fire use*. All wildfires will be effectively managed through application of the appropriate strategic and tactical management options consistent with federal law and Departmental fire management policies. These options will be selected after comprehensive consideration of the resource values to be protected, firefighter and public safety, costs, availability of firefighting resources, weather conditions, and the type and amount of fuel load.

Prescribed fires are those fires ignited by park managers to achieve resource management and fuel treatment objectives. Wildland fire use is the application of the appropriate management response to naturally ignited wildland fires to accomplish specific resource management objectives in predefined areas outlined in approved fire management plans. Both prescribed fire activities and wildland fire use will include monitoring programs that

record fire behavior, smoke behavior, fire decisions, and fire effects to provide information on whether specific objectives are met.

All parks will use a systematic decision-making process in compliance with Departmental policy to determine the most appropriate management strategies for wildland fire use, and for any prescribed fires that are no longer meeting resource management objectives. Management strategies will be consistent with federal law and Departmental fire management policies. Parks lacking an approved fire management plan may not use resource benefits as a primary consideration influencing the selection of a suppression strategy, but they must consider the resource impacts of suppression alternatives in their decisions. Until a plan is approved, parks must immediately suppress all wildland fires, taking into consideration park resources and values to be protected, firefighter and public safety, costs, availability of firefighting resources, weather conditions, the type and amount of fuel load, and post-fire resource stabilization and rehabilitation needs. Parks will use methods to suppress wildland fires that minimize impacts of the fire and suppression action, and are commensurate with effective control, firefighter and public safety, and resource values to be protected.

Suppression activities conducted within wilderness will be consistent with the "minimum requirement" concept identified in chapter 6 and Director's Order #41: Wilderness Stewardship.

(See General Management Concepts 4.1; Partnerships 4.1.4; Restoration of Natural Systems 4.1.5; Air Resource Management 4.7; Fire Detection, Suppression, and Post- fire Rehabilitation and Protection 5.3.1.2; Fire Management 6.3.9; Visitor Safety 8.2.5.1; Structural Fire Protection and Suppression 9.1.8. Also see Director's Order #18: Wildland Fire Management)

4.6 Water Resource Management

4.6.1 Protection of Surface Waters and Groundwaters

The Service will manage to perpetuate surface waters and groundwaters as integral components of park aquatic and terrestrial ecosystems.

4.6.2 Water Rights

Water for the preservation and management of the national park system will be obtained and used in accordance with legal authorities. The Service will consider all available authorities on a case-by-case basis and will pursue those that are the most appropriate to protect water-related resources in parks. While preserving its legal remedies, the Service will work cooperatively with state water administrators to protect park resources, while respecting all other legal uses of water. The Service will use the principles of cooperation, consultation, and communication in the conservation of water resources during negotiations that seek the resolution of conflicts among multiple water claimants. Water essential for NPS needs will be purchased if it is not otherwise available. NPS consumptive use of water will be efficient and frugal, especially in water-scarce areas.

In most instances, all rights to the use of water diverted from or used on federal lands within the national park system by the United States or its concessioners, lessors, or permittees will be perfected in the name of the United States subject to existing rights.

Park waters— either surface waters or groundwater—may be withdrawn for consumptive use only when such withdrawal is absolutely necessary for the use and management of the park. All park water withdrawn for domestic or administrative uses will be returned to the park watershed system once it has been treated to a degree that ensures that there will be no impairment of park resources.

The Service may enter into contracts providing for the sale or lease of water to persons, and states (and their political subdivisions) that provide public accommodations or services for park visitors outside the park, but within the immediate vicinity of a park, and that have no reasonable alternative sources of water. The Service will authorize such contracts only if the water transfer does not jeopardize or unduly interfere with the natural or cultural resources of the park and the government's costs are fully recovered. The Service will generally authorize only short-term, truly emergency, sales or leases of water. The Service will follow the requirements and procedures of Director's Orders #35A and #35B when considering the sale or lease of park water.

(See Decision- making Requirements to Avoid Impairments 1.4.7; External Threats to Park Resources and Values 1.5; Management of Native Plants and Animals 4.4.2)

4.6.3 Water Quality

The pollution of surface waters and groundwaters by both point and nonpoint sources may impair the natural functioning of aquatic and terrestrial ecosystems and diminish the utility of park waters for visitor use and enjoyment. The Service will determine the quality of park surface and groundwater resources and avoid, whenever possible, the pollution of park waters from any source. The Service will

- work with appropriate governmental bodies to obtain the highest possible standards available under the Clean Water Act for the protection for park waters
- take all necessary actions to maintain or restore the quality of surface waters and groundwaters within the parks consistent with the Clean Water Act and all other applicable federal, state, and local laws and regulations
- enter into agreements with other agencies and governing bodies, as appropriate, to secure their cooperation in maintaining or restoring the quality of park water resources

(See Pest Management 4.4.5; Soil Resource Management 4.8.2.4; Backcountry Use 8.2.2.4; Mineral Exploration and Development 8.7; Grazing by Domestic and Feral Livestock 8.6.8; Water Supply Systems 9.1.5.1; Wastewater Treatment Systems 9.1.5.2; Waste Management and Contaminant Issues 9.1.6; Facilities for Water Recreation 9.3.4.2. Also see Director's Order #83: Public Health Programs)

4.6.4 Floodplains

In managing floodplains on park lands, the National Park Service will (1) manage for the preservation of floodplain values; (2) minimize potentially hazardous conditions associated with flooding; and (3) comply with the NPS Organic Act and all other federal laws and executive orders related to the management of activities in flood-prone areas, including Executive Order 11988: Floodplain Management, the National Environmental Policy Act, applicable provisions of the Clean Water Act, and the Rivers and Harbors Appropriation Act of 1899. Specifically, the Service will

- protect, preserve, and when practicable restore the natural resources and functions of floodplains
- avoid the long- and short-term environmental effects associated with the occupancy and modification of floodplains
- avoid direct and indirect support of floodplain development and actions that could adversely impact the natural resources and functions of floodplains or increase flood risks

When it is not practicable to locate or relocate development or activities to a site outside and not affecting the floodplain, the Service will

- prepare and approve a statement of findings, in accordance with procedures described in Director's Order 77-2: Floodplain Management
- use nonstructural measures as much as practicable to reduce hazards to human life and property while minimizing the impact on the natural resources of floodplains
- ensure that structures and facilities are designed to be consistent with the intent of the standards and criteria of the National Flood Insurance Program (44 CFR Part 60)

(See Siting Facilities to Avoid Natural Hazards 9.1.1.6)

4.6.5 Wetlands

The Service will manage wetlands in compliance with NPS mandates and the requirements of Executive Order 11990: Wetland Protection, the Clean Water Act, the Rivers and Harbors Appropriation Act of 1899, and the procedures described in Director's Order 77-1: Wetland Protection. The Service will (1) provide leadership and take action to prevent the destruction, loss, or degradation of wetlands; (2) preserve and enhance the natural and beneficial values of wetlands; and (3) avoid direct and indirect support of new construction in wetlands unless there are no practicable alternatives and the proposed action includes all practicable measures to minimize harm to wetlands.

The Service will implement a "no net loss of wetlands" policy. In addition, the Service will strive to achieve a longer-term goal of increasing wetlands across the national park system through restoration of previously degraded or destroyed wetlands, consistent with federal statutes, policies, and Executive Order 11990.

When natural wetland characteristics or functions have been degraded or lost due to previous or ongoing human actions, the Service will, to the extent practicable, restore them to natural conditions.

The Service will conduct or obtain parkwide wetland inventories to help ensure proper planning with respect to the management and protection of wetland resources. Additional, more detailed wetland inventories will be conducted in areas proposed for development or otherwise susceptible to degradation or loss due to human activities.

When practicable, the Service will not simply preserve, but will seek to enhance, natural wetland values by using them for educational, recreational, scientific, and similar purposes that do not disrupt natural wetland functions.

For proposed new development or other new activities, plans, or programs that are either located in wetlands, or otherwise have the potential for direct or indirect adverse impacts on wetlands, the Service will employ the following sequence:

- Avoid adverse wetland impacts to the extent practicable.
- Minimize impacts that cannot be avoided.
- Compensate for remaining unavoidable adverse wetland impacts by restoring wetlands that have been previously destroyed or degraded.

Compensation for wetland impacts or losses will require that at least 1 acre of wetlands of similar quality and function be restored (which is preferred) or created for each acre destroyed or degraded.

Actions proposed by the Park Service that have the potential to cause adverse impacts on wetlands must be addressed in an environmental assessment or an environmental impact statement. If the preferred alternative will result in adverse impacts on wetlands, a statement of findings must be prepared and approved in accordance with Director's Order #77-1.

(See Decision-making Requirements to Avoid Impairments 1.4.7; Siting Facilities to Avoid Natural Hazards 9.1.1.6)

4.6.6 Watershed and Stream Processes

The Park Service will to the extent possible manage watersheds as complete hydrologic systems, and will minimize unnatural disturbance to the natural upland processes that deliver water, sediment, and woody debris to streams. These processes include runoff, erosion, and disturbance to vegetation and soil caused by fire, insects, meteorological events, and mass movements. The Service will manage streams to protect stream processes that create habitat features such as floodplains, riparian systems, woody debris accumulations, terraces, gravel bars, riffles, and pools. Stream processes include flooding, stream migration, and associated erosion and deposition.

The Service will achieve the protection of watershed and stream features primarily by avoiding impacts to watershed and riparian vegetation, and by allowing natural fluvial processes to proceed unimpeded. When conflicts between infrastructure (such as bridges and pipeline crossings) and stream processes are unavoidable, NPS managers will first consider relocating or redesigning facilities, rather than manipulating streams. Where stream manipulation is unavoidable, managers will use techniques that are visually nonobtrusive and that protect natural processes to the greatest extent practicable.

(See Floodplains 4.6.4; Shorelines and Barrier Islands; 4.8.1.1; Facility Planning and Design 9.1.1. Also see "Unified Federal Policy for a Watershed Approach to Federal Land and Resource Management," 65 FR 62566, October 18, 2000)

4.7 Air Resource Management

4.7.1 Air Quality

The National Park Service has a responsibility to protect air quality under both the 1916 Organic Act and the Clean Air Act (CAA). Accordingly, the Service will seek to perpetuate the best possible air quality in parks to protect (1) natural resources and systems; (2) cultural resources; and (3) public enjoyment, human health, and scenic vistas. Vegetation, visibility, water quality, wildlife, historic and prehistoric structures and objects, cultural landscapes, and other elements of a park environment may be sensitive to air pollution. Such air-pollution-sensitive resources are referred to as "air quality-related values." The Service will assume an aggressive role in promoting and pursuing measures to protect these values from the adverse impacts of air pollution. In cases of doubt as to the impacts of existing or potential air pollution on park resources, the Service will err on the side of protecting air quality and related values for future generations.

Superintendents will take actions consistent with their affirmative responsibilities under the Clean Air Act to protect air-quality-related values in Class I areas. Class I areas are national parks over 6,000 acres and national wilderness areas over 5,000 acres that were in existence on August 7, 1977. The act establishes a national goal of preventing any future, and remedying any existing, human-made visibility impairment in Class I areas. The Service supports that goal, and will work cooperatively with the Environmental Protection Agency and state and tribal regulatory agencies within the requirements of the Clean Air Act to help achieve this national goal.

The Clean Air Act also recognizes the importance of integral vistas, which are those views perceived from within Class I areas of a specific landmark or panorama outside the boundary of the Class I area. Integral vistas have been identified by the Park Service and are listed in *Natural Resources Reference Manual 77*. There are no regulations requiring special protection of these integral vistas, but the Service will strive to protect these park-related resources through cooperative means.

Although the Clean Air Act gives the highest level of air quality protection to Class I areas, it provides many opportunities for the Service to participate in the development of

pollution control programs to preserve, protect, and enhance the air quality of all units of the national park system. Regardless of Class I designation, the Service will take advantage of these opportunities and work cooperatively to achieve the CAA goals. Air resource management requirements will be integrated into NPS operations and planning, and all air pollution sources within parks—including prescribed fire, wildland fire use management, and visitor use activities—will comply with all federal, state, and local air quality regulations and permitting requirements. Superintendents will make reasonable efforts to notify visitors and employees when air pollution concentrations within an area exceed the national or state air quality standards established to protect public health. Furthermore, because the current and future quality of park air resources depends heavily on the actions of others, the Service will acquire the information needed to effectively and cooperatively participate in decision making that affects park air quality. The Service will

- inventory the air quality-related values associated with each park
- monitor and document the condition of air quality and related values
- evaluate air pollution impacts, and identify causes
- minimize air quality pollution emissions associated with park operations, including the use of prescribed fire and wildland fire use and visitor use activities
- ensure healthful indoor air quality in NPS facilities

External programs needed to remedy existing and prevent future adverse impacts on park resources and values from human-caused air pollution will be pursued by the Service's cooperation and participation in the development of federal, state, and local air pollution control plans and regulations. Permit applications for major new air pollution sources will be reviewed, and potential impacts will be assessed. If the Service determines that any such new source might cause or contribute to an adverse impact on air-quality-related values, the Service will work cooperatively with the permitting authority to secure technological solutions or other measures to eliminate the adverse impact. If these efforts do not succeed, then the Service will recommend that the Assistant Secretary for Fish and Wildlife and Parks, who serves as the federal land manager for park units under the Clean Air Act, recommend to the permitting authority that the construction permit be denied or modified to eliminate the adverse impact. The public understanding of air quality issues and the positive role and efforts of the Service toward improving the air quality in parks will be promoted through educational and interpretive programs.

(See External Threats and Opportunities 1.5; Fire Management 4.5; Environmental Monitoring and Control 5.3.1.4; Resource Issue Interpretation and Education 7.5.3; Visitor Safety and Emergency Response 8.2.5; Energy Management 9.1.7)

4.7.2 Weather and Climate

Parks containing significant natural resources will gather and maintain baseline climatological data for perpetual reference.

Because any human activities that modify weather have the potential to alter the natural conditions in parks, the Service will not conduct intentional weather modification activities, and will through cooperation, consultation and communication seek to prevent

intentional weather modification activities conducted by others that affect park weather, climate, and resources.

(See NPS- conducted or NPS- sponsored Inventory, Monitoring, and Research Studies 4.2.1; Miscellaneous Management Facilities 9.4.5)

4.8 Geologic Resource Management

The Service will preserve and protect geologic resources as integral components of park natural systems. As used here, the term "geologic resources" includes both geologic features and geologic processes. The Service will (1) assess the impacts of natural processes and human activities on geologic resources; (2) maintain and when practicable, restore the integrity of existing geologic resources; (3) integrate geologic resource management into NPS operations and planning; and (4) interpret geologic resources for park visitors.

4.8.1 Protection of Geologic Processes

The Service will to the greatest extent possible allow natural geologic processes to proceed unimpeded. Geologic processes are the natural, physical, and chemical forces that act within natural systems, as well as upon human developments, across a broad spectrum of space and time. Such processes include, but are not limited to, exfoliation, erosion and sedimentation, glaciation, karst processes, shoreline processes, and seismic and volcanic activity. Geologic processes will be addressed during planning and other management activities in an effort to reduce hazards that can threaten the safety of park visitors and staff and the long-term viability of the park infrastructure.

Intervention in natural geologic processes will be permitted only when

- directed by Congress,
- necessary in emergencies that threaten human life and property,
- there is no other feasible way to protect natural resources, park facilities, or historic properties, or
- intervention is necessary to restore impacted conditions and processes, such as restoring habitat for threatened or endangered species.

4.8.1.1 Shorelines and Barrier Islands

Natural shoreline processes (such as erosion, deposition, dune formation, overwash, inlet formation, and shoreline migration) will be allowed to continue without interference.

Where unnatural activities or structures have altered the nature or rate of natural shoreline processes, and especially when the park shoreline is part of a larger system, the Service will, in consultation with appropriate state and federal agencies, investigate alternatives for mitigating the effects of such activities or structures and for restoring a more natural condition. The Service will comply with the provisions of Executive Order 11988: Floodplain Management and state coastal zone management plans prepared under the Coastal Zone Management Act of 1972.

Any shoreline manipulation measures proposed to protect cultural resources may be approved only after an analysis of the degree to which such measures would impact natural resources and processes, so that an informed decision can be made through an assessment of alternatives.

Where erosion control is required by law, or where present developments must be protected to achieve park management objectives, including high density visitor use, the Service will use the most effective method feasible to achieve a naturally appearing result, while minimizing impacts outside the target area.

New developments will not be placed in areas subject to wave erosion or active shoreline processes unless (1) the development is required by law; or (2) the development is essential to meet the park's purposes, as defined by its establishing act or proclamation, and

- no practicable alternative locations are available
- the development will be reasonably assured of surviving during its planned life span, without the need for shoreline control measures
- steps will be taken to minimize safety hazards and harm to property and natural resources

(See Floodplains 4.6.4; Cultural Resources Chapter 5; Siting Facilities to Avoid Natural Hazards 9.1.1.6. Also see Director's Order #77-2: Floodplain Management)

4.8.1.2 Karst

The Service will manage karst terrain to maintain the inherent integrity of its water quality, spring flow, drainage patterns, and caves. Karst processes (the processes by which water dissolves soluble rock such as limestone) create areas typified by sinkholes, underground streams, caves, and springs.

Local and regional hydrological systems resulting from karst processes can be directly influenced by surface land use practices. If existing or proposed developments do or will significantly alter or adversely impact karst processes, these impacts will be mitigated. Where practicable, these developments will be placed where they will not have an effect on the karst system.

4.8.1.3 Geologic Hazards

Naturally occurring geologic processes, which the Park Service is charged to preserve unimpaired, can be hazardous to humans and park infrastructure. These include earthquakes, volcanic eruptions, mudflows, landslides, floods, shoreline processes, tsunamis, and avalanches. The Service will work closely with specialists at the U. S. Geological Survey and elsewhere, and with local, state, federal, and tribal disaster management officials, to devise effective geologic hazard identification and management strategies. Although the magnitude and timing of future geologic hazards are difficult to forecast, park managers will strive to understand future hazards and, once the hazards are understood, minimize their potential impact on visitors, staff, and developed areas. Before

interfering with natural processes that are potentially hazardous, superintendents will consider alternatives, such as developing an early warning system, relocating facilities, or closing an area to visitors. The Service will try to avoid placing new visitor and other facilities in geologically hazardous areas. Superintendents will examine the feasibility of phasing out, relocating, or providing alternative facilities for park developments subject to hazardous processes, consistent with other sections of these management policies.

(See Siting Facilities to Avoid Natural Hazards 9.1.1.6)

4.8.2 Management of Geologic Features

The Service will protect geologic features from unacceptable adverse impacts, while allowing natural processes to continue. The term "geologic features" describes the products and physical components of geologic processes. Examples of geologic features in parks include rocks, soils, and minerals; geysers and hot springs in geothermal systems; cave and karst systems; canyons and arches in erosional landscapes; sand dunes, moraines, and terraces in depositional landscapes; dramatic or unusual rock outcrops and formations; and paleontological and paleoecological resources such as fossilized plants or animals or their traces.

4.8.2.1 Paleontological Resources and Their Contexts

Paleontological resources, including both organic and mineralized remains in body or trace form, will be protected, preserved, and managed for public education, interpretation, and scientific research. The Service will study and manage paleontological resources in their paleoecological context (that is, in terms of the geologic data associated with a particular fossil that provides information about the ancient environment).

Superintendents will establish programs to inventory paleontological resources and systematically monitor for newly exposed fossils, especially in areas of rapid erosion. Scientifically significant resources will be protected by collection or by on-site protection and stabilization. The Service will encourage and help the academic community to conduct paleontological field research in accordance with the terms of a scientific research and collecting permit. Fossil localities and associated geologic data will be adequately documented when specimens are collected. Paleontological resources found in an archeological context are also subject to the policies for archeological resources. Paleontological specimens that are to be retained permanently are subject to the policies for museum objects.

The Service will take appropriate action to prevent damage to and unauthorized collection of fossils. To protect paleontological resources from harm, theft, or destruction, the Service will ensure, when necessary, that information about the nature and specific location of these resources remains confidential, in accordance with the National Parks Omnibus Management Act of 1998.

Parks will only exchange fossil specimens with other museums and public institutions dedicated to the preservation and interpretation of natural heritage and qualified to manage museum collections. Fossils to be deaccessioned in an exchange must fall outside of the

park's scope of collection statement. Exchanges must follow deaccession procedures in the NPS *Museum Handbook*, Part II, chapter 6.

The sale of original paleontological specimens is prohibited in parks.

The Service generally will avoid purchasing fossil specimens. Casts or replicas should be acquired instead. A park may purchase fossil specimens for the park museum collection only after making a written determination that

- the specimens are scientifically significant, and are accompanied by detailed locality data and pertinent contextual data,
- the specimens were legally removed from their site of origin, and all transfers of ownership have been legal,
- the preparation of the specimens meets professional standards,
- the alternatives for making these specimens available to science and the public are unlikely, and
- acquisition is consistent with the park's enabling legislation and "Scope of Collection Statement," and will ensure the specimens' availability in perpetuity for public education and scientific research.

All NPS construction projects in areas with potential paleontological resources must be preceded by a preconstruction surface assessment prior to disturbance. For any occurrences noted, or when the site may yield paleontological resources, the site will be avoided, or the resources will, if necessary, be collected and properly cared for before the initiation of the construction disturbance. Areas with potential paleontological resources must also be monitored during construction projects.

(See Natural Resource Information 4.1.2; Studies and Collections 4.2; Independent Research 5.1.2; Artifacts and Specimens 10.2.4.5. Also see 36 CFR 2.5)

4.8.2.2 Caves

As used here, the term "caves" includes karst, such as limestone and gypsum caves, and non-karst caves, such as lava tubes, littoral caves, and talus caves. The Service will manage caves in accordance with approved cave management plans to perpetuate the natural systems associated with the caves, such as karst and other drainage patterns, air flows, mineral deposition, and plant and animal communities. Wilderness and cultural resources and values will also be protected.

No developments or uses, including those that allow for general public entry, such as pathways, lighting, and elevator shafts, will be allowed in, above, or adjacent to caves until it can be demonstrated that they will not unacceptably impact natural cave resources and conditions, including subsurface water movements, and that access will not result in unacceptable risks to public safety. Developments already in place above caves will be removed if they are impairing or threatening to impair natural conditions or resources.

Parks will strive to close caves or portions of caves to public use, or to manage such use, when such actions are required for the protection of cave resources or for human safety. Some caves or portions of caves may be managed exclusively for research, with access limited to permitted research personnel. All recreational use of undeveloped caves will be governed by a permit system. "Significant" caves will be identified using the criteria established in the 43 CFR Part 37 regulations for the Federal Cave Resources Protection Act of 1988 (FCRPA). As further established by the act, specific locations of significant cave entrances may be kept confidential and exempted from Freedom of Information Act requests.

(See Decision- making Requirements to Avoid Impairments 1.4.7; Information Confidentiality 1.7.3; Caves 6.3.11.2)

4.8.2.3 Geothermal and Hydrothermal Resources

Thermal resources, also known as geothermal or hydrothermal systems, are comprised of a subsurface heat source, heat conduit rock formations, and air and/or water that circulates through the formations and may discharge at the surface, creating features such as geysers, hot springs, mudpots, fumaroles, unique/rare mineral precipitates and formations, and hydrophilic biotic communities. Thermal resources in units of the national park system will be protected, preserved, and managed as a critical component of the units' natural resource systems, and for public education, interpretation, and scientific research.

Superintendents will strive to maintain the natural integrity of thermal systems, including the movement of air and/or water through the heated rock, cold water recharge, the proximity of the hot and warm water to the heat source, and the hydrostatic pressure and elevated temperature.

Superintendents will work to prevent unacceptable adverse impacts caused by the development of thermal resources. Such impacts include the loss of surface thermal features, land subsidence, an increase in seismic activity, the release of noxious gases, noise and surface disturbance from drilling or power plant construction, and the release of polluted water or brines. Because thermal systems may extend well beyond park boundaries, the Service will work through cooperative consultation and communication with tribes, federal agencies, states, and local governments to delineate the full extent of thermal resources, and to protect those that occur within parks. In protecting park thermal resources, superintendents should consider authorities available under the Geothermal Steam Act of 1970, as amended; state water rights; and mineral leasing laws.

As required by the Geothermal Steam Act, the Service will maintain a list of significant thermal features within park units. The criteria and procedures for designating significant thermal resources within parks are specified within the Geothermal Steam Act Amendments of 1988. In cooperation with the U. S. Geological Survey, the Park Service will conduct a monitoring program for the designated significant thermal features.

4.8.2.4 Soil Resource Management

The Service will actively seek to understand and preserve the soil resources of parks, and to prevent, to the extent possible, the unnatural erosion, physical removal, or contamination of the soil, or its contamination of other resources. Parks will obtain adequate soil surveys for the management of park resources. All soil surveys will follow National Cooperative Soil Survey Standards. Products will include soil maps, determinations of the physical and chemical characteristics of soils, and the interpretations needed to guide resource management and development decisions.

Management action will be taken by superintendents to prevent—or if that is not possible, to minimize—adverse, potentially irreversible impacts on soils. Soil conservation and soil amendment practices may be implemented to reduce impacts. Importation of off-site soil or soil amendments may be used to restore damaged sites. Off-site soil normally will be salvaged soil, not soil removed from pristine sites, unless the use of pristine site soil can be achieved without causing any overall resource impairment. Before using any off-site materials, parks must develop a prescription, and select the materials that will be needed to restore the physical, chemical, and biological characteristics of original native soils without introducing any exotic species.

When soil excavation is an unavoidable part of an approved facility development project, the Service will minimize soil excavation, erosion, and off-site soil migration during and after the development activity.

When use of a soil fertilizer or other soil amendment is an unavoidable part of restoring a natural landscape or maintaining an altered plant community, the use will be guided by a written prescription. The prescription will be designed to ensure that such use of soil fertilizer or soil amendment does not unacceptably alter the physical, chemical, or biological characteristics of the soil, biological community, or surface or groundwaters.

(See Evaluating Environmental Impacts 4.1.3; Natural Re source Collections 4.2.3; Floodplains 4.6.4; Wetlands 4.6.5; Facility Planning and Design 9.1.1)

4.9 Soundscape Management

The natural soundscape of a park is the aggregate of all the natural sounds that occur in that park, together with the physical capacity for transmitting natural sounds. Natural sounds occur within and beyond the range of sounds that humans can perceive, and can be transmitted through air, water, or solid materials. Since sound is a physical phenomenon, the soundscape of a park can be objectively quantified by direct recordings, measurements, or both. Some natural sounds in the natural soundscape are also part of the biological or other physical resource components of the park. Examples of such natural sounds include

- sounds produced by birds, frogs, or katydids to define territories or aid in attracting mates
- sounds produced by bats or porpoises to locate prey or navigate
- sounds received by mice or deer to detect and avoid predators or other danger

- sounds produced by physical processes, such as wind in the trees, claps of thunder, or falling water

The Service will restore degraded soundscapes to the natural condition wherever practicable, and will protect natural soundscapes from degradation due to unacceptable noise. Whether or not a particular sound reaches a level where it would be characterized as "noise" depends on various factors including source, magnitude, intensity, frequency, and duration. Because noise can impact both park resources and visitor experiences, noise management is an integral component of overall park management. With respect to park visitors, what constitutes unacceptable noise will depend on visitor sensitivities and expectations.

Using appropriate management planning, superintendents will identify what level of noise is consistent with the park's enabling legislation or proclamation and the management objectives of the park. What is an acceptable noise level will vary throughout any given park and among parks, being generally greater in developed areas and generally less in undeveloped areas and similarly, generally greater in urban areas and less in rural or remote areas. The Service, through cooperation, consultation, and communication, will take action to prevent or minimize all noise that, through frequency, magnitude, or duration, unacceptably impacts the natural soundscape or other park resources or values.

(See Use of Motorized Equipment 8.2.3; Overflights and Aviation Uses 8.4)

4.10 Lightscape Management

The Service will preserve, to the greatest extent practicable, the natural lightscapes of parks, which are natural resources and values enjoyed by many visitors. The absence of light in caves and at the bottom of deep bodies of water influences biological processes and the evolution of species, such as the blind cave cricket. The phosphorescence of waves on dark nights helps hatchling sea turtles orient to the ocean. The stars, planets, and earth's moon that are visible during clear nights influence humans and many other species of animals, such as birds that navigate by the stars or prey animals that reduce their activities during moonlit nights.

Since improper outdoor lighting can impede the view and visitor enjoyment of a natural dark night sky, and recognizing the roles that light and dark periods and darkness play in natural resource processes, the Service will protect natural darkness and other components of the natural lightscape in parks. To prevent the loss of dark conditions and of natural night skies, the Service will minimize light pollution from park facilities, and also seek the cooperation of park visitors, neighbors, and local government agencies to prevent or minimize the intrusion of artificial light into the night scene of park units. The Service will not use artificial lighting in areas such as sea turtle nesting locations, where the presence of the artificial lighting will disrupt dark-dependent natural biological resource components of a park.

The Service will

- restrict the use of artificial lighting in parks to those areas where security, basic human safety, and specific cultural resource requirements must be met
- use minimal impact lighting techniques
- shield the use of artificial lighting where necessary to prevent the disruption of the night sky, natural cave processes, physiological processes of living organisms, and similar natural processes

The decision about whether or not to install artificial lighting in particular circumstances is left to the discretion of the superintendent, who will follow an appropriate planning process.

(See Visitor Safety and Emergency Response 8.2.5, Facility Planning and Design 9.1.1; Integration of Facilities into the Park Environment 9.1.1.2; Energy Management 9.1.7)

4.11 Chemical Information and Odors

Chemical information and odors are naturally produced and chemically based, and transmit information that is received by living organisms. Natural chemicals involved in the transmission of information are released by animals, plants, and geologic materials. Once released, these chemicals can be transmitted through air and water. Many animals can perceive these natural chemicals and modify their behaviors, such as mating, migration, feeding, predator avoidance, prey selection, and the establishment of social structures, as a response. Specific examples of relationships that involve natural chemical information and odors include, among others,

- scent posts where one animal deposits one or more chemicals by rubbing, urination, defecation, or other means, and where other animals can detect the passage of the first animal because of the odor produced by a deposited chemical
- flowers that produce odors that attract insects, birds, and other animals, with resulting cross-pollination of the flowers and reproduction of the species as the outcome
- female insects that release chemicals (pheromones) that attract males, with fertilization of the female's eggs and reproduction of the species as the outcome
- stressed trees that emit chemicals that some types of beetles use to find weakened trees, which they then successfully can colonize and use as habitat for reproducing themselves
- geologic materials (soils or bedrock) that emit characteristic chemicals that fish can sense and use as guides to find the places in streams where they hatched and where they subsequently return to breed and deposit fertilized eggs, with reproduction of the species as the outcome

The Service will preserve, to the greatest extent reasonable and practicable, the natural flow of natural chemical information and odors, by preventing or mitigating (1) the release of human-generated chemicals that can block the release, deposition, or perception of natural chemicals; and (2) unnatural actions that disrupt or commingle the pathways through which natural chemicals are dispersed.

The Service acknowledges that some of its management activities may necessarily alter the natural flow of natural chemical information and odors. The Service may, for example,

- introduce pesticides or pheromones into parks as part of an integrated pest management program
- construct and operate intensive development areas that eliminate animal scent stations and introduce unnatural chemicals
- change the vegetation and thereby change the kinds of natural plant chemicals released to the air
- move water from one drainage to another through water and sewer systems
- provide for the use of exhaust-emitting motors in the air, on land, and on water

When the Service engages in activities that disrupt the natural flow of natural chemical information or odors, it will comply with all applicable laws, regulations, and policies, and seek to minimize harm to the environment. In no case will the Service engage in an activity if it will impair park resources or values.

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CHAPTER 5: CULTURAL RESOURCE MANAGEMENT

[**Cover page summary statement.]** The National Park Service will preserve and foster appreciation of the cultural resources in its custody, and will demonstrate its respect for the peoples traditionally associated with those resources, through appropriate programs of research, planning, and stewardship.

Chapter 5: Cultural Resource Management

The National Park Service is the steward of many of America's most important cultural resources. These resources are categorized as archeological resources, cultural landscapes, ethnographic resources, historic and prehistoric structures, and museum collections. The Service's cultural resource management program involves

- research to identify, evaluate, document, register, and establish basic information about cultural resources and traditionally associated[1] peoples
- planning to ensure that management processes for making decisions and setting priorities integrate information about cultural resources, and provide for cooperation, consultation, communication, and collaboration with outside entities
- stewardship to ensure that cultural resources are preserved and protected, receive appropriate treatments (including maintenance), and are made available for public understanding and enjoyment

The cultural resource management policies of the National Park Service are derived from a suite of historic preservation, environmental, and other laws, proclamations, executive orders, and regulations. A comprehensive list can be found in the *Cultural Resource Management Handbook* issued pursuant to Director's Order #28. Taken collectively, they provide the Service with the authority and responsibility for managing cultural resources in every unit of the national park system so that those resources may be preserved unimpaired for future generations. Cultural resource management will be carried out in a manner consistent with these legislative and regulatory provisions, and with implementing policies and procedures such as the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 Federal Register 44716-740, or 48 FR 44716-*

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[1] 1 For purposes of these *Management Policies,* social/ cultural entities such as tribes, communities, and kinship units are "traditionally associated" with a particular park when

- the entity regards the park's resources as essential to its development and continued identity as a culturally distinct people; and
- the association has endured for at least two generations (40 years); and
- the association began prior to the establishment of the park.

See "Evaluation and Categorization" 5.1.3.2; and "Ethnographic Resources" in the *Cultural Resource Management Handbook.*

740), and Standards and Guide lines for Federal Agency Historic Preservation Programs Pursuant to the National Historic Preservation Act (63 FR 20497-508).

Park superintendents and appropriately qualified cultural resource professionals will work together to carry out the Service's cultural resource management program. Other NPS staff and volunteers participating in cultural resource research, planning, and stewardship activities will be supervised by fully qualified cultural resource professionals of the appropriate disciplines. Law enforcement professionals will consult with fully qualified cultural resource professionals of the appropriate disciplines when investigating cultural resource crimes.

Park superintendents and cultural resource professionals will ensure that research about and stewardship of cultural resources are carried out only after adequate planning and consultation, cooperation, and communication with interested or affected individuals, groups, and other outside entities.

(See Decision-making Requirements to Avoid Impairments 1.4.7. Also see NHPA [16 USC 470h- 4]; Secretary of the Interior's Professional Qualification Standards [48 FR 44738-44739]; Employee Training and Development Planning and Tracking Kit [1996])

5.1 Research

5.1.1 National Park Service Research

The National Park Service will conduct a vigorous interdisciplinary program of research into the cultural resources of each park. The principal goals of such research will be to

- ensure a systematic, adequate, and current information base representing the park's cultural resources and traditionally associated peoples, in support of planning, management, and operations
- ensure appropriate protection, preservation, treatment, and interpretation of cultural resources, employing the best current scholarship
- develop approaches for managing park cultural and natural resources that ensure consideration of the views held by traditionally associated peoples and others, by emphasizing the principles of civic engagement including conservation through cooperation, consultation, and communication
- collect data on subsistence and other consumptive uses of park resources to reach informed decisions
- develop appropriate technologies and methods for monitoring, protecting, preserving, conserving, and treating cultural resources

Adequate research to support informed planning and compliance with legal requirements will precede any final decisions about the treatment of cultural resources, or about park operations, development, and natural resource management activities that might affect cultural resources. Research will be periodically updated to reflect changing issues, sources, and methods. Research needs will be identified and justified in a park's approved resource management plan.

A written scope of work, research design, project agreement, proposal, or other description of work to be performed will be prepared and approved before any research is conducted. All archeological research, whether for inventory, data recovery, or other purposes, must comply with the Archaeological Resources Protection Act of 1979 (ARPA), the Antiquities Act, and the Native American Graves Protection and Repatriation Act (NAGPRA), as applicable. The National Park Service will not take or allow any action that reduces the research potential of cultural resources without first performing an appropriate level of research, consultation, and documentation. Because research involving physical intervention into cultural resources or the removal of objects or specimens is a destructive process entailing an irretrievable commitment of the resources, and affecting traditional practices associated with the resources, research in parks will employ nondestructive methods to the maximum extent feasible.

The features of sites, landscapes, and structures will be left in place unless impracticable. Field data, objects, specimens, and features of sites and structures retrieved for preservation during cultural resource research and treatment projects, together with associated records and reports, will be managed within the park museum collection stored in NPS or non-NPS repositories, as appropriate, including repositories maintained by partners.

Research conducted by NPS personnel, contractors, and cooperative researchers will be subjected to peer review both inside and outside the Service to ensure that it meets professional standards, reflects current scholarship, and adheres to the principles of conduct for the appropriate discipline. The data and knowledge acquired through research will be recorded on permanent and durable (long-lived) media, documented in the appropriate Servicewide databases, and placed permanently in park museum and library collections and park files. This information will be made widely available and be incorporated, as appropriate, into park planning documents, exhibits, and interpretive programs. As appropriate, information will be shared with proper state and tribal historic preservation offices and certified local governments.

Certain research data may be withheld from public disclosure to protect sensitive or confidential information about archeological, historic, or other NPS resources when doing so would be consistent with the Freedom of Information Act. In many circumstances, this will allow the Park Service to withhold information about ethnographic resources.

(See Park Planning Processes 2.3; Studies and Collections 4.2; Confidentiality 5.2.3; Research 7.5.4; Native American Use 8.5. Also see 36 CFR Parts 79 and 800; 43 CFR Parts 3, 7, and 10; NHPA; Secretary of the Interior's Standards and Guidelines for Preservation Planning [48 FR 44716-720]; Secretary of the Interior's Standards and Guidelines for Historical Documentation [48 FR 44728-730]; Director's Order #28: Cultural Resource Management; Cultural Resource Management Handbook 28)

5.1.2 Independent Research

The National Park Service will encourage and support relationships with individuals and organizations qualified to perform research, and encourage them to direct their research

toward park management objectives and the broader contexts within which park resources exist. The Park Service will encourage independent researchers to follow the Secretary of the Interior's standards and guidelines and those of the Service to the fullest extent possible, and will require that the views of traditionally associated peoples be fully considered.

Research that includes taking plants, fish, wildlife, rocks, or minerals must comply with the permit requirements of 36 CFR 2.5. Permits that would allow cultural resources to be physically disturbed, or allow objects or specimens to be collected, will be issued only when there is compelling evidence that the proposed research is essential to significant research concerns, and that the purpose of the research can be reasonably achieved only by using park resources. As appropriate, permits may require researchers to provide for the long-term preservation and management of any recovered objects and specimens and for their cataloging, together with any associated records, in the NPS museum cataloging system. Independent researchers will be authorized to conduct archeological research on park lands only through the issuance of an ARPA or Antiquities Act permit by the appropriate NPS regional director. This permitting authority cannot be further delegated. As appropriate, parks will also issue other necessary permits, such as a special use permit. Archeological research conducted by independent researchers must comply with the Native American Graves Protection and Repatriation Act when applicable.

NPS facilities, collections, and assistance will be made available to qualified scholars conducting NPS-authorized research, as long as park operations are not substantially impeded or park resources adversely impacted thereby.

(See Independent Studies 4.2.2; Consultation 5.2.1; Natural and Cultural Studies, Research, and Collection Activities 8.10. Also see 43 CFR Parts 3, 7, and 10)

5.1.3 Identification and Evaluation of Resources

The Park Service will conduct surveys to identify and evaluate the cultural resources of each park, assessing resources within their larger cultural, chronological, and geographic contexts. The resulting inventories will provide the substantive data required for (1) nominating resources to the National Register of Historic Places; (2) general park planning and specific proposals for preserving, protecting, conserving, and treating cultural resources; (3) land acquisition, development, and maintenance activities; (4) interpretation, education, and natural and cultural resource management activities; and (5) compliance with legal requirements.

5.1.3.1 Inventories

The Service will (1) maintain and expand the following inventories about cultural resources in units of the national park system, (2) enter information into appropriate related databases, and (3) develop an integrated information system. The inventories include the following:

- archeological sites inventory for historic and prehistoric archeological resources and the related Archeological Sites Management Information System (ASMIS) database, or its successor
- cultural landscapes inventory of historic designed landscapes, historic vernacular landscapes, ethnographic landscapes, and historic sites, and the related Cultural Landscapes Inventory (CLI) database, or its successor
- Ethnographic Resources Inventory (ERI) of places, including sites, structures, objects, landscapes, and natural resources with traditional cultural meaning and value to associated peoples and other resource users, or its successor
- List of Classified Structures (LCS), encompassing historic and prehistoric structures
- National Catalog of Museum Objects, encompassing all cultural objects, archival and manuscript materials, and natural history specimens in NPS collections and the related automated version, the Automated National Catalog System (ANCS+), or its successor

(See Park Planning Processes 2.3; Confidentiality 5.2.3. Also see Secretary of the Interior's Standards and Guidelines for Identification [48 FR 44720-723]; Director's Order #28; Cultural Resource Management Handbook 36 CFR Part 79)

5.1.3.2 Evaluation and Categorization

Cultural resources will be professionally evaluated and categorized to assist in management decisions about their treatment and use. Cultural resources will be evaluated for significance using National Register Criteria for Evaluation (36 CFR 60.4), and those meeting the criteria will be nominated for listing. Museum collections are inappropriate for listing and will not be evaluated using these criteria. Some collections in their original structures can be included as contributing elements to a listed structure. As appropriate, cultural resources will be categorized using other management categories established by the National Park Service and listed in the *Cultural Resource Management Handbook*. Cultural resource professionals will evaluate cultural resources in consultation with the appropriate state and tribal historic preservation officers. Ethnographically meaningful cultural and natural resources, including traditional cultural properties, will be identified and evaluated in consultation with peoples having traditional associations to park resources. Examples of traditionally associated peoples include Acadians, African Americans, Hispanic Americans, and Native Americans. (For editorial convenience, in these *Management Policies* the term "Native Americans" includes American Indians, Alaska Natives, native peoples of the Caribbean, native Hawaiians, and other native Pacific islanders.) Some ethnographically meaningful resources do not meet National Register Criteria for Evaluation, but will be inventoried in consultation with traditionally associated peoples and considered in management decisions about treatment and use.

(See Consultation 5.2.1. Also see Secretary of the Interior's Standards and Guidelines for Evaluation [48 FR 44723-726])

5.1.3.2.1 National Register Nomination

Park resources that appear to meet the criteria for the National Register of Historic Places will be nominated—either individually, as components of historic districts, or within multiple property nominations—for listing by the Keeper of the National Register. National historic sites, national historical parks, and other parks significant primarily for their cultural resources are entered automatically in the National Register upon establishment. However, nomination forms will be prepared and submitted to document the qualifying and contributing features of such parks and other National Register-eligible resources within them.

(Also see 36 CFR Parts 60 and 63; Secretary of the Interior's Standards and Guidelines for Registration [48 FR 44726-728]; National Register Bulletins 16A and 16B [Guidelines for Completing National Register of Historic Places Forms])

5.1.3.2.2 National Historic Landmark Designation

Historic and cultural units of the national park system are nationally significant by virtue of their authorizing legislation or presidential proclamation. National historic landmark designations are appropriate for park cultural resources that meet national historic landmark criteria if the national significance of those resources is not adequately recognized in the park's enabling legislation or presidential proclamation. Cultural parks may warrant landmark designation as parts of larger areas encompassing resources associated with their primary themes. Modified National Register forms will be prepared and submitted to nominate such resources for landmark designation by the Secretary of the Interior.

(Also see 36 CFR Part 65)

5.1.3.2.3 Nominations for World Heritage List Designation

Parks containing cultural features believed to possess outstanding universal value to humanity may qualify for placement on the World Heritage List under criteria described in the World Heritage Committee Operational Guidelines and in accordance with the World Heritage Convention. Before they can be nominated, all such properties must be assessed according to World Heritage criteria, and before the United States can submit a nomination to the World Heritage Committee, the site must first be included on the U.S. Tentative List of Potential Future World Heritage Nominations.

Any park superintendent who believes that part or all of the park they manage should be considered for inscription on the World Heritage List must consult with the NPS Office of International Affairs, the NPS Director, and the Department before proceeding. U.S. proposed nominations are approved by an interagency panel chaired by the Assistant Secretary for Fish and Wildlife and Parks, based on criteria promulgated by the World Heritage Committee. These criteria and the rules for U.S. participation in the Convention Concerning the World Cultural and Natural Heritage are published in 36 CFR Part 73.

Once an area is designated a world heritage site, the Park Service will recognize the designation in public information and interpretive programs. Where appropriate, park superintendents should use the park's World Heritage status as a platform to promote sustainable tourism. Designation as a World Heritage Site will not alter the purposes for

which the park was established, change the management requirements, reduce NPS jurisdiction over the park, or otherwise cause unacceptable impacts to park values and purposes.

(See World Heritage Sites 4.3.7. Also see 36 CFR Part 73)

5.2 Planning

Effective park stewardship requires informed decision making about a park's cultural resources. This is best accomplished through a comprehensive planning process. Effective planning is based on an understanding of what a park's cultural resources are, and why those resources are significant. To gain this understanding, the Park Service must obtain baseline data on the nature and types of cultural resources and their (1) distribution; (2) condition; (3) significance; and (4) local, regional, and national contexts. Cultural resource planning, and the resource evaluation process that is part of it, will include consultation with cultural resource specialists and scholars having relevant expertise; traditionally associated peoples; and other stakeholders. Current scholarship and needs for research are considered in this process, along with the park's legislative history and other relevant information.

Planning decisions will follow analysis of how proposals might affect the values that make resources significant, and the consideration of alternatives that might avoid or mitigate potential adverse effects. Planning will always seek to avoid unacceptable harm to cultural resources and consider the values of traditionally associated groups. To ensure that approaches and alternatives for resource preservation and conservation have been identified and considered, planning processes that could affect cultural resources must include cultural resource specialists, traditionally associated peoples, and others, and provide them with appropriate notification about opportunities to become involved.

The general management planning process will include goals and strategies for research on, consultation about, and stewardship of cultural resources, and for research on and consultation with traditionally associated and other peoples. Planning for park operations, development, and natural resource management activities will integrate relevant concerns and program needs for identifying, evaluating, monitoring, protecting, preserving, conserving, and treating cultural resources.

Superintendents will ensure full consideration of the park's cultural resources and values in all proposals for operations, development, and natural resource programs, including the management of wilderness areas. When proposed undertakings may adversely affect national historic sites, national battlefields, and other predominantly cultural units of the national park system that were established in recognition of their national historical significance, superintendents will provide opportunities for the same level of review and consideration by the Advisory Council on Historic Preservation and the Secretary of the Interior that the Advisory Council's regulations require for undertakings that may adversely affect national historic landmarks (36 CFR 800.10).

Each park will prepare and periodically update cultural resource components of the park's management plans. Resource plans will define any program activities needed to identify, evaluate, manage, monitor, protect, preserve, conserve, and treat the park's cultural resources, as well as provide for their enjoyment and understanding by the public.

(See Decision-making Requirements to Avoid Impairments 1.4.7; Strategic Planning 2.3.2; Implementation Planning 2.3.3. Also see Executive Order 13007; Secretary of the Interior's Standards and Guidelines for Federal Agency Historic Preservation Programs Pursuant to the National Historic Preservation Act [63 FR 20496-508]; Secretary of the Interior's Standards and Guidelines for Preservation Planning [48 FR 44716-720]; Secretary of the Interior's Standards for the Treatment of Historic Properties)

5.2.1 Consultation

The National Park Service is committed to the open and meaningful exchange of knowledge and ideas to enhance (1) the public's understanding of park resources and values and the policies and plans that affect them, and (2) the Service's ability to plan and manage the parks by learning from others. Open exchange requires that the Park Service employ ways to reach out to and consult with all those who have an interest in the parks.

Each park superintendent will communicate, cooperate, and consult with outside parties having an interest in the park's cultural resources or in proposed NPS actions that might affect those resources, and provide them with opportunities to learn about and comment on those resources and planned actions. Consultation may be formal, as when it is required pursuant to the Native American Graves Protection and Repatriation Act or Section 106 of the National Historic Preservation Act, or it may be informal when there is not a specific statutory requirement. Consultation will be initiated, as appropriate, with tribal, state, and local governments; state and tribal historic preservation officers; the Advisory Council on Historic Preservation; other interested federal agencies; traditionally associated peoples; present-day park neighbors; and other interested groups.

Consultations on proposed NPS actions will take place as soon as practical, and in an appropriate forum that ensures, to the maximum extent possible, effective cooperation, consultation, and communication and the identification of mutually acceptable alternatives. The Service will establish and maintain continuing relationships with outside parties to facilitate future collaboration, formal consultations, and the ongoing informal exchange of views and information on cultural resource matters.

Because national parks embody resources and values of interest to a national audience, efforts to reach out and consult must be national in scope. However, the Service will be especially mindful of consulting with traditionally associated peoples whose cultural systems or ways of life have an association with park resources and values that predates establishment of the park. Traditionally associated peoples may include park neighbors, traditional residents, and former residents who remain attached to the park area despite having relocated. In addition, there are other individuals and groups with strong connections to the land through experiencing a significant life event within or near a park

unit. The Service must also be sensitive to and carefully consider the views of those who have these powerful associations.

In particular, it is essential to consult traditionally associated peoples about

- proposed research on, and stewardship of, cultural and natural resources with ethnographic meaning for the groups
- development of park planning and interpretive documents that may affect resources traditionally associated with the groups
- proposed research that entails collaborative study of the groups
- identification, treatment, use, and determination of affiliation of objects subject to the Native American Graves Protection and Repatriation Act
- repatriation of Native American cultural items or human remains based on requests by affiliated groups in accordance with the Native American Graves Protection and Repatriation Act
- planned excavations and proposed responses to inadvertent discoveries of cultural resources that may be culturally affiliated with the groups
- other proposed NPS actions that may affect the treatment and use of and access to cultural and natural resources with known or potential cultural meaning for the groups
- designation of National Register, National Historic Landmark and World Heritage Sites

Consultation with federally recognized American Indian tribes will be on a government-to-government basis. The Service will notify appropriate tribal authorities (such as tribal historic preservation officers) about proposed actions when first conceived, and by subsequently consulting their appointed representatives whenever proposed actions may affect tribal interests, practices, and traditional resources (such as places of religious value).

When engaging in the consultation process, group meetings are encouraged for the purpose of exchanging information and obtaining individual viewpoints to facilitate the development or modification of proposed NPS actions. The Park Service will give appropriate consideration to concensus advice presented to it when those recommendations have been developed independent of the Park Service. The Service may not obtain advice from a group that it creates, controls, or manages unless the group is chartered pursuant to the Federal Advisory Committee Act (FACA). This act does not apply to intergovernmental meetings held exclusively between NPS officials and elected officials of state, local, or tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities when the meetings relate to intergovernmental responsibilities or administration.

(See Ethnographic Resources 5.3.5.3. Also see ARPA; NAGPRA; NEPA; NHPA [16 USC 470f]; 36 CFR Part 800; 40 CFR Parts 1500-1508; 41 CFR Part 101;, 43 CFR Parts 7 and 10; Executive Memorandum on Government-to-Government Relations with Native American Tribal Governments; Executive Order 13007; Executive Order 13175; 512

Department of the Interior Manual [DM] 2; Director's Order #71: Relationships with Indian Tribes; NPS Guide to the Federal Advisory Committee Act. Also see Director's Order #75A: Civic Engagement and Public Involvement.)

5.2.2 Agreements

The National Park Service will seek to establish mutually beneficial agreements with interested groups to facilitate collaborative research, consultation, park planning, training, and cooperative management approaches with respect to park cultural resources and culturally important natural resources. The NPS goal is to allow traditionally associated peoples to exercise traditional cultural practices in parks to the extent allowable by law, and consistent with the criteria listed in section 8.2. To the extent this goal can be legally reached through agreements, park superintendents should do so.

When parks have cultural resources owned or managed by others, agreements will clarify how the resources are to be managed. Agreements will provide ways for periodically reviewing their effectiveness and making mutually agreed-upon modifications, and for avoiding and resolving disagreements and disputes. All agreements will conform to the requirements of Director's Order #20: Agreements.

(See Decision-making Requirements to Avoid Impairments 1.4.7; Partnerships 1.9; Partnerships 4.1.4; Park Structures Owned or Managed by Others 5.3.5.4.8; Submerged Cultural Resources 5.3.5.1.7; Native American Use 8.5; Consumptive Uses 8.9. Also see Executive Order 13007; 36 CFR 2.1)

5.2.3 Confidentiality

Sensitive or confidential information is sometimes acquired during consultations and during other research, planning, and stewardship activities. Under certain circumstances, and to the extent permitted by law, information about the specific location, character, nature, ownership, or acquisition of cultural resources on park lands will be withheld from public disclosure. If a question arises about withholding information, and disclosure could result in a significant invasion of privacy or a risk of harm to a cultural resource, the Service will consult the provisions of ARPA (16 USC 470hh); the National Parks Omnibus Management Act (16 USC 5937); and NHPA (16 USC 470w-3) before making a decision.

Under some conditions, the Service may be required by law to disclose confidential information acquired during consultations, public meetings, and other research, planning, and stewardship activities, or in association with the acquisition of resources, including museum collections. Before these activities occur, NPS staff and authorized researchers will make every effort to inform affected parties that, while the information they provide will not be shared voluntarily, confidentiality cannot be guaranteed.

To the extent permitted by law, the Service will withhold from public disclosure (1) information provided by individuals who wish the information to remain confidential, and (2) the identities of individuals who wish to remain anonymous and who are protected from release by exemption under the Freedom of Information Act. In each instance, the

Service will document its decision to disseminate or withhold sensitive or confidential information from public disclosure.

More detailed guidance on sensitive and confidential information can be found in Director's Order #66: The Freedom of Information Act and the Protection of Exempted Information; and the *Museum Handbook*, Part III.

(See Managing Information 1.7. Also see 43 CFR Part 2; 43 CFR 7.18; Privacy Act)

5.3 Stewardship

5.3.1 Protection and Conserving of Cultural Resources

The National Park Service will employ the most effective concepts, techniques, and equipment to protect cultural resources against theft, fire, vandalism, overuse, deterioration, environmental impacts, and other threats, without compromising the integrity of the resources.

5.3.1.1 Emergency Management

Measures to protect or rescue cultural resources in the event of an emergency, disaster, or fire will be developed as part of a park's emergency operations and fire management planning processes. Designated personnel will be trained to respond to all emergencies in a manner that maximizes visitor and employee safety and the protection of resources and property.

(See Emergency Preparedness and Emergency Operations 8.2.5.2. Also see 36 CFR Part 78)

5.3.1.2 Fire Detection, Suppression, and Post-fire Rehabilitation and Protection

The Park Service will take action to prevent or minimize the impact of wildland, prescribed, and structural fires on cultural resources, including the impact of suppression and rehabilitation activities.

In the conservation of historic structures and museum and library collections, every attempt will be made to comply with national building and fire codes. When these cannot be met without significantly impairing a structure's integrity and character, the management and use of the structure will be modified to minimize potential hazards rather than modifying the structure itself.

Subject to the previous paragraph, when warranted by the significance of a historic structure or a museum or library collection, adequate and appropriate fire detection, warning, and suppression systems will be installed. Pre-fire plans will be developed for historic structures and buildings housing museum or library collections to identify the floor plan, utilities, hazards, and areas and objects requiring special protection. This information will be kept current and made available to local and park fire personnel.

Park and local fire personnel will be advised of the locations and characteristics of cultural resources threatened by fire, and of any priorities for protecting them during any planned or unplanned fire incident. At parks with cultural resources, park fire personnel will receive cultural resource protection training. At parks that have wildland or structural fire risks, cultural resource management specialists will receive fire prevention and emergency response training. Cultural resources management specialists who assist with wildland fire programs will be certified for incident management positions commensurate with their individual responsibilities.

Smoking will not be permitted in spaces housing museum or library collections, or in historic structures (except those used as residences in which smoking is permitted by the park superintendent).

(See Fire Management 4.5; Fire Management 6.3.9; Structural Fire Protection and Suppression 9.1.8. Also see Director's Order #18: Wildland Fire Management; Director's Order #58, and Reference Manual 58: Structural Fires)

5.3.1.3 Compensation for Damages

The National Park System Resource Protection Act authorizes the Service to take all necessary and appropriate steps to recover costs and damages from any person who destroys, causes the loss of, or injures any resource of the national park system. When such incidents involve cultural resources, the Service will

- prevent or minimize the destruction or loss of, or injury to, the cultural resource, or abate or minimize the imminent risk of such destruction, loss, or injury
- assess and monitor damage to the cultural resource
- recover any and all costs associated with the restoration or replacement of the cultural resource, or with the acquisition of an equivalent resource
- recover the value of any significant loss of use of the cultural resource pending its restoration or replacement or the acquisition of an equivalent, or the value of the cultural resource in the event it cannot be restored or replaced
- recover any and all costs incurred in responding to, assessing, and/or monitoring damage to the cultural resource

(See Compensation for Injuries to Natural Resources 4.1.6)

5.3.1.4 Environmental Monitoring and Control

When necessary to preserve a historic structure or a museum collection, appropriate measures will be taken to control relative humidity, temperature, light, and air quality. When museum collections are housed in a historic structure, the needs of both the collection and the structure will be identified and evaluated, weighing relative rarity and significance, before environmental control measures are introduced. The environmental conditions of all areas housing museum collections will be regularly monitored, according to a schedule specific to each condition, to determine whether appropriate levels of relative humidity, temperature, and light are being maintained.

(See Air Quality 4.7.1. Also see Director's Order #24: Museum Management)

5.3.1.5 Pest Management

The Service will follow an integrated pest management approach in addressing pest problems (including invasive vegetation) related to cultural resources. Pest occurrences will be dealt with on a case-by-case basis. Available pest management methods, as described in Director's Order #77-7, will be reviewed to determine the most effective and lowest risk management strategy.

(See Pest Management 4.4.5)

5.3.1.6 User Capacity

Cultural resources will be managed to protect them and to ensure their appropriate use. Before setting any user capacities the superintendent will (1) review the park's purpose; (2) analyze existing visitor use of and related impacts to the park's cultural resources and traditional resource users; (3) prescribe indicators and specific standards for acceptable and sustainable visitor use; and (4) identify ways to address and monitor unacceptable impacts resulting from overuse. Studies to gather basic data and make recommendations on setting, enforcing, and monitoring user capacities for cultural resources will be conducted in collaboration with cultural resource specialists representing the appropriate disciplines as well as affected partners, communities, and tribes.

(See User Carrying Capacity 8.2.1)

5.3.2 Physical Access for Persons with Disabilities

The National Park Service will provide persons with disabilities the highest feasible level of physical access to historic properties that is reasonable and is consistent with the preservation of each property's significant historical features and applicable law. Access modifications for persons with disabilities will be designed and installed to least affect the features of a property that contribute to its significance. Modifications to some features may be acceptable in providing access, once a review of options for the highest level of access has been completed. However, if it is determined that modification of particular features would impair a property's integrity and character in terms of the Advisory Council's regulations at 36 CFR 800. 9, such modifications will not be made. To the extent possible, modifications for access will benefit the greatest number of visitors, staff, and the public, and will be integrated with or in proximity to the primary path of travel for entrances and from parking areas. In situations where access modifications cannot be made, alternative methods of achieving program access will be adopted.

(See Access to Interpretive and Educational Opportunities 7.5.1; Accessibility for Persons with Disabilities 8.2.4; Accessibility for Persons with Disabilities 9.1.2; Accessibility of Commercial Services 10.2.6.2. Also see Director's Order #42: Accessibility for Visitors with Disabilities)

5.3.3 Historic Property Leases and Cooperative Agreements

The National Park Service may lease or permit the use of a historic property through a lease or cooperative agreement if such lease or cooperative agreement will ensure the property's preservation. Proposed uses must not unduly limit public appreciation of the property; interfere with visitor use and enjoyment of the park; or preclude use of the property for park administration, employee residences, or other management purposes judged more appropriate or cost-effective.

Cooperative agreements to maintain, repair, rehabilitate, restore, or build upon a historic property can be entered into with state, local, and tribal governments; other public entities; educational institutions; and private nonprofit organizations.

If a lease or cooperative agreement requires or allows the lessee or cooperator to maintain, repair, rehabilitate, restore, or build upon the property, it will require the work be done in accordance with applicable Secretary of the Interior's standards and guidelines and other NPS policies, guidelines, and standards.

(See 8.12: Leasing and Cooperative Agreements. Also see NHPA [16 USC 470h-3]; 16 USC 460l- 22(a); Omnibus Consolidated Appropriations Act, 1997 [16 USC 1g]; 36 CFR Part 18)

5.3.4 Stewardship of Human Remains and Burials

Marked and unmarked prehistoric and historic burial areas and graves will be identified, evaluated, and protected. Every effort will be made to avoid impacting burial areas and graves when planning park development and managing park operations. Such burial areas and graves will not knowingly be disturbed or archeologically investigated unless threatened with destruction.

The Service will consult with American Indian tribes, other Native American groups, and other individuals and groups linked by demonstrable ties of kinship or culture to potentially identifiable human remains when such remains may be disturbed or are inadvertently encountered on park lands. Re-interment at the same park may be permitted, and may include remains that may have been removed from lands now within the park.

Native American human remains and photographs of such remains will not be exhibited. Drawings, renderings, or casts of such remains may be exhibited with the consent of culturally affiliated Indian tribes and native Hawaiian organizations. The exhibit of non-Native American human remains, or photographs, drawings, renderings, or casts of such remains, is allowed in consultation with traditionally associated peoples. The Service may allow access to, and study, publication, and destructive analysis of, human remains, but must consult with traditionally associated peoples and consider their opinions and concerns before making decisions on appropriate actions. In addition, such use of human remains will occur only with an approved research proposal that describes why the information cannot be obtained through other sources or analysis, and why the research is important to the field of study and the general public.

(See Cultural Resources 6.3.8; Consultation 7.5.5; Cemeteries and Burials 8.6.10. Also see ARPA; NAGPRA; 36 CFR Part 79; 43 CFR Part 10)

5.3.5 Treatment of Cultural Resources

The Service will provide for the long-term conservation of, public access to, and appreciation of, the features, materials, and qualities contributing to the significance of cultural resources. With some differences by type, cultural resources are subject to several basic treatments, including (1) preservation in their existing states; (2) rehabilitation to serve contemporary uses, consistent with their integrity and character; and (3) restoration to earlier appearances by the removal of later additions and replacement of missing elements. Decisions regarding which treatments will best ensure the conservation and public enjoyment of particular cultural resources will be reached through the planning and compliance process, taking into account

- the nature and significance of a resource, and its condition and interpretive value
- the research potential of the resource
- the level of intervention required by treatment alternatives
- the availability of data, and the terms of any binding restrictions
- the concerns of traditionally associated peoples and other interested individuals and groups

Except for emergencies that threaten irreparable loss without immediate action, no treatment project will be undertaken unless supported by an approved planning document. appropriate to the proposed action.

The preservation of cultural resources in their existing states will always receive first consideration. Treatments entailing greater intervention will not proceed without the consideration of interpretive alternatives. The appearance and condition of resources before treatment, and changes made during treatment, will be documented. Such documentation will be shared with any appropriate state or tribal historic preservation office or certified local government, and added to the park museum cataloging system. Pending treatment decisions reached through the planning process, all resources will be protected and preserved in their existing states.

As a basic principle, anything of historical appearance that the National Park Service presents to the public in a park will be either an authentic survival from the past, or an accurate representation of what once existed there. Reconstructions and reproductions will be clearly identified as such.

The Service will holistically approach the treatment of related cultural resources in a park. All cultural resource and natural resource values will be considered in defining specific treatment and management goals. Research will be coordinated and sequenced so that decisions are not made in isolation. Each proposed action will be evaluated to ensure consistency or compatibility in the overall treatment of park resources. The relative importance and relationship of all values will be weighed to identify potential conflicts between and among resource preservation goals, park management and operation goals,

and park user goals. Conflicts will be considered and resolved through the planning process, which will include any consultation required by 16 USC 470f.

Although each resource type is most closely associated with a particular discipline, an interdisciplinary approach is commonly needed to properly define specific treatment and management goals for cultural resources. Policies applicable to the various resource types follow.

(See Park Management 1.4; Park Planning Processes 2.3; Planning 5.2; Cultural Resources 6.3.8. Also see NEPA; Secretary of the Interior's Standards for the Treatment of Historic Properties)

5.3.5.1 Archeological Resources

Archeological resources will be managed in situ, unless the removal of artifacts or physical disturbance is justified by research, consultation, preservation, protection, or interpretive requirements. Preservation treatments will include proactive measures that protect resources from vandalism and looting, and maintain or improve their condition by limiting damage due to natural and human agents. Data recovery actions will be taken only in the context of planning, consultation, and appropriate decision making. Preservation treatments and data recovery activities will be conducted within the scope of an approved research design. Archeological research will use nondestructive methods of testing and analysis wherever possible. The Park Service will incorporate information about archeological resources into interpretive, educational, and preservation programs. Artifacts and specimens recovered from archeological resources, along with associated records and reports, will be maintained together in the park museum collection.

(Also see 36 CFR Part 79; Secretary of the Interior's Standards and Guidelines for Archeological Documentation [48 FR 44734-737]; Museum Handbook)

5.3.5.1.1 Preservation

Archeological resources will be maintained and preserved in a stable condition to prevent degradation and loss. The condition of archeological resources will be documented, regularly monitored, and evaluated against initial baseline data. Parks are encouraged to enlist concerned local citizens in site stewardship programs to patrol and monitor the condition of archeological resources. The preservation of archeological components of cultural landscapes, structures, and ruins are also subject to the treatment policies for cultural landscapes, historic and prehistoric structures, and historic and prehistoric ruins.

5.3.5.1.2 Stabilization

Archeological resources subject to erosion, slumping, subsidence, or other natural deterioration will be stabilized using the least intrusive and destructive methods. The methods used will protect natural resources and processes to the maximum extent feasible. Stabilization will occur only after sufficient research demonstrates the likely success of the proposed stabilizing action, and after existing conditions are documented.

5.3.5.1.3 Rehabilitation, Restoration, and Reconstruction

These terms are normally related to the treatment of historic structures and cultural landscapes. The Service will not normally undertake the rehabilitation, restoration, or reconstruction of archeological resources or features. Archeological studies undertaken in conjunction with the rehabilitation or restoration of cultural landscapes, structures, or ruins, or with the reconstruction of obliterated cultural landscapes or missing structures, will be guided by the treatment policies for archeological resources, as well as those for the other associated resource types.

5.3.5.1.4 Protection

Archeological resources will be protected against agents of destruction and deterioration whenever practicable.

Archeological resources subject to vandalism and looting will be periodically monitored, and if reasonable, practicable, and appropriate, fencing, warning signs, remote-sensing alarms, and other protective measures will be installed. Training and public education programs will be developed to make park staff and the public aware of the value of the park's archeological resources, and the penalties for destroying them. For public safety reasons, local citizens who are monitoring resources under site stewardship programs will be instructed to report incidents of vandalism and looting to law enforcement personnel for response.

(See Volunteers in Parks 7.6.1; Shared Responsibilities 8.3.3)

5.3.5.1.5 Archeological Data Recovery

Archeological data recovery is permitted if justified by research or interpretation needs. Significant archeological data that would otherwise be lost as a result of resource treatment projects or uncontrollable degradation or destruction will be recovered in accordance with appropriate research proposals and preserved in park museum collections. Data will be recovered to mitigate the loss of significant archeological data due to park development, but only after the following:

- the redesign, relocation, and cancellation of the proposed development have all been considered and ruled out as infeasible through the planning process,
- the park development has been approved, and
- the project has provided for data recovery, cataloging, and the initial preservation of recovered collections.

(See Planning 5.2)

5.3.5.1.6 Earthworks

Appropriate and, when feasible, native vegetation will be maintained when necessary to prevent the erosion of prehistoric and historic earthworks, even when the historic condition might have been bare earth. Because earthwork restorations and reconstructions can obliterate surviving remains and are often difficult to maintain, other means of representing and interpreting the original earthworks will receive first consideration.

(See Management of Native Plants and Animals 4.4.2; Management of Exotic Species 4.4.4)

5.3.5.1.7 Submerged Cultural Resources

Historic shipwrecks and other submerged cultural resources will be protected, to the extent permitted by law, in the same manner as terrestrial archeological resources. Protection activities involve inventory, evaluation, monitoring, interpretation, and establishing partnerships to provide for the management of historic shipwrecks and other submerged cultural resources in units of the national park system. The Park Service will not allow treasure hunting or commercial salvage activities at or around historic shipwrecks or other submerged cultural resources located within park boundaries unless legally obligated to do so. Parks may provide recreational diving access to submerged cultural resources that are not susceptible to damage or the removal of artifacts. The Service will ensure that the activities of others in park waters do not adversely affect submerged cultural resources or the surrounding natural environment. The Service will consult with the owners of nonabandoned historic shipwrecks, and enter into written agreements with them to clarify how the shipwrecks will be managed by the Park Service. Shipwrecks owned by a state government pursuant to the Abandoned Shipwreck Act of 1987 will be managed in accordance with the Abandoned Shipwreck Act Guidelines (55 FR 50116-145, 55 FR 51528, and 56 FR 7875).

(See Recreational Activities 8.2.2. Also see 36 CFR Part 2; 485 DM 27; Director's Order #4: Diving Management)

5.3.5.2 Cultural Landscapes

The treatment of a cultural landscape will preserve significant physical attributes, biotic systems, and uses when those uses contribute to historical significance. Treatment decisions will be based on a cultural landscape's historical significance over time, existing conditions, and use. Treatment decisions will consider both the natural and built characteristics and features of a landscape, the dynamics inherent in natural processes and continued use, and the concerns of traditionally associated peoples.

The treatment implemented will be based on sound preservation practices to enable long-term preservation of a resource's historic features, qualities, and materials. There are three types of treatment for extant cultural landscapes—preservation, rehabilitation, and restoration.

(See Decision-making to Avoid Impairments 1.4.7. Also see Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes)

5.3.5.2.1 Preservation

A cultural landscape will be preserved in its present condition if that condition allows for satisfactory protection, maintenance, use, and interpretation; or another treatment is warranted but cannot be accomplished until some future time.

5.3.5.2.2 Rehabilitation

A cultural landscape may be rehabilitated for contemporary use if

- it cannot adequately serve an appropriate use in its present condition, and
- rehabilitation will retain its essential features, and will not alter its integrity and character or conflict with approved park management objectives.

5.3.5.2.3 Restoration

A cultural landscape may be restored to an earlier appearance if

- all changes after the proposed restoration period have been professionally evaluated, and the significance of those changes has been fully considered,
- restoration is essential to public understanding of the park's cultural associations,
- sufficient data about that landscape's earlier appearance exist to enable its accurate restoration, and
- the disturbance or loss of significant archeological resources is minimized and mitigated by data recovery.

5.3.5.2.4 Reconstruction of Obliterated Landscapes

No matter how well conceived or executed, reconstructions are contemporary interpretations of the past rather than authentic survivals from it. The National Park Service will not reconstruct an obliterated cultural landscape unless

- there is no alternative that would accomplish the park's interpretive mission,
- sufficient data exist to enable its accurate reconstruction based on the duplication of historic features substantiated by documentary or physical evidence rather than on conjectural designs or features from other landscapes,
- reconstruction will occur in the original location,
- the disturbance or loss of significant archeological resources is minimized and mitigated by data recovery, and
- reconstruction is approved by the NPS Director.

A landscape will not be reconstructed to appear damaged or ruined. General representations of typical landscapes will not be attempted.

5.3.5.2.5 Biotic Cultural Resources

Biotic cultural resources, which include plant and animal communities associated with the significance of a cultural landscape, will be duly considered in treatment and management. The cultural resource and natural resource components of the park's resource management plan will jointly identify acceptable plans for the management and treatment of biotic cultural resources. The treatment and management of biotic cultural resources will anticipate and plan for the natural and human-induced processes of change. The degree to which change contributes to or compromises the historic character of a cultural landscape, and the way in which natural cycles influence the ecological processes within a landscape, will both be understood before any major treatment is undertaken. Treatment and

management of a cultural landscape will establish acceptable parameters for change, and manage the biotic resources within those parameters.

(See Maintenance of Altered Plant Communities 4.4.2.5)

5.3.5.2.6 Land Use and Ethnographic Value

Many cultural landscapes are significant because of their historic land use and practices. When land use is a primary reason for the significance of a landscape, the objective of treatment will be to balance the perpetuation of use with the retention of the tangible evidence that represents its history. The variety and arrangement of cultural and natural features in a landscape often have sacred or other continuing importance in the ethnic histories and cultural vigor of associated peoples. These features and their past and present-day uses will be identified, and the beliefs, attitudes, practices, traditions, and values of traditionally associated peoples will be considered in any treatment decisions.

Contemporary use of a cultural landscape is appropriate if it

- does not adversely affect significant landscape characteristics and features, and
- either follows the historic use or does not impede public appreciation of it.

All uses of cultural landscapes are subject to legal requirements, policy, guidelines, and standards for natural and cultural resource preservation, public safety, and special park uses.

5.3.5.2.7 New Construction

Contemporary alterations and additions to a cultural landscape must not radically change, obscure, or destroy its significant spatial organization, materials, and features. New buildings, structures, landscape features, and utilities may be constructed in a cultural landscape if

- existing structures and improvements do not meet essential management needs,
- new construction is designed and sited to preserve the landscape's integrity and historic character, and
- the alteration, addition, or related new construction, unless associated with an approved restoration or reconstruction, is differentiated from, yet compatible with, the landscape's historic character.

New additions will meet the *Secretary of the Interior's Standards for Rehabilitation.*

5.3.5.3 Ethnographic Resources

Park ethnographic resources are the cultural and natural features of a park that are of traditional significance to traditionally associated peoples. These peoples are the contemporary park neighbors and ethnic or occupational communities that have been associated with a park for two or more generations (40 years), and whose interests in the park's resources began before the park's establishment. Living peoples of many cultural backgrounds may have a traditional association with a particular park.

Traditionally associated peoples generally differ as a group from other park visitors in that they typically assign significance to ethnographic resources—places closely linked with their own sense of purpose, existence as a community, and development as ethnically distinctive peoples. These places may be in urban or rural parks, and may support ceremonial activities or represent birthplaces of significant individuals, group origin sites, migration routes, or harvesting or collecting places. Although these places have historic attributes of great importance to the group, they may not necessarily have a direct association with the reason the park was established, or be appropriate as a topic of general public interest. Some ethnographic resources might also be traditional cultural properties. A traditional cultural property is a property that is eligible for inclusion in the National Register of Historic Places because of its association with the cultural practices or beliefs of a living community that are (1) rooted in that community's history, and (2) important in maintaining the continuing cultural identity of the community.

The Service's primary interest in these places stems from its responsibilities under

- the NPS Organic Act — to conserve the natural and historic objects within parks unimpaired for the enjoyment of future generations
- the National Historic Preservation Act (NHPA) — to preserve, conserve, and encourage the continuation of the diverse traditional prehistoric, historic, ethnic, and folk cultural traditions that underlie and are a living expression of our American heritage
- the American Indian Religious Freedom Act (AIRFA) — to protect and preserve for American Indians access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites
- the Archaeological Resources Protection Act (ARPA) — to secure, for the present and future benefit of the American people, the protection of archeological resources and sites that are on public lands
- the National Environmental Policy Act (NEPA) — to preserve important historic, cultural, and natural aspects of our national heritage
- Executive Order 13007 — to (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites

The Service must therefore be respectful of these ethnographic resources, and carefully consider the effects that NPS actions may have on them. When religious issues are evident, the Service must also consider constraints imposed on federal agency actions by the First and Fourteenth Amendments to the U.S. Constitution.

The National Park Service will adopt a comprehensive approach that considers parks and traditionally associated and other peoples as interrelated members of an ecosystem. As an aid to appreciating the diverse human heritage and associated resources that characterize the national park system, the Service will identify the present-day peoples whose cultural practices and identities were, and often still are, closely associated with each park's cultural and natural resources.

The Alaska National Interest Lands Conservation Act recognizes the importance of maintaining the Alaska Native cultures and rural lifestyles, and contains several provisions that authorize activities by the Park Service that would assist in the cultural preservation of Alaska Native communities and rural lifestyles. For many rural Alaskans, the land and the way of life are inseparable. The Service will explore opportunities in Alaska to forge a mutually beneficial relationship between Alaska Natives, rural residents, and the Park Service. In Alaska and elsewhere, the Service will try to strengthen the ability of traditional and indigenous peoples to perpetuate their culture and to enrich the parks with traditional knowledge and a deeper sense of place.

Ethnographic information will be collected through collaborative research that recognizes the sensitive nature of such information. Cultural anthropologists/ethnographers will document the meanings that traditionally associated groups assign to traditional natural and cultural resources and the landscapes they form. The park's ethnography file will include this information, as well as data on the traditional management practices and knowledge systems that affect resource uses and the short- and long-term effects of use on the resources.

(See Confidentiality 5.2.3. Also see Director's Order #29: Ethnography Program)

5.3.5.3.1 Resource Access and Use

Consistent with the requirements of the Organic Act, NHPA, AIRFA, ARPA, NEPA, and Executive Order 13007 cited in section 5.3.5.3 above, the Service will strive to allow American Indians and other traditionally associated peoples access to, and use of, ethnographic resources. Continued access to and use of ethnographic resources is often essential to the survival of family, community, or regional cultural systems, including patterns of belief and sociocultural and religious life. However, the Service may not allow access and use if it would violate the criteria listed in section 8.1.

The Service generally supports traditional access and use, and is considering policy and regulatory revisions that will clarify when reasonable accommodations can be made under NPS authorities to allow greater access and use. Park superintendents may reasonably control the times when, and the places where, specific groups may have exclusive access to particular areas of a park.

With regard to consumptive use of park resources, current NPS policy is reflected in regulations published at 36 CFR 2.1. These regulations allow superintendents to designate certain fruits, berries, nuts, or unoccupied seashells that may be gathered by hand for personal use or consumption if it will not adversely affect park wildlife or the reproductive potential of a plant species, or otherwise adversely affect park resources. The regulations do not authorize the taking, use, or possession of fish, wildlife, or plants for ceremonial or religious purposes, except where specifically authorized by federal statute or treaty rights, or where hunting, trapping, or fishing are otherwise allowed. These regulations are currently under review, and NPS policy is evolving in this area.

Regulations addressing traditional subsistence uses that are authorized in Alaska by the Alaska National Interest Lands Conservation Act are published at 36 CFR Part 13. Some park-specific enabling acts (e.g., Big Cypress National Preserve and Kaloka-Honokohau National Historical Park) allow subsistence or other traditional uses of park resources.

(See Native American Use 8.5; Special Park Uses 8.6; Collecting Natural Products 8.8; Consumptive Uses 8.9)

5.3.5.3.2 Sacred Sites

The National Park Service acknowledges that American Indian tribes, including native Alaskans, treat specific places containing certain natural and cultural resources as sacred places having established religious meaning, and as locales of private ceremonial activities. Consistent with Executive Order 13007, the Service will, to the extent practicable, accommodate access to and ceremonial use of Indian sacred sites by religious practitioners from recognized American Indian and Alaskan Native tribes, and avoid adversely affecting the physical integrity of such sacred sites.

In consultation with the appropriate groups, the Service will develop a record about such places, and identify any treatments preferred by the groups. This information will alert superintendents and planners to the potential presence of sensitive areas, and will be kept confidential to the extent permitted by law. The Service will collaborate with affected groups to prepare mutually agreeable strategies for providing access to ordinarily gated or otherwise inaccessible locales, and for enhancing the likelihood of privacy during religious ceremonies. Any strategies must comply with constitutional and other legal requirements. To the extent feasible and allowable by law, accommodations will also be made for access to and the use of sacred places when interest is expressed by other traditionally associated peoples, especially native Hawaiians and other Pacific islanders, and by American Indian peoples and others who often have a long-standing connection and identity with a particular park or resource.

Various ethnic groups, local groups with recently developed ties to resources in neighboring parks, and visitors to family and national cemeteries and national memorials also might use park resources for traditional or individual religious ceremonies. Mutually acceptable agreements may be negotiated with known groups to provide access to and the use of such places, consistent with constitutional and other legal constraints.

(See Confidentiality 5.2.3; Resource Access and Use 5.3.5.3.1; Native American Use 8.5; First Amendment Activities 8.6.3. Also see Director's Orders #66: The Freedom of Information Act and the Protection of Exempted Information, and #71B: Sacred Sites; NHPA [16 USC 470w-3]; Executive Order 13007; 512 DM 3)

5.3.5.3.3 Research

The Service will maintain a program of professional cultural anthropological/ethnographic research that is designed to provide NPS managers with information about relationships between park resources and associated peoples. Research will be undertaken in cooperation with associated peoples in an interdisciplinary manner whenever reasonable, especially in

studies of natural resource use and ethnographic landscapes. Research findings will be used to inform planning, cultural, and natural resource management decision-making, as well as for interpretation and to help managers meet responsibilities to associated peoples and other stakeholders in the outcomes of NPS decisions. Information required for an ethnographic resource inventory will be drawn from ethnographic research reports to the fullest extent possible.

Collaborative research dealing with recent or contemporary cultural systems and the resources of park-associated peoples will involve the groups in the design and implementation of the research and the review of research findings to the fullest possible extent. The Service will provide individuals or groups involved with or directly affected by the research with copies or summaries of the reports, as appropriate.

(See Park Planning Processes 2.3; Studies and Collections 4.2; Consultation 7.5.5; Native American Use 8.5. Also see Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes)

5.3.5.4 Historic and Prehistoric Structures

The treatment of historic and prehistoric structures will be based on sound preservation practice to enable the long-term preservation of a structure's historic features, materials, and qualities. There are three types of treatment for extant structures—preservation, rehabilitation, and restoration.

(Also see Secretary of the Interior's Standards for the Treatment of Historic Properties)

5.3.5.4.1 Preservation

A structure will be preserved in its present condition if

- that condition allows for satisfactory protection, maintenance, use, and interpretation, or
- another treatment is warranted but cannot be accomplished until some future time.

5.3.5.4.2 Rehabilitation

A historic structure may be rehabilitated (rehabilitation does not apply to prehistoric structures) for contemporary use if

- it cannot adequately serve an appropriate use in its present condition, and
- rehabilitation will retain its essential features and will not alter its integrity and character or conflict with approved park management objectives.

5.3.5.4.3 Restoration

A structure may be restored to an earlier appearance if

- all changes after the proposed restoration period have been professionally evaluated, and the significance of those changes has been fully considered,
- restoration is essential to public understanding of the park's cultural associations,

- sufficient data about that structure's earlier appearance exist to enable its accurate restoration, and
- the disturbance or loss of significant archeological resources is minimized and mitigated by data recovery.

5.3.5.4.4 Reconstruction of Missing Structures

No matter how well conceived or executed, reconstructions are contemporary interpretations of the past rather than authentic survivals from it. The National Park Service will not reconstruct a missing structure unless

- there is no alternative that would accomplish the park's interpretive mission,
- sufficient data exist to enable its accurate reconstruction based on the duplication of historic features substantiated by documentary or physical evidence rather than on conjectural designs or features from other structures,
- reconstruction will occur in the original location, and the disturbance or loss of significant archeological resources is minimized and mitigated by data recovery, and
- reconstruction is approved by the NPS Director.

A structure will not be reconstructed to appear damaged or ruined. Generalized representations of typical structures will not be attempted.

(See Environmental Monitoring and Control 5.3.1.4; Physical Access for Persons with Disabilities 5.3.2; Historic and Prehistoric Ruins 5.3.5.4.10)

5.3.5.4.5 Movement of Historic Structures

Proposals for moving historic structures will consider the effects of movement on the structures, their present environments, their proposed environments, and the archeological research value of the structures and their sites. No historic structure will be moved if its preservation would be adversely affected, or until the appropriate recovery of significant archeological data has occurred. Prehistoric structures will not be moved.

A nationally significant historic structure may be moved only if

- it cannot practically be conserved on its present site, or
- the move constitutes a return to a previous historic location, and the previous move and present location are not important to the structure's significance.

A historic structure of less-than-national significance may be moved if

- it cannot practically be preserved on its present site, or
- its present location is not important to its significance, and its relocation is essential to public understanding of the park's cultural associations.

In moving a historic structure, every effort will be made to reestablish its historic orientation, immediate setting, and general relationship to its environment.

The Service will not acquire historic structures for relocation to parks.

5.3.5.4.6 New Construction

In preference to new construction, every reasonable consideration will be given to using historic structures for park purposes compatible with their preservation and public appreciation. Additions may be made to historic structures when essential to their continued use, and when new construction will not destroy historic materials, features, and spatial relationships that characterize the structure. Structural additions will harmonize in size, scale, proportion, and materials with, but be readily distinguishable from, the older work, and will not intrude upon the historic scene. New additions will meet the *Secretary of the Interior's Standards for Rehabilitation*.

In those areas of parks managed for the preservation, protection, and interpretation of cultural resources and their settings, new structures, landscape features, and utilities will be constructed only if:

- existing structures and improvements do not meet essential park management needs, and
- new construction is designed and sited to preserve the integrity and character of the area.

Unless associated with an approved restoration or reconstruction, all alterations, additions, or related new construction will be differentiated from yet compatible with the historic character of the structure.

(See Rehabilitation 5.3.5.4.2; Use of Historic Structures 5.3.5.4.7; Adaptive Use 9.1.1.4. Also see Executive Order 13006; NHPA)

5.3.5.4.7 Use of Historic Structures

The National Historic Preservation Act (NHPA) (16 USC 470h-2(a)(1)) and Executive Order 13006 require each federal agency—prior to acquiring, constructing, or leasing buildings—to use, to the maximum extent feasible, historic properties available to it whenever operationally appropriate and economically prudent. The NHPA also requires each agency to implement alternatives for the adaptive use of historic properties it owns if that will help ensure the properties' preservation. Therefore, compatible uses for structures will be found whenever possible. This policy will help prevent the accelerated deterioration of historic structures due to neglect and vandalism. Unused significant historic structures should be stabilized and protected through appropriate measures, such as "mothballing," until long-term decisions are made through the planning process.

All uses of historic structures are subject to preservation and public safety requirements. No administrative or public use will be permitted that would threaten the stability or character of a structure, the museum objects within it, or the safety of its users, or that would entail alterations significantly compromising its integrity.

(See Fire Detection, Suppression, and Post-fire Rehabilitation and Protection 5.3.1.2; Physical Access for Persons with Disabilities 5.3.2; Adaptive Use 9.1.1.3; Energy Management 9.1.7; Historic Structures 9.4.3.3)

5.3.5.4.8 Park Structures Owned or Managed by Others

Park structures and related property owned or managed by others will be managed in accordance with NPS policies, guidelines, and standards to the extent permitted by the Service's interest. This includes structures and property owned but not occupied by the Service, and structures and property owned by others in which the Service has a less-than-fee interest or plays a major management or preservation role. Interests acquired or retained by the Service will enable the application of this policy.

(See Land Protection Plans 3.3; Historic Property Leases and Cooperative Agreements 5.3.3; Historic Properties 10.2.2.3)

5.3.5.4.9 Damaged or Destroyed Historic Structures

Historic structures damaged or destroyed by fire, storm, earthquake, war, or any other accident may be preserved as ruins; be removed; or be rehabilitated, restored, or reconstructed in accordance with these policies.

5.3.5.4.10 Historic and Prehistoric Ruins

The stabilization of historic and prehistoric ruins will be preceded by studies leading to the recovery of any data that would be affected by stabilization work. Ruins and related features on unexcavated archeological sites will be stabilized only to the extent necessary to preserve research values or to arrest structural deterioration, recognizing that it is preferable to preserve archeological sites in situ than to excavate them. Archeological ruins to be exhibited will not be excavated until consultation has occurred with traditionally associated peoples and adequate provisions are made for data recovery and stabilization. Structures will not be deliberately reduced to ruins, and missing structures will not be reconstructed to appear damaged or ruined.

5.3.5.5 Museum Collections

The Service will collect, protect, preserve, provide access to, and use objects, specimens, and archival and manuscript collections (henceforth referred to collectively as "collections," or individually as "items") in the disciplines of archeology, ethnography, history, biology, geology, and paleontology to aid understanding among park visitors, and to advance knowledge in the humanities and sciences. As appropriate, the Service will consult with culturally affiliated or traditionally associated peoples before treating or reproducing items in NPS collections that are subject to the Native American Graves Protection and Repatriation Act.

(Also see Museum Handbook)

5.3.5.5.1 Preservation

An item in a museum collection will be preserved in its present condition through ongoing preventive care if

- that condition is satisfactory for exhibit or research, or
- another treatment is warranted but it cannot be accomplished until some future time.

An item will be stabilized if

- preventive measures are insufficient to reduce deterioration to a tolerable level, or
- the item is so fragile that it will be endangered under any circumstances.

Active conservation treatment (intervention) will be minimized to reduce the possibility of compromising the item's integrity. All active treatment will be documented.

5.3.5.5.2 Restoration

An item in a museum collection may be restored to an earlier appearance if

- restoration is required for exhibit or research purposes,
- sufficient data about that item's earlier appearance exist to enable its accurate restoration, and
- restoration will not modify that item's known original character.

Restoration will be accomplished using the techniques and materials that least modify the item and in such a manner that the materials can be removed at a later time with minimal adverse effect. Restored areas will be distinguishable from original material and be documented. Restoration will take into account the possible importance of preserving signs of wear, damage, and former maintenance, as well as other historical and scientific evidence.

5.3.5.5.3 Reproduction

Items needed for interpretive and educational presentations will be reproduced for such use when the originals are (1) unavailable, or (2) would be subject to undue deterioration or loss, or (3) are otherwise inappropriate for exhibit. If an object is inappropriate for exhibit because of its religious or spiritual significance to a traditionally associated people, it will be reproduced only after consultation with such people.

5.3.5.5.4 Acquisition, Management, and Disposition

Collections and related documentation essential to achieving the purposes and objectives of parks will be acquired and maintained in accordance with approved scope of collection statements for each park. When museum objects, specimens, or archival documents become available and fall within a park's approved scope of collection statement, every reasonable effort will be made to acquire them if they can be managed and made accessible according to Service standards.

Archeological objects systematically collected within a park, and natural history specimens systematically collected within a park for exhibit or permanent retention, will be managed as part of the park's museum collection. The management and care of museum collections

will be addressed at all appropriate levels of planning. Requisite levels of care will be established through the interdisciplinary efforts of qualified professionals.

Museum collections will be acquired and disposed of in conformance with legal authorizations and current NPS procedures. The National Park Service will acquire only collections having legal and ethical pedigrees. Each park will maintain complete and current accession records to establish the basis for legal custody of the collections in its possession, including intellectual property rights when acquired. Each park will prepare museum catalog records to record basic property management data and other documentary information about the park's museum collection. Collections will be inventoried in accordance with current procedures. Archeological, cultural landscape, ethnographic, historic and prehistoric structure, historic furnishings, natural resource, and other projects that generate collections for parks will provide for cataloging and initial preservation of those collections in the project budget.

The Service may cooperate with qualified entities in the management, use, and exhibition of museum collections, and may loan items to or borrow items from such entities for approved purposes. The Service may de-accession items using means authorized in the Museum Act and the Native American Graves Protection and Repatriation Act.

Interested persons will be permitted to inspect and study NPS museum collections and records in accordance with standards for the preservation and use of collections, and subject to laws and policies regarding the confidentiality of resource data. At cost, copies of documents may be provided.

(See Natural Resource Collections 4.2.3; Confidentiality 5.2.3; Fire Detection, Suppression, and Post-fire Rehabilitation and Protection 5.3.1.2; Environmental Monitoring and Control 5.3.1.4; Consultation 7.5.5; Special Park Uses 8.6; Museum Collections Management Facilities 9.4.2. Also see 16 USC 18f; 43 USC 1460; 36 CFR Part 79; 43 CFR Part 10; and Museum Handbook)

5.3.5.5.5 Historic Furnishings

When historic furnishings are present in their original arrangement in a historic structure, every effort will be made to preserve them as an entity. Such historic furnishings will not be moved or replaced unless required for their protection or repair, or unless the structure is designated for another use in an approved planning document. The original arrangement of historic furnishings will be properly documented. A structure may be refurnished in whole or in part if

- all changes after the proposed refurnishing period have been professionally evaluated, and their significance has been fully considered,
- a planning process has demonstrated that refurnishing is essential to public understanding of the park's cultural associations, and
- sufficient evidence of the design and placement of the structure's furnishings exists to enable its accurate refurnishing without reliance on evidence from comparable structures.

Generalized representations of typical interiors will not be attempted except in exhibit contexts that make their representative nature obvious. Reproductions may be used in place of historic furnishings, but only when photographic evidence or prototypes exist to ensure the accurate re-creation of historic pieces.

(See Park Planning Processes 2.3; Nonpersonal Services 7.3.2)

5.3.5.5.6 Archives and Manuscripts

Archival and manuscript collections are museum collections, and will be preserved, conserved, arranged, cataloged, and described in finding aids. They will be maintained and used in ways that preserve the collections and their context (provenance and original order) intact while providing controlled access. With few legal exemptions, the Service will make archives and manuscripts available to researchers. Electronic documents that are to be preserved in archival and manuscript collections will be migrated so that their information remains accessible.

All documentation associated with natural and cultural resource studies and other resource management actions will be retained in the park's museum collection for use in managing park resources over time. Parks will retain notes or copies of records significant to their administrative histories when they periodically transfer their official records to federal record centers.

(See Confidentiality 5.2.3. Also see Director's Order #66: FOIA and the Protection of Exempted Information)

6: WILDERNESS STEWARDSHIP

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[Cover page summary statement.] The Park Service has stewardship responsibility for more designated wilderness than any other land management agency. Wilderness designation represents a national affirmation of the importance of the wilderness values and character of these lands. Wilderness stewardship seeks to maintain the untrammeled condition of wilderness, considering both the tangible and intangible aspects of wilderness character, while making it accessible for appropriate human use and enjoyment.

CHAPTER 6: WILDERNESS STEWARDSHIP

6.1 General Statement

The National Park Service will manage wilderness areas for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness. Wilderness stewardship will include the protection of these areas, the preservation of their wilderness character, and the gathering and dissemination of information regarding their use and enjoyment as wilderness. The purposes of wilderness in the national parks include the preservation of wilderness character and wilderness resources in an unimpaired condition, as well as for the public purposes of recreational, scenic, scientific, educational, conservation, and historical use consistent with that wilderness character.

The policies contained in this chapter are supplemented by Director's Order 41: Wilderness Stewardship Reference Manual and a series of technical guidance white papers developed by the NPS National Wilderness Steering Committee. Refer to those documents for more detailed information on the topics covered in this chapter.

6.2 The Wilderness Review Process

Park superintendents are responsible for completing the wilderness review process for their park or park addition when it is directed by law, requested by the Secretary, or at the Director's discretion in response to issues identified through park planning. The National Park Service will use the following wilderness review process to consider NPS areas for inclusion within the congressionally designated National Wilderness Preservation System.

6.2.1 Assessment of Wilderness Eligibility

Formerly called a suitability assessment, the eligibility assessment is an objective, factual determination of whether the park contains lands possessing wilderness character based on the criteria specified in section 2(c) of the Wilderness Act. It is the first step of the wilderness review process.

6.2.1.1 Primary Criteria for Determining Eligibility

NPS lands will be considered eligible for wilderness (1) if they are federally owned, undeveloped, and at least 5,000 acres or a sufficient size to make practicable their preservation and use in an unimpaired condition, and (2) if they possess the following characteristics (as identified in the Wilderness Act):

- the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain,
- the area is undeveloped and retains its primeval character and influence, without permanent improvements or human habitation,
- the area generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable,
- the area is protected and managed so as to preserve its natural conditions, and
- the area has outstanding opportunities for solitude or a primitive and unconfined type of recreation.

6.2.1.2 Additional Considerations in Determining Eligibility

In addition to the primary suitability criteria, there are other considerations that should be taken into account in determining eligibility.

- A wilderness area may contain significant ecological, geological, or other features of scientific, educational, scenic, or historical value, although it does not need these things to be considered eligible for wilderness designation.
- Lands that have been logged, farmed, grazed, mined, or otherwise used in ways not involving extensive development or alteration of the landscape may also be considered eligible for wilderness designation if, at the time of assessment, the effects of these activities are substantially unnoticeable and their wilderness character could be maintained or restored through appropriate management actions.
- An area will not be excluded from a determination of wilderness eligibility solely because established or proposed management practices require the use of tools, equipment, or structures, if those practices are necessary to meet the minimum requirements for the administration of the area as wilderness.
- Historic features that are primary attractions for park visitors will generally not be recommended as eligible for wilderness designation. However, an area that attracts visitors primarily for the enjoyment of solitude and unconfined recreation in a primitive setting may also contain cultural resource features and still be included in wilderness. Historic trails may serve and be maintained as part of the wilderness trail system, as identified and coordinated within an approved wilderness stewardship plan and the park's cultural resource plan. Structures of historical significance need not be deleted from wilderness area proposals. A recommendation may be made to include a historic structure in wilderness if (1) the structure would be only a minor feature of the total wilderness proposal, and (2) the structure will remain in its historic state, without development.
- Dams within or affecting the area being studied do not make a waterway ineligible for wilderness designation. The nature and extent of impacts, and the extent to which the impacts can be mitigated, would need to be addressed in eligibility determinations.
- Overflights do not make an area ineligible for wilderness designation. The nature and extent of any overflight impacts, and the extent to which the impacts can be mitigated, would need to be addressed in eligibility determinations.

6.2.1.3 The Assessment Process

The Service will involve the public in the wilderness eligibility assessment process through notification of its intentions to conduct the assessment and publication of its determination, either as "eligible" or as "ineligible" for further wilderness study. Notification will include the issuance of news releases to local and regional newspapers, and the publication of final eligibility determination in the *Federal Register*. The established use of motorboats, motorized watercraft, oversnow vehicles, and small aircraft do not make an area ineligible for wilderness designation. The nature and extent of any impacts from these activities, and the extent to which the impacts resulting from these activities in the future can be mitigated, would need to be addressed in subsequent wilderness studies. The final determination of an area's eligibility, or ineligibility, as wilderness must be approved by the NPS Director before publication of the final eligibility determination in the *Federal Register*. For areas determined to be ineligible for wilderness designation, the wilderness preservation provisions in chapter 6 of these Management Policies are no longer applicable.

6.2.2 Wilderness Studies

Lands and waters found eligible pursuant to the wilderness eligibility assessment will be formally studied to develop the recommendation to Congress for wilderness designation. The National Park Service will continue to undertake wilderness studies on all lands that have been determined to be eligible as a result of the wilderness eligibility assessment. Also, studies will be made for lands where subsequent legislation directs that wilderness studies be completed.

Wilderness studies will be supported by appropriate documentation of compliance with the National Environmental Policy Act and the National Historic Preservation Act (16 USC 470, et seq.). The Council on Environmental Quality requires environmental impact statements for wilderness studies that will result in recommendations for designations (i.e., proposals for legislation to designate as wilderness). The analysis of alternatives will include a discussion of how the Park Service intends to manage any eligible lands in each alternative that would not be included in the final proposal.

6.2.3 Proposed Wilderness

The findings and conclusions of a formal wilderness study will be forwarded from the Director to the Department of the Interior (Office of the Assistant Secretary for Fish and Wildlife and Parks) as proposed wilderness. This Park Service proposal will identify park lands to be considered for wilderness designation. The decision record will also address management and zoning plans for any lands that were originally deemed eligible for wilderness designation.

6.2.4 Recommended Wilderness

The Secretary of the Interior is responsible for recommending to the President those lands under his/her jurisdiction that qualify for inclusion within the National Wilderness Preservation System. The Secretary performs this function through the Assistant Secretary for Fish and Wildlife and Parks by reviewing NPS proposed wilderness and either approving or revising the proposal. If approved, the final result is forwarded by the

Secretary to the President for consideration. At this point, these lands become "recommended" wilderness. The President is then responsible for transmitting recommendations with respect to wilderness designation to both houses of Congress. These recommendations must be accompanied by maps and boundary descriptions. The transmittal of the recommendation from the President to the Congress marks the conclusion of the wilderness study process, although the National Park Service will continue to track the status of the wilderness recommendation in Congress.

6.2.5 Designated Wilderness

After the President's formal transmittal of the recommendation to Congress, Congress considers the President's recommendation, and may subsequently enact the legislation needed to include the area within the National Wilderness Preservation System as "designated" wilderness.

From time to time, Congress has established potential wilderness composed of lands that do not themselves qualify for immediate designation due to temporary, nonconforming, or incompatible conditions. If so authorized by Congress, these potential wilderness areas will become designated wilderness upon the Secretary's determination, published in the *Federal Register*, that they have met the qualifications for designation by the cessation or termination of the nonconforming use. The National Park Service will assist the Department and the Congress in this process as requested.

6.3 Wilderness Resource Stewardship

6.3.1 General Policy

For the purposes of applying these policies, the term "wilderness" will include the categories of eligible, study, proposed, recommended, and congressionally designated, wilderness. Lands that were originally deemed wilderness eligible, but which were not included in the wilderness recommendation sent to Congress, will no longer be managed under the provisions of these chapter 6 policies. They will, however, be managed in accordance with the same high standards to which all other NPS lands are managed, in full accord with all other provisions of these *Management Policies*. Each of these categories, and the respective NPS management responsibilities are described by these policies and in greater detail in Director's Order #41.

In addition to managing these areas for the preservation of the physical wilderness resources, planning for these areas must ensure that the wilderness character is likewise preserved. This policy will be applied to all planning documents affecting wilderness. The National Park Service will take no action that would diminish the wilderness eligibility of an area possessing wilderness characteristics until the legislative process of wilderness designation has been completed. For wilderness eligible and study lands, no actions that would diminish the existing wilderness character and values of the area will be taken. However, in eligible and study lands, established, existing, and otherwise nonconforming uses may be allowed to continue at current levels pending completion of the wilderness study. For proposed and recommended wilderness lands, management decisions will be made in expectation of eventual wilderness designation. In

congressionally designated potential wilderness, management decisions will be in accordance with the letter and intent of Congress. To the extent intended by Congress, the National Park Service will seek to remove from potential wilderness the temporary, nonconforming conditions that preclude wilderness designation. All management decisions affecting wilderness will further apply the concept of "minimum requirement" for the administration of the area regardless of wilderness category. The level of analysis will be commensurate with the scope and complexity of the decision to be made.

6.3.2 Responsibility

NPS responsibility for carrying out wilderness stewardship mandates will be shared by the Director, regional directors, and superintendents of parks with eligible, study, proposed, recommended, congressionally designated potential, and designated wilderness. Interagency cooperation and coordination and training responsibilities for wilderness stewardship will also be carried out at the Washington, region, and park levels. Specific wilderness stewardship responsibilities will be assigned at each of these administrative levels to carry out these responsibilities effectively and to facilitate efforts establishing agency and interagency consistency in wilderness stewardship techniques.

Superintendents will provide the information needed to prepare the Annual Wilderness Report to the Director on the status of wilderness stewardship in the national park system. Based on this information, the Associate Director having National Wilderness Program oversight and responsibility will provide the Directorate with recommendations and advice to establish a system of accountability, consistency, and continuity for NPS wilderness stewardship.

6.3.3 Consistency

The National Park Service will seek to achieve consistency in wilderness stewardship objectives, techniques, and practices on both an agency and an interagency basis. Accordingly, the National Park Service will seek to maintain effective intra-agency and interagency communications, and will encourage, sponsor, and participate in intra-agency and interagency training and workshops designed to promote the sharing of ideas, concerns, and techniques related to wilderness stewardship. However, per Sec. 4(a)(3) of the Wilderness Act, the need for interagency consistency will in no way diminish any established NPS wilderness standards and values.

6.3.4 Wilderness-related Planning and Environmental Compliance

The Wilderness Act directs that these areas shall be devoted to the public purposes of conservation, recreation, scenic, scientific, educational, and historical use. Wilderness planning and compliance will be developed to assure that, where consistent with the Wilderness Act, optimum opportunities for the public to use and enjoy their wilderness areas are identified and provided, while also ensuring that future generations will have the same opportunities.

6.3.4.1 Zoning for Wilderness

Accomplishing the six public purposes of wilderness cannot always be done on the same parcel of land simultaneously. Zoning, in both spatial and temporal dimensions, to

appropriately allocate wilderness lands to accommodate all the legislated purposes may be required. When necessary, all categories of wilderness may be zoned for visitor experiences and resource conditions consistent with their wilderness values within the established management zoning system for each park. However, management zoning or other land use classifications cannot and will not diminish or reduce the maximum protection to be afforded lands with wilderness values. Transition zones adjacent to wilderness may be identified to help protect wilderness values, but no transitional or "buffer" zones are appropriate within wilderness boundaries.

6.3.4.2 Wilderness Stewardship Planning

The superintendent of each park containing wilderness resources will develop and maintain plans to guide the stewardship and use of these resources. Wilderness stewardship planning will identify desired future conditions, as well as establish indicators, standards, conditions, and thresholds above which management actions will be taken to protect wilderness character and resources.

The park's wilderness stewardship plan may be developed as a separate document or integrated within a park's general management plan or other planning documents. Wilderness stewardship planning will be supported by appropriate documentation of compliance with the National Environmental Policy Act and the National Historic Preservation Act. The plan will be developed with public involvement, and will contain specific, measurable management objectives that address the preservation and management of natural and cultural resources within wilderness as appropriate to achieve the purposes of the Wilderness Act and other legislative requirements.

(See Visitor/User Carrying Capacity 8.2.1)

6.3.4.3 Environmental Compliance

Proposals having the potential to impact wilderness resources will be evaluated in accordance with NPS procedures for implementing the National Environmental Policy Act. Those procedures include the use of categorical exclusions, environmental assessments (EAs), and/or environmental impact statements (EISs). Administrative actions impacting wilderness must be addressed in either the EA or EIS accompanying the approved wilderness stewardship plan, or as a separate environmental compliance document.

Managers contemplating the use of aircraft or other motorized equipment or mechanical transportation within wilderness must first consider impacts to the character, aesthetics, and traditions of wilderness before considering the costs and efficiency of the equipment.

In evaluating environmental impacts, the National Park Service will take into account wilderness characteristics and values, including

- the primeval character and influence of the wilderness,
- the preservation of natural conditions (including the lack of man-made noise, lights, and odors), and

- assurances that there will be outstanding opportunities for solitude, that the public will be provided with a primitive and unconfined type of recreational experience, and that wilderness will be preserved and used in an unimpaired condition.

(Also see Director's Order #12: Conservation Planning and Environmental Impact Analysis)

6.3.5 Minimum Requirement

All management decisions affecting wilderness must be consistent with the minimum requirement concept. This concept is also a documented process used to determine if activities, projects, or programs affecting wilderness resources or the visitor experience are necessary, and how to minimize impacts. The minimum requirement concept will be applied as a two-step process that determines

- whether or not the proposed management action is appropriate or necessary for administration of the area, and
- the techniques and type of equipment needed to ensure that impact to wilderness resources and character is minimized.

In accordance with this policy, superintendents will apply the minimum requirement concept in the context of wilderness stewardship planning, as well as to all other administrative practices, proposed special uses, scientific activities, and equipment use in wilderness. When determining minimum requirement, the potential disruption of wilderness character and resources will be considered before, and given significantly more weight than, economic efficiency and convenience. If a compromise of wilderness resources or character is unavoidable, only those actions that preserve wilderness character and/or have localized, short-term adverse impacts will be acceptable.

Although park managers have flexibility in identifying the method used to determine minimum requirement within the approved wilderness stewardship plan, the method used must clearly weigh the benefits and impacts of the proposal, document the decision process, and be supported by an appropriate environmental compliance document. Parks with no approved wilderness stewardship plan must develop a separate process to determine minimum requirement until the plan is finally approved. Parks will complete a minimum requirement analysis on those administrative practices and equipment uses that have the potential to impact wilderness resources or values. The minimum requirement concept cannot be used to rationalize permanent roads or inappropriate or unlawful uses in wilderness.

Administrative use of motorized equipment or mechanical transport will be authorized only

- if determined by the superintendent to be the minimum requirement needed by management to achieve the purposes of the area as wilderness, including the preservation of wilderness character and values, or

- in emergency situations (search and rescue, homeland security, law enforcement) involving the health or safety of persons actually within the area. Such management activities will be conducted in accordance with all applicable regulations, policies, and guidelines, including minimum requirement protocols as practicable.

For more detailed guidance, see Director's Order 41 and the National Wilderness Steering Committee Guidance Paper #3: "What Constitutes the Minimum Requirement in Wilderness?"

6.3.6 Scientific Activities in Wilderness

The statutory purposes of wilderness include scientific activities, and these activities are encouraged and permitted when consistent with the Service's responsibilities to preserve and manage wilderness.

6.3.6.1 General Policy

The National Park Service has a responsibility to support appropriate scientific activities in wilderness, and to use science to improve wilderness stewardship. The Service recognizes that wilderness can and should serve as an important resource for long-term research, study, and observation of ecological processes and the impact of humans on these ecosystems. The National Park Service further recognizes that appropriate scientific activities may be critical to the long-term preservation of wilderness.

Scientific activities are to be encouraged in wilderness. Even those scientific activities (including inventory, monitoring, and research) that involve a potential impact to wilderness resources or values (including access, ground disturbance, use of equipment, animal welfare, etc.) should be allowed when the benefits of what can be learned outweigh the impacts on the wilderness resources or values. However, all such activities must also be evaluated using the minimum requirement concept and include documented compliance that assesses impacts against benefits to wilderness. This process should ensure that the activity is appropriate and uses the minimum tool required to accomplish project objectives. Scientific activities involving prohibitions identified in section 4(c) of the Wilderness Act (16 USC 1133(c)) may be conducted within wilderness when the following conditions are met.

- The desired information is essential for the understanding health, management, or administration of wilderness, and the project cannot be reasonably modified to eliminate or reduce the nonconforming wilderness use(s); or if it increases scientific knowledge, even when this serves no immediate wilderness stewardship purposes, provided it does not compromise wilderness resources or character. The preservation of wilderness resources and character will be given significantly more weight than economic efficiency and/or convenience.
- NEPA compliance (including completion of documented categorical exclusions, environmental assessments/findings of no significant impact, or environmental impact statements/records of decision) and other regulatory compliance (including compliance with Section 106 of the National Historic Preservation Act (16 USC 470f)) are accomplished and documented.

- All scientific activities will be accomplished in accordance with the terms and conditions adopted at the time the research permit is approved. Later requests for exceptions to the Wilderness Act will require additional review and approval.
- The project will not significantly interfere with other wilderness purposes (recreational, scenic, educational, conservation, or historical) over a broad area or for a long period of time.
- The minimum requirement concept is applied to implementation of the project.

Research and monitoring devices (e.g., video cameras, data loggers, and meteorological stations) may be installed and operated in wilderness if (1) the desired information is essential for the administration and preservation of wilderness and cannot be obtained from a location outside of wilderness without significant loss of precision and applicability; and (2) the proposed device is the minimum requirement necessary to accomplish the research objective safely.

Park managers will work with researchers to make NPS wilderness area research a model for the use of low-impact, less intrusive techniques. New technology and techniques will be encouraged if they are less intrusive and cause less impact. The goal will be for studies in NPS wilderness to lead the way in "light on the resource" techniques.

All scientific activities, including the installation, servicing, removal, and monitoring of research devices, will apply minimum requirement concepts and be accomplished in compliance with *Management Policies*, Director's Orders, and procedures specified in the park's wilderness stewardship plan.

(See Studies and Collections 4.2; Social Science Studies 8.11)

6.3.6.2 Monitoring Wilderness Resources

In every park containing wilderness, the conditions and long term trends of wilderness resources will be monitored to identify the need for or effects of management actions. Monitoring will be conducted to identify threats and their source, both internal and external, for the purpose of mitigation if possible, and to ensure that the public purposes are being met, and that management actions and impacts on wilderness resources and character do not exceed established standards and conditions. As appropriate, wilderness monitoring programs may assess physical, biological, cultural, and social resources and impacts.

6.3.7 Natural Resources Management

The National Park Service recognizes that wilderness is a composite resource with interrelated parts. Without natural resources, especially indigenous and endemic species, a wilderness experience would not be possible. Natural resources are critical, defining elements of the wilderness resource, but need to be managed within the context of the whole ecosystem. Natural resource management plans will be integrated with and cross-reference wilderness stewardship plans. Pursuing a series of independent component projects, such as single species management in wilderness, will not necessarily accomplish the over-arching goal of wilderness stewardship. Natural resources management in

wilderness will include and be guided by a coordinated program of scientific inventory, monitoring, and research.

The principle of nondegradation will be applied to wilderness stewardship, and each wilderness area's condition will be measured and assessed against its own unimpaired standard. Natural processes will be allowed, as far as possible, to shape and control wilderness ecosystems. Management should seek to sustain natural distribution, numbers, population composition, and interaction of indigenous species. Management intervention should only be undertaken to the extent necessary to correct past impacts. If the impacts originate outside of wilderness boundaries, the park superintendent will communicate, cooperate, and consult with outside parties and seek solutions that will protect the resources.

Management actions, including restoration of extirpated native species and altered natural fire regimes, the control of invasive alien species, the management of endangered species, and the protection of air and water quality, should be attempted only when the knowledge and tools exist to accomplish clearly articulated goals.

(See Chapter 4: Natural Resource Management. Also see Director's Order #77 series on natural resources management)

6.3.8 Cultural Resources

The Wilderness Act specifies that the designation of any area of the park system as wilderness "shall in no manner lower the standards evolved for the use and preservation of" such unit of the park system under the various laws applicable to that unit (16 USC Section 1133(a)(3)). Thus, the laws pertaining to historic preservation also remain applicable within wilderness. In administering any area designated as wilderness, the responsible park managers will include appropriate consideration of the application of this "savings" clause in their analyses and ultimate decisions.

Cultural resources that have been included within wilderness will be protected and maintained according to the pertinent laws and policies governing cultural resources, using management methods consistent with preservation of wilderness character and values. These laws include the Antiquities Act of 1906 and the Historic Sites Act of 1935, as well as the subsequent historic preservation legislation, including the National Historic Preservation Act, the Archaeological Resources Protection Act, and Native American Graves Protection and Repatriation Act (NAGPRA). The American Indian Religious Freedom Act (AIRFA) reaffirms the First Amendment rights of Native Americans to access national park lands for the exercise of their traditional religious practices. The *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* projects provide direction for protection and maintenance. Cemeteries or commemorative features, such as plaques or memorials, that have been included in wilderness may be retained (including approved access to these sites), but no new cemeteries or additions to existing cemeteries may be made unless specifically authorized by federal statute, existing reservations, or retained rights. Native American human remains that were removed from wilderness areas and are subject to NAGPRA repatriation

may be re-interred at or near the site from which they were removed. Native American religious areas and other ethnographic and cultural resources will be inventoried and protected. Native Americans will be permitted access within wilderness for sacred or religious purposes consistent with the intent of the American Indian Religious Freedom Act, the Wilderness Act, and other applicable authorities provided by federal statutes and Executive orders.

(See Chapter 5: Cultural Resource Management)

6.3.9 Fire Management

Fire management activities conducted in wilderness areas will conform to the basic purposes of wilderness. The park's fire management and wilderness stewardship plans must identify and reconcile the natural and historic roles of fire in the wilderness. These plans will provide a prescription for response, if any, to natural and human-caused wildfires based on fuel load, climatic conditions, potential for damage to property or loss of life both within and adjacent to wilderness, and availability of fire suppression resources. If a fire use program is implemented, these plans will also include the prescriptions and procedures under which the program will be conducted within wilderness.

Actions taken to suppress wildfires must use the minimum requirement concept, unless (1) the on-site management officials determine that emergency conditions exist, and (2) the fire should be managed in such a way as to protect natural and cultural resources and to minimize the lasting impacts of the suppression actions. Information on developing a fire management program in wilderness is contained in Director's Order #18: Wildland Fire Management.

(See Fire Management 4.5)

6.3.10 Management Facilities

Part of the definition of wilderness as provided by the Wilderness Act is "undeveloped federal land retaining its primeval character and influence, without permanent improvements." Accordingly, the authorization of NPS administrative facilities located in wilderness will be limited to the types and minimum number essential to meet the minimum requirements for the administration of the wilderness area. A decision to construct, maintain, or remove an administrative facility will be based primarily on whether or not such a facility is required to preserve wilderness character or values, not on considerations of administrative convenience, economic effect, or convenience to the public or park staff. Maintenance or removal of historic structures will also comply with cultural resource protection and preservation policies and directives, and the concept of minimal requirement management techniques for wilderness.

6.3.10.1 Administrative Facilities

Administrative facilities (for example ranger stations and/or patrol cabins, fire lookouts, radio and/or cellular telephone antennas, radio repeater sites, associated storage or support structures, drift fences, and facilities supporting trail stock operations) may be allowed in

wilderness only if they are determined to be the minimum requirement necessary to carry out wilderness stewardship objectives and are specifically addressed within the park's wilderness stewardship plan or other appropriate planning documents. New roads will not be built in wilderness. Temporary vehicular access may be permitted only to meet the minimum requirements of emergency situations, and will be restored per an approved restoration plan as rapidly as possible. Where abandoned roads have been included within wilderness, they may be used as trails, restored to natural conditions, or managed as a cultural resource.

No permanent heliports, helipads, or airstrips will be allowed in wilderness unless specifically authorized by statute or legislation. Temporary landing facilities may be used to meet the minimum requirements of emergency situations. Site improvements determined to be essential for safety reasons during individual emergency situations may be authorized, but no site markings or improvements of any kind may be installed to support nonemergency use. In Alaska, any prohibitions or restrictions on the use of fixed-wing aircraft should follow the procedures in 43 CFR 36.11(f).

Permanent storage caches are prohibited within wilderness unless necessary for health and safety purposes or when such caches are justified and documented through a minimum requirement analysis.

6.3.10.2 Trails in Wilderness

Trails will be permitted within wilderness when they are determined to be necessary for resource protection and/or for providing for visitor use for the purposes of wilderness. The identification and inventory of the wilderness trail system will be included as an integral part of the wilderness stewardship plan or other appropriate planning document. Trails will be maintained at levels and conditions identified within the approved wilderness stewardship plan or other planning document. Trail maintenance structures (waterbars, gabions, etc.) may be provided, under minimum requirement protocols, where they are essential for resource preservation, required to meet trail design and construction standards, or where significant safety hazards exist during normal use periods. Historic and/or prehistoric trails will be administered and maintained in keeping with approved cultural resource and wilderness stewardship plan requirements.

Borrow pits are not permitted in wilderness areas, with the exception of small-quantity use of borrow material for trails, which must be in accordance with an approved wilderness stewardship plan or other applicable planning document.

6.3.10.3 Campsites and Shelters

The construction of new shelters for public use will generally not be allowed, in keeping with the values and character of wilderness. An existing shelter may be maintained or reconstructed only if the facility is necessary to achieve specific wilderness stewardship objectives as identified in the park's wilderness and cultural resources management plans. The construction, use, and occupancy of cabins and other structures in wilderness areas in Alaska are governed by applicable provisions of the Alaska National Interests Lands

Conservation Act and by NPS regulations in 36 CFR Part 13, and may be permitted only under conditions prescribed in the park's wilderness stewardship plan.

Although the development of facilities to serve visitors will generally be avoided, campsites may be designated when essential for resource protection and preservation or to meet other specific wilderness stewardship objectives. In keeping with the terms of the park's wilderness stewardship plan, campsite facilities may include a site marker, fire rings, tent sites, food-storage devices, and toilets if these are determined by the superintendent to be the minimum facilities necessary for the health and safety of wilderness users, or for the preservation of wilderness resources and values. Toilets will be placed only in locations where their presence and use will resolve health and sanitation problems or prevent serious resource impacts, especially where reducing or dispersing visitor use is impractical or has failed to alleviate the problems. Picnic tables will generally not be allowed in wilderness.

6.3.10.4 Signs

Signs detract from the wilderness character of an area. Only those signs necessary for visitor safety or to protect wilderness resources, such as those identifying routes and distances, will be permitted. Where signs are used, they should be compatible with their surroundings and the minimum feasible size.

6.3.11 Wilderness Boundaries

Policies related to wilderness boundaries include the following.

6.3.11.1 Legal Descriptions and Boundary Maps

Every park with designated wilderness will have a written legal description of the wilderness area and a map (or maps) that illustrates the legal description of the wilderness. Each park will ensure that the legal description and map(s) are filed in the appropriate locations. Wilderness boundaries have the force of federal law, and may only be modified through the legislative process, unless minor adjustments and corrections are specifically authorized within the legislation that designated the wilderness.

6.3.11.2 Caves

All cave passages located totally within the surface wilderness boundary will be managed as wilderness. Caves that have entrances within wilderness but contain passages that may extend outside the surface wilderness boundary will be managed as wilderness. Caves that may have multiple entrances located both within and exterior to the surface wilderness boundary will be managed consistent with the surface boundary; those portions of the cave within the wilderness boundary will be managed as wilderness.

(See Caves 4.8.2.2)

6.3.11.3 Waters in Wilderness

The Park Service will manage all waters included within wilderness boundaries, and the lands beneath these waters (if owned by the United States) as wilderness, in keeping with

established jurisdictions and authorities and subject to all valid water rights established in accordance with applicable state law.

(See Water Resource Management 4.6)

6.4 Wilderness Use Management

The National Park Service will encourage and facilitate those uses of wilderness that are consistent with the definitions and purposes of wilderness and that do not degrade wilderness resources and character. Appropriate restrictions may be imposed on any authorized activity if necessary to preserve wilderness character and resources or to ensure public safety.

When resource impacts or demands for use exceed established thresholds or capacities, superintendents may manage or redirect use. Physical alterations, public education, general regulations, special regulations, and permit systems, as well as local restrictions, public use limits, closures, and designations implemented under the discretionary authority of the superintendent (36 CFR 1.5 and 36 CFR Part 13; 43 CFR Part 36 for Alaska units), may all be used in managing use and protecting wilderness. Superintendents should use the least restrictive management prescription available and practicable to meet the resource protection needs while accommodating public use.

6.4.1 General Policy

Park visitors should accept wilderness on its own unique terms. Accordingly, the National Park Service will promote education programs that encourage wilderness users to understand and be aware of certain risks, including possible dangers arising from wildlife, weather conditions, physical features, and other natural phenomena inherent in the various conditions that comprise a wilderness experience and primitive methods of travel. The National Park Service will not modify the wilderness area to eliminate all risks normally associated with wilderness, but it will strive to provide users with general information concerning possible risks, any recommended precautions, related user responsibilities, and applicable restrictions and regulations. Certain specific risks may be mitigated or managed if the mitigation or management of the risks does not degrade the wilderness character and resources.

6.4.2 Wilderness Interpretation and Education

In the context of interpretive and educational planning, park units with wilderness resources will operate public education programs designed to promote and perpetuate public awareness and enjoyment of and appreciation for wilderness character, resources, and ethics. This education will focus on (1) fostering an understanding of the concept of wilderness that includes respect for the resource, willingness to exercise self-restraint in accessing it, and an ability to adhere to appropriate, minimum-impact techniques; and (2) encouraging the public to use and accept wilderness on its own terms, i.e., the acceptance of an undeveloped, primitive environment and the assumption of the potential risks and responsibilities involved in using and enjoying wilderness areas. NPS interpretive plans and programs for wilderness parks will address the primary interpretive themes for

wilderness. Education is among the most effective tools for dealing with wilderness use management problems and should always be applied before more restrictive management tools.

(See Visitor Safety 8.2.5.1)

6.4.3 Recreational Use Management in Wilderness

Wilderness areas offer outstanding opportunities for solitude or primitive and unconfined recreation. These wild and natural lands have been set aside by the American people for people to use, experience, and enjoy. Park managers should identify and encourage wilderness recreational opportunities. Recreational uses of NPS wilderness are generally those traditionally associated with wilderness and identified by Congress in the legislative record for the development of the Wilderness Act and in keeping with the language provided by Sections 2(a) and 2(c) of the act itself (16 USC 1131(a) and (c)). These recreational uses of wilderness will be of a type and nature that ensure that its use and enjoyment will leave it unimpaired for future use and enjoyment as wilderness, provide for the protection of the area as wilderness, and provide for the preservation of the wilderness character. Recreational uses in NPS wilderness areas will be of a nature that

- enables the areas to retain their primeval character and influence,
- protects and preserves natural conditions,
- leaves the imprint of man's work substantially unnoticeable,
- provides outstanding opportunities for solitude or primitive and unconfined types of recreation, and
- preserves wilderness in an unimpaired condition.

For wilderness areas in Alaska, wilderness access is managed according to the provisions of the Alaska National Interests Lands Conservation Act.

6.4.3.1 Recreational Use Evaluation

As with all legislated uses of wilderness, recreational activities, particularly new and emerging activities, that compromise the stated purposes and definitions of wilderness or unduly impact the wilderness resource or the visitor experience within wilderness will be evaluated to determine if these uses are appropriate or should be managed or disallowed through use of the superintendent's compendium in 36 CFR 1.5 or rulemaking. Evaluation or re-evaluation should be accomplished within wilderness stewardship plans or other planning documents and should be conducted in consultation with the public; tribal, local and state governments; and other stakeholders. Recreational uses that do not meet the purposes and definitions of wilderness should be prohibited in NPS wilderness.

Management actions that result in significant changes in patterns or increased levels of use will be authorized only in cases where sufficient information exists to adequately determine there is no significant impact on wilderness resources and values, including visitor experiences. Decisions regarding significant changes in patterns and new levels of use will require environmental analysis and review, including opportunity for public comment, in accordance with NEPA requirements.

(See Visitor Carrying Capacity 8.2.1)

6.4.3.2 Leave No Trace and Tread Lightly!

Applicable outdoor recreation ethics developed by the Leave No Trace Center, and Tread Lightly! principles and practices, should be applied to all forms of recreation management within wilderness, including commercial operations. The Park Service will provide technical advice to these organizations and their boards to assist in the development of appropriate educational materials. Wilderness users will generally be required to carry out all refuse. Refuse is defined in 36 CFR 1.4.

6.4.3.3 Use of Motorized Equipment

Public use of motorized equipment or any form of mechanical transport will be prohibited in wilderness except as provided for in specific wilderness legislation. Operating a motor vehicle or possessing a bicycle in designated wilderness outside Alaska is prohibited (see NPS regulations in 36 CFR 4.30(d)(1)).

However, section 4(d)(1) of the Wilderness Act (16 USC 1133(d)(1)) authorizes the Secretary, where legislation designating the wilderness specifically makes this provision applicable, to allow the continuation of motorboat and aircraft use under certain circumstances in which those activities were established before wilderness designation. Section 4(d)(1) gives the Secretary the discretion to manage and regulate the activity in accordance with the Wilderness Act, the NPS Organic Act, and individual park enabling legislation. As authorized, the National Park Service will administer this use to be compatible with the purpose, character, and resource values of the particular wilderness area involved. The use of motorized equipment by the public in wilderness areas in Alaska is governed by applicable provisions of the Alaska National Interests Lands Conservation Act, NPS regulations in 36 CFR Part 13, and Department of the Interior regulations in 43 CFR Part 36. The specific conditions under which motorized equipment may be used by the public will be outlined in each park's wilderness stewardship plan.

(See Soundscape Management 4.9; Use of Motorized Equipment 8.2.3)

6.4.4 Commercial Services

Wilderness-oriented commercial services that contribute to public education, safety and visitor enjoyment of wilderness values or that provide opportunities for primitive and unconfined types of recreation may be authorized if they meet the "necessary and appropriate" tests of the National Park Service Concessions Management Improvement Act of 1998 and section 4(d)(6) of the Wilderness Act (16 USC 1133(d)(5)), and if they are consistent with the wilderness stewardship objectives contained in the park's wilderness stewardship plan, including the application of the minimum requirement concept. Activities such as guide services for outfitted horseback, hiking, mountain climbing, or river trips and similar activities may be authorized if conducted under terms and conditions outlined in the park's wilderness stewardship plan and/or in legislation authorizing these types of commercial use.

The only structures or facilities used by commercial services allowed in wilderness will be temporary shelters, such as tents, or other specifically approved facilities that may be required within the wilderness stewardship plan for resource protection, visitor safety, and the preservation of wilderness values. Temporary facilities will generally be removed from the wilderness after each trip, unless such removal will cause additional degradation of the wilderness resources. Temporary caches may be authorized for commercial services in wilderness only if necessary for public safety or to reduce damage to wilderness resources and when such caches are not visible to the public or otherwise do not degrade the wilderness character or resources. Authorized caches must be subject to the minimum requirement and will not be permitted for convenience. In Alaska, additional guidance for management of temporary facilities for hunting and fishing guides is found in the Alaska National Interests Lands Conservation Act, section 1316 (16 USC 3204). The use of permanent equipment and supply caches by commercial operators is prohibited within wilderness.

Managers will ensure that commercial operators are in compliance with established outdoor ethics, principles, and protocols.

(See Visitor Use 8.2; Commercial Use Authorization 10.3)

6.4.5 Special Events

Permits may be issued for special events that have a strong park and wilderness educational focus and are otherwise consistent with the public purposes of wilderness. Permits will not be issued in NPS wilderness areas for special events that are commercial enterprises, or for organized competitive events, such as activities involving animal, foot or watercraft races; physical endurance of a person or animal; survival exercises; or war games. Permit requests for special events that cause wilderness resource degradation or unduly intrude on the opportunities for solitude will be denied. Determining the terms and conditions for a special event in wilderness must be evaluated through the minimum requirement process.

(See Special Events 8.6.2. Also see 36 CFR 2.50)

6.4.6 Valid Existing Rights

Wilderness designation does not extinguish valid existing rights (e.g., fee-simple interest, less-than-fee simple interest, valid mineral operations, rights-of-way, grazing permits, and water rights). The validity of existing rights within wilderness must be determined on a case-by-case basis. Valid existing rights in wilderness must be administered in keeping with the specific conditions and requirements of those rights.

6.4.6.1 Rights-of-Way

Existing rights-of-way that have been included in wilderness should be allowed to terminate or be phased out where practicable. Rights-of-way subject to NPS administrative control should be administered under conditions outlined in wilderness stewardship plans or other applicable planning documents, which protect wilderness character and resources

and limit the use of motorized or mechanical equipment. The Service will not issue any new rights-of-way or widen or extend any existing rights-of-way in wilderness.

Rights-of-way and access procedures affecting wilderness areas in Alaska are governed by applicable provisions of the Alaska National Interests Lands Conservation Act and regulations in 43 CFR 36 and 36 CFR 13.

6.4.6.2 Mineral Development

The National Park Service will seek to cooperatively remove or extinguish valid mining claims and nonfederal mineral interests in wilderness through authorized processes, including purchasing valid rights. In parks where Congress has authorized the leasing of federal minerals, the Park Service will take appropriate actions to preclude the leasing of lands or minerals within wilderness whenever and wherever it is authorized to do so. Lands included within wilderness will be listed as “excepted areas” under applicable regulations in 43 CFR parts 3100 and 3500 (see section 3500.8).

Unless and until mineral interests and mining claims within NPS wilderness are eliminated, they must be managed pursuant to existing NPS regulations, policies, and procedures. (See 36 CFR part 9, subpart A, for mineral development on mining claims; 36 CFR part 9, subpart B, for nonfederal oil and gas development; and 43 CFR Parts 3100 and 3500 for federal mineral leasing.). A validity examination of unpatented claims in wilderness affected by a proposed plan of operations must be conducted by a certified mineral examiner before plan approval. Motorized use in wilderness on valid mineral claims is allowed only with an approved plan of operations and where there is no reasonable alternative. Motorized use for access can occur only on existing or approved roads. There will be no new roads or improvement of existing roads unless the claimant can demonstrate a legal right, or they are necessary for resource protection. Any plan of operations that is approved will include stipulations on operations and reclamation that will ensure that long-term effects on the wilderness area are substantially unnoticeable. For access to mining claims in NPS wilderness in Alaska, see 43 CFR 36.10.

(See 8.7 Mineral Exploration and Development)

6.4.6.3 Grazing and Livestock Driveways

Agricultural grazing or driving of livestock in park wilderness will be allowed only as specifically authorized by Congress. Where these activities are authorized, they will be managed under conditions and requirements identified within the approved wilderness stewardship plan, other applicable management plans, and corresponding allotment management plans. The use of motorized vehicles, motorized equipment, or mechanical transport by grazing permittees will not be allowed except as provided for by a specific authority, i.e., a valid existing right, the enabling legislation, or a determination of minimum requirement by the Park Service. The construction of livestock management facilities other than those specifically authorized by legislation is prohibited.

Recreational grazing of trail stock used as part of an approved livestock management program within wilderness may be authorized in accordance with NPS regulations and

conditions outlined in the wilderness stewardship plan or stock use management plan. All approved livestock use must ensure the preservation of wilderness resources and character. Superintendents will be responsible for monitoring livestock use in wilderness to the same degree as human use, and may use the same management tools and techniques—including the application of the minimum requirement concept to manage livestock use that are available for managing other wilderness uses.

(See 8.6.8 Grazing by Domestic and Feral Livestock)

6.4.7 Accessibility for Persons with Disabilities

The National Park Service has legal obligations to make available equal opportunities for people with disabilities in all programs and activities. This requirement includes the opportunity to participate in wilderness experiences. Management decisions responding to requests for special consideration to provide wilderness use by persons with disabilities must be in accord with the Architectural Barriers Act of 1968, the Rehabilitation Act of 1973 (as amended in 1978), and section 507(c) of the Americans with Disabilities Act of 1990 (ADA) (42 USC 12207(c)). Such decisions should balance the intent of access and wilderness laws, and find a way of providing the highest level of protection to the wilderness resource.

Section 17.550 of the Secretary of the Interior's regulations regarding enforcement of nondiscrimination on the basis of disability in Department of Interior programs (43 CFR part 17, subpart E) states that agencies are not required to take any actions or provide access that would result in a fundamental alteration in the nature of a program or activity. However, the agency has the burden of proving that compliance would result in a fundamental alteration. This concept is also found in section 507 of the Americans with Disabilities Act.

(See Accessibility for Persons with Disabilities 8.2.4)

CHAPTER 7: INTERPRETATION AND EDUCATION

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CHAPTER 7: INTERPRETATION AND EDUCATION

[Introduction to chapter 7—cover page.] Through interpretive and educational programs, the National Park Service will instill in park visitors an understanding, appreciation, and enjoyment of the significance of parks and their resources. Interpretive and educational programs will encourage the development of a citizen stewardship ethic, and broaden public and individual support for preserving conserving and the enjoyment of park resources.

The purpose of NPS interpretive and educational programs is to provide memorable educational and recreational experiences, and to foster the development of a citizen stewardship ethic. The Service's programs will do this by forging a connection between park resources, visitors, the enjoyment of park resources, the community, and park management. Programs will be successful when they use the right combination of original objects and places, firsthand experience, and effective media. The Service will strive to maintain the organizational capability to deliver high-quality interpretive services that meet the needs of the public. High-quality interpretation will be the shared responsibility of all levels of NPS staff, from the Washington and regional directorates, through park superintendents and chief interpreters, to field interpreters and noninterpretive staff. High-quality interpretation should be achieved through interpretive and educational services, media, ongoing research, planning, technical excellence in implementation, a well-trained staff, broad public input, and continual reevaluation.

Enjoyment of the parks and their resources is a fundamental part of the visitor experience. That experience can be heightened when it progresses from enjoyment to an understanding of the reasons for a park's existence and the significance of its resources. To quantify the visitor experience, and in compliance with the Government Performance and Results Act (GPRA), the levels of visitor satisfaction, safety, understanding, and appreciation will be measured.

A fully developed park interpretive and educational program will offer visitors a variety of opportunities to gain understanding and appreciation of park sites and the values they represent. Such opportunities will provide knowledge of park resources and the care needed to protect them, and allow visitors to participate in a recreational activity or a dialogue about park resources. Director's Order #6 and Reference Manual 6 provide additional guidance for developing interpretive and educational programs.

7.1 Interpretive and Educational Programs

Each park's interpretive and educational program will be grounded in (1) park resources, (2) themes related to the park's legislative history and significance, and (3) park and Servicewide mission goals. The intent will be to provide each visitor with an interpretive experience that is enjoyable and inspirational within the context of the park's tangible resources and the values they represent. In addition, visitors should be made aware of the

purposes and scope of the national park system. Interpretation will encourage dialogue and respect that visitors have their own individual points of view. Factual information presented will be current, accurate, and based on current scholarship and science, with the understanding that visitors can and will draw their own conclusions. Interpretation will also reach out to park neighbors and community decision makers to stimulate discussions about the park and its values in local, regional, and national contexts. In addition, interpretive services will help park employees better understand the park's history, resources, processes, and visitors.

An effective park interpretive and educational program will include the following:

- informational and orientation programs that provide visitors with easy access to the information they need to have a safe and enjoyable park experience
- interpretive programs that provide both on- and off-site presentations, and are designed to encourage visitors to form their own intellectual or emotional connections with the resource — All successful interpretive programs achieve significance by linking specific tangible artifacts, buildings, and places with ideas, events, and concepts. Interpretive programs facilitate a connection between the interests of visitors and the meanings of the park.
- curriculum-based educational programs that link park themes to national standards and state curricula and involve educators in planning and development — These programs usually include pre-visit and post-visit materials, address different learning styles, and include an evaluation mechanism. Programs should result in an understanding of a park's resources in individual, regional, national, and global contexts, and of the park's place within the national park system.
- interpretive media that provide visitors with relevant park information, and facilitate more in-depth understanding of and personal connection with park themes and resources

(See Air Quality 4.7.; Geologic Resource Management 4.8; Wilderness Interpretation and Education 6.4.2; Energy Management 9.1.7; Visitor Facilities 9.3)

7.2 Interpretive Planning

7.2.1. General

Interpretive services and facilities will be developed and operated in accordance with the NPS Organic Act and Servicewide strategic plan, and with each park's enabling legislation, general management plan, strategic plan, resource management plan, and comprehensive interpretive plan (CIP). A park's comprehensive interpretive plan will be closely related to its general management plan. Standards for ensuring high-quality interpretive and educational programs are prescribed in Director's Order #6 and Reference Manual 6.

The management plans, comprehensive interpretive plan, and other interpretive documents for each park will establish a balance of in-park and outreach interpretive services, based upon criteria such as park significance statements and themes, levels and types of visitor

use, the nature of park resources, and park management goals. A variety of tools, such as personal services, publications, exhibits, and audiovisual presentations, will be used to enhance a park's interpretive and educational programs, provide visitors with relevant information, and facilitate a high-quality park experience. Recognition that concessioners, cooperating associations, friends groups, and other partners may have an important role in providing interpretive and educational services is important in planning for the overall visitor services program, and such entities should be included where appropriate in the planning process.

7.2.2 Comprehensive Interpretive Plan

All parks will have a current comprehensive interpretive plan (CIP) as defined in Director's Order #6 and Reference Manual 6. The comprehensive interpretive plan, initiated by the superintendent and prepared by field staff with support from a regional office or the Harpers Ferry Center (HFC), will form the overall long-term vision and basis for decisions about interpretive and educational programs in the park. This plan will provide both long- and short-range views and deal with all media and personal services, and it will include the long-range interpretive plan, the annual interpretive plan, and the interpretive database.

7.3 Personal and Nonpersonal Services

7.3.1 Personal Services

Personal interpretive services are those in which staff interact with visitors. Examples of personal service programs include the staffing of visitor centers and contact stations, talks, illustrated programs, conducted activities, demonstrations, performing arts, junior ranger programs, special events, and educational programs. Each park should strive to offer a wide variety of personal service programs while taking into account public demand, audience characteristics, and available time and resources.

7.3.2 Nonpersonal Services

Nonpersonal interpretive services are those that do not require the presence of staff. Media such as park folders and other publications, museum and visitor center exhibits, wayside exhibits, web pages, audiovisual presentations, and radio information systems are all examples. Nonpersonal services, which can reach large audiences, will maintain a consistent quality of presentation over time. In conjunction with personal services, they will provide opportunities for visitor information, orientation, and understanding of park resources. A Servicewide standard for all NPS informational media will be established.

Harpers Ferry Center will be responsible for interpretive media planning, design, and production for museum and visitor center exhibits, wayside exhibits, audiovisual productions, publications, and directional signs. Plans or proposals to be accomplished by parks and regions, including privately funded projects, may be reviewed by Harpers Ferry Center for appropriateness and quality of design and execution. Proposals from concessioners, cooperating associations, and others may also be reviewed. Projects excluded from the review process include site bulletins, bulletin boards, and other park-initiated or park-approved small projects of a nonpermanent nature.

Parks will be responsible for the conservation of historic furnishings and artifacts on exhibit in parks. They may obtain conservation services from Harpers Ferry Center or from outside contractors.

(See Acquisition, Management, and Disposition 5.3.5.5.4; Historic Furnishings 5.3.5.5.5; Ethnographic Resources 5.3.5.3; Viewing Devices 9.3.1.6; Interpretation by Concessioners 10.2.4.3. Also see Director's Orders #52C: Park Signage and #70: Internet and Intranet Publications)

7.3.3 Electronic Interpretation

Parks should use electronic communications, such as the Internet and long-distance learning, to enhance their informational, orientation, interpretive, and educational programs. The National Park Service will maintain a site on the World Wide Web, managed consistent with Departmental information technology, security, E-Government, and other policies, to provide an opportunity for all parks and programs to reach beyond their borders to a worldwide audience. Each park will maintain a home page for the purpose of reaching this audience. Park home pages will comply with Director's Order #70: Internet and Intranet Publications; whenever applicable, NPS web page management, content, and design will comply with Department of the Interior policies and directives. The world of electronic communications and technology is rapidly and constantly changing, and the Park Service will take advantage of developing new technologies that have the potential for even greater service to the visiting public.

7.4 Requirements for All Interpretive and Educational Services

The following must be considered in the development of all personal and nonpersonal services.

7.4.1 Access to Interpretive and Educational Opportunities

The National Park Service will ensure, to the greatest extent possible, that persons with disabilities receive the same interpretive opportunities as persons without disabilities. Interpretive and educational programs, exhibits, audiovisual programs, publications, and all other interpretive media will comply with Department of the Interior regulations at 43 CFR Part 17, subpart E, and with standards required by the Architectural Barriers Act. Accordingly, the Service will ensure that persons with disabilities have the opportunity to participate in and benefit from all programs and activities in the most integrated setting appropriate. Additionally, the Service will take all feasible steps to ensure effective communication with individuals with hearing and visual impairments by providing appropriate auxiliary aids, where necessary, to afford the opportunity to participate in and enjoy the benefits of NPS programs and activities. These steps should include but not be limited to providing sign language interpreters for visitors with hearing impairments, and providing audio, Braille, and large-print versions of printed materials for those with visual or cognitive disabilities.

Efforts will also be made to ensure that interpretive and educational programs meet the special needs of children, senior citizens, non-English-speaking visitors, and the

economically disadvantaged. Foreign language translations of park publications will be provided in those parks visited by substantial numbers of non-English-speaking visitors.

(See Physical Access for Persons with Disabilities 5.3.2; Accessibility for Persons with Disabilities 8.2.4; Accessibility for Persons with Disabilities 9.1.2; Accessibility of Commercial Services 10.2.6.2. Also see Director's Order #42; Reference Manual 41; 43 CFR 17.550)

7.4.2 Interpretive and Educational Services Beyond Park Boundaries

Outreach services are an active part of a balanced visitor services program. A planned outreach program is essential to each unit of the national park system, and it helps establish parks as parts of the local, national, and global communities. Outreach should be used to disseminate park information and interpretive and educational programs beyond park boundaries. All parks are encouraged to offer interpretive and educational opportunities to members of the public who are unable to make on-site visits.

7.4.3 Resource Issue Interpretation and Education

Park managers are increasingly called upon to make difficult resource decisions, some of which may be highly controversial. Interpretive and educational programs can help build public understanding of the decision-making processes and what considerations led to a particular decision. These interpretive and educational programs should present multiple perspectives on the issue and be respectful of the different opinions and values of those who were directly affected by the decision. Parks should, in balanced and appropriate ways, thoroughly integrate resource issues and initiatives of local and Servicewide importance into their interpretive and educational programs. Whenever possible, the appropriate interpretive managers at the national, regional, or park level should be involved in the process. In instances in which programming affects resources managed by other agencies, such agencies should be consulted during program planning.

For resource issue interpretation to be effective, frontline interpretive staff must be informed about the reasoning that guided the decision-making process, and interpreters must present balanced views and be respectful of the different opinions and values of the visitors. Resource issue interpretation should be integrated into both on- and off-site programs, as well as into printed and electronic media when appropriate. The balanced interpretation of resource issues and broad initiatives can often be an effective means of gaining support for the Service's decisions, especially when combined with demonstrated respect for different opinions and values, and for the needs of residents and officials in gateway and neighboring communities, the region, and the state(s) surrounding a park.

7.4.4 Research

Interpretive and educational programs will be based on current scholarship and research about the history, science, and condition of park resources, and on research about the needs, expectations, and behavior of visitors. To accomplish this, and to offer the most current and accurate programs to the public, a dialogue must be established and maintained among interpreters, education specialists, resource managers, scientists, archeologists, sociologists, ethnographers, historians, and other experts.

(See Park Planning Processes 2.3)

7.4.5 Consultation

The National Park Service will present factual and balanced presentations of the many American cultures, heritages, and histories. Consultation with diverse constituencies is essential to developing effective and meaningful interpretive and educational programs, because such consultation ensures appropriate content and accuracy and identifies multiple points of view and potentially sensitive issues. When appropriate, state and local agencies involved in heritage tourism and history (such as state historic preservation officers) should be included in consultations to provide diverse perspectives, expand the content of programs, and foster more coordination and partnerships. Acknowledging multiple points of view does not require interpretive and educational programs to provide equal time, or to disregard the weight of scientific or historical evidence.

The Service will actively consult traditionally associated peoples and other cultural and community groups in the planning, development, presentation, and operation of park interpretive programs and media relating to their cultures and histories. Cooperative programs will be developed with tribal governments and cultural groups and traditionally associated peoples to help the Park Service present accurate perspectives on their cultures. Ethnographic or anthropological data and concepts will also be used in interpretive programs, as appropriate. The Service will not display Native American human remains or photographs of those remains. Drawings, renderings, or casts of such remains will not be displayed without the consent of the culturally affiliated Indian tribes or native Hawaiian organizations. The Service may exhibit non-Native American remains, photographs, drawings, renderings, or casts thereof after appropriate consultation with traditionally associated peoples. The Service will consult with culturally affiliated or traditionally associated peoples to determine the religious status of any object whose sacred nature is suspected but not confirmed. These consultations will occur before such an object is exhibited or any action is taken that may have an adverse effect on its religious qualities.

(See Evaluation and Categorization 5.1.3.2; Stewardship of Human Remains and Burials 5.3.4; Ethnographic Resources 5.3.5.3; Museum Collections 5.3.5.5. Also see Director's Order #75A: Civic Engagement and Public Involvement.)

7.4.6 Cultural Demonstrators

Cultural demonstrators can provide unique insights into their cultures. To facilitate their successful interaction with the public, parks may provide cultural demonstrators with training and direction. Cultural demonstrators (in parks outside the National Capital Region) who are not NPS employees may be permitted to sell self-made handcraft items to park visitors, keeping the proceeds for themselves, where such handcrafts are related to the park's interpretive themes. This is allowed under 16 USC 1a-2(g), which authorizes the sale of products produced in the conduct of living exhibits, interpretive demonstrations, or park programs. When this practice is permitted, all materials used in creating such items must be the private property of the demonstrator and collected from outside the park. The superintendent may permit this practice through a cooperative agreement, special use permit, concession contract, or other legal contract.

Titles 8 and 13 of the Alaska National Interest Land Conservation Act regulate the taking of fish, wildlife, and other natural resources for subsistence and other purposes in the Alaska parks.

(See Special Events 8.6.2; Collecting Natural Products 8.8; Merchandise 10.2.4.4. Also see 36 CFR 5.3; 60 FR 17639)

7.4.7 Historic Weapons

All uses of historic weapons in parks will strictly comply with the "Historic Weapons Demonstrations Safety Standards" contained in Reference Manual 6, and will follow the procedures specified therein for the particular weapon(s) being used.

Weapons firing demonstrations conducted in areas administered by the Park Service are restricted to reproduction black-powder weapons only. Original NPS museum weapons will not be used; no exemptions will be granted. Requests by outside groups or individuals to use non-NPS original weapons will follow the exemption request procedure prescribed in Reference Manual 6, and will be granted or denied in writing by the superintendent.

7.4.8 Battle Reenactments

When performed with the degree of authenticity essential to park interpretive programs, battle reenactments are inherently and unacceptably hazardous to participants and observers. Therefore, battle reenactments that involve exchanges of fire between opposing lines, the taking of casualties, hand-to-hand combat, or any other form of simulated warfare are prohibited in all parks.

7.5 Interpretive and Educational Partnerships

In planning and implementing interpretive and educational programs, superintendents should consider the use of volunteers, concessioners, cooperating associations, field schools and institutes, friends groups, and private individuals to supplement park staff and funds. Such services will not be used as a replacement or substitute for a park's basic interpretive operation. To ensure quality control and appropriateness, NPS interpretive staff will be involved with the planning, approval, training, monitoring, and evaluation of all interpretive services provided by others. Non-NPS personnel providing interpretive services should be offered an opportunity to complete the appropriate interpretive development program training module(s), and/or seek certification in the appropriate competencies).

(See Interpretive Competencies and Skills 7.4; Cooperating Associations 7.6.2; Interpretation by Concessioners 10.2.4.3)

7.5.1 Volunteers in the Parks

Volunteer services may be used in various aspects of park operations under the authority of the Volunteers in the Parks Act of 1969. Pursuant to this legislation, volunteers may be recruited without regard to civil service regulations, and they are covered for tort liability

and work-injury compensation and may be reimbursed for out-of-pocket expenses while participating in the program.

Volunteers will be accepted without regard to race, creed, religion, age, sex, color, national origin, disability, or sexual orientation. Volunteers will not displace NPS employees. NPS housing may be used for volunteers only if available and not needed for NPS employees. Director's Order #7 and Reference Manual 7 provide additional guidance for the volunteer program.

(See Protection 5.3.5.1.4; Housing Management Plans 9.4.3.4. Also see Handbook 36 on Housing)

7.5.2 Cooperating Associations

When appropriate, cooperating associations will join the National Park Service in presenting interpretive and educational programs, and in supporting research efforts as authorized in 16 USC 1-3, 6, and 17j-(2)e. Enabled by a standard, nonnegotiable cooperating association agreement, cooperating associations may, consistent with a park's scope-of-sales statement, purchase for resale or produce for sale interpretive, educational, and inspirational items that are directly related to the understanding and interpretation of the park or the national park system. Associations may offer appropriate and approved interpretive services that support but do not supplant interpretive and educational services offered by the Park Service. Associations may accept donations on behalf of the Service when appropriate and when conducted through approved fund-raising efforts. NPS housing may be used for cooperating association employees only if available and not needed for NPS employees. Guidance for managing NPS partnerships with cooperating associations is included in Director's Order #32 and Reference Manual 32.

(See Housing Management Plans 9.4.3.4. Also see Director's Order #21: Donations and Fundraising; Handbook 36 on Housing)

CHAPTER 8—USE OF THE PARKS

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CHAPTER 8: USE OF THE PARKS

[Cover page summary statement] National parks belong to all Americans, and all Americans should feel welcome to visit, enjoy, and experience the parks. The National Park Service will promote and regulate use of the parks, and will provide the services necessary to meet the basic needs of park visitors and to achieve park purposes.

8.1 General

Many different types of uses take place in the units of the national park system. Some of those uses are carried out by the National Park Service, but many more are carried out by park visitors, permittees, lessees, and licensees. The 1916 Organic Act, which created the National Park Service, directs the Service to conserve park resources and "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 1970 National Park System General Authorities Act, as amended in 1978, prohibits the Service from allowing any activities that would cause derogation of the values and purposes for which the parks have been established (except as directly and specifically provided by Congress). Taken together, these two laws require NPS managers to manage the amount, kind, time, and place of park uses in such a way that future generations can enjoy park resources and values, and appreciate their national significance in as good or better condition than the generation that preceded them.

8.1.1 Appropriate Use

Providing opportunities for the public to visit and enjoy their national parks is a core element of the Service's mission. Other park uses—those unrelated to use by the general public—may sometimes be allowed as a privilege if they are not otherwise prohibited by law or regulation. In exercising its discretionary authority, the Service will allow uses that are determined to be appropriate. "Appropriate uses" are those uses that, in the professional judgment of the responsible NPS manager, will not

- cause an unacceptable impact
- be inconsistent with the park purposes or values
- unreasonably interfere with park programs or activities
- disrupt the operations of park concessions or contractors
- create an unsafe or unhealthful environment for visitors or employees
- result in significant conflict with other appropriate uses
- diminish opportunities for current or future generations to enjoy park resources or values

Subject to the above criteria, appropriate uses may include

- uses that have occurred historically in a park and when the type and/or the level of impact has not increased significantly
- uses that may represent new technology
- uses whose impacts can be successfully mitigated or eliminated through
  - visitor education
  - temporal, spatial, or numerical limitations on the use
  - the application of best available technology
  - the application of adaptive management techniques

8.1.2 Unacceptable Impacts

In evaluating the appropriateness of a park use, standard NPS planning and decision-making procedures will be employed to engage the public and to use the best scientific information available. These procedures will also be used to determine whether there would be an unacceptable impact. An "unacceptable impact" is an impact that would

- be inconsistent with the park's purposes or values
- degrade resource conditions so as to preclude future generations from enjoying the resource in as good, or better, condition
- create an unsafe or unhealthful environment for other visitors or employees
- unreasonably interfere with
  - existing appropriate park uses
  - NPS interpretive, visitor service, administrative, or other activities
  - NPS concessioner or contractor operations or services
  - the attainment of a park's desired conditions, as identified through the park's planning process

When a use is causing or would cause unacceptable impacts, the Service will seek first to manage the use in a way that will eliminate unacceptable impacts and, when necessary, restrict or disallow the activity. The Service will consider the best management tool or tools for the particular situation, using public involvement wherever appropriate. For example, if there were unacceptable impacts from NPS or concessioner vehicles the Service would consider whether applying adaptive management principles or requiring best available technology would sufficiently reduce or mitigate impacts to a level where the impacts were no longer unacceptable, and the use would then become one that is appropriate.

When a use is mandated by law and has been determined to cause unacceptable impacts to park resources or values, the Service will take appropriate management actions to avoid or mitigate the unacceptable impacts. When a use is authorized by law, but not mandated, and when it is reasonably anticipated to cause unacceptable impacts to park resources or values, the Service will minimize or mitigate the impacts to the point where there will be no unacceptable impacts; or, if necessary, the Service will not allow a proposed activity or eliminate an existing activity.

The Service may not allow uses that would impair a park's resources or values. Any use with the potential to impair park resources or values must be managed to ensure protection

and prevent impairment of these resources and values—or be disallowed. Activities directly and specifically mandated by Congress must be allowed, but will be managed to prevent impairment of park resources to the extent possible.

All proposals for park uses will be evaluated for

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

Park superintendents must examine all park uses to ensure that unanticipated and unacceptable impacts do not occur. Unless mandated by statute, only uses that meet the criteria listed in this section and section 8.2 may be allowed.

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

(See Park Management 1.4; Consumptive Uses 8.9. Also see Director's Order #12; 36 CFR 2.1)

8.2 Visitor Use

Enjoyment of park resources and values by the people of the United States is part of the fundamental purpose of all parks. The Service enthusiastically welcomes visitors to come to, see, and enjoy their natural and cultural heritage within units of the national park system. Congress has instructed the Service to preserve and manage the national park system "for the benefit and inspiration of all the people of the United States," and the Service recognizes that visitors come from the world over to enjoy the "superlative natural, historic, and recreation areas" contained in the system. The Service is committed to providing appropriate, high-quality opportunities for visitors to enjoy the parks, and will maintain within the parks an atmosphere that is open, inviting, and accessible to every segment of American society.

In establishing the various federal bureaus that manage public lands for the benefit of the American public, Congress did not intend the national park system to be all things to all

people. Some forms of recreation enjoyed by the public do not necessarily require a national park setting and may not be "appropriate uses" of parks, whereas they would be appropriate on other lands. The Service will therefore

- provide opportunities for forms of park use and enjoyment that are consistent with park purposes and the superlative natural and cultural resources found in the parks
- defer to local, state, and other federal agencies; private industry; and nongovernmental organizations to meet the broader spectrum of recreational needs and demands

One way to characterize the experience the Service provides for visitors' enjoyment is one of "authenticity." Examples of this authenticity include

- wild animals roaming freely and in as natural an assemblage as possible, living out their natural lives free of manipulation
- wildflowers and forests growing and changing, driven by natural forces rather than human forces
- historical events and places presented accurately and without contrivance or judgment
- scenic vistas presented via access that is light on the land and secondary to the natural landscapes

The National Park Service has learned over decades of park management that the public seeks out and enjoys parks primarily for their authenticity. With this in mind, the Service will encourage visitor uses that

- are appropriate to the purpose for which the park was established, and
- are inspirational, educational, or healthful, and otherwise consistent with the purposes of the national park system and the particular park environment, and/or
- will foster an understanding of and appreciation for park resources and values, or will promote enjoyment through a direct association with, interaction with, or relation to park resources, and
- can be sustained without causing unacceptable impacts to park resources or values.

The primary means by which the Service will actively foster and provide activities that meet these criteria will be through its interpretive and educational programs, described in detail in chapter 7. The Service will also welcome the efforts of private-sector organizations to provide structured activities that meet these criteria. In addition to structured activities, the Service will, to the extent practicable, afford visitors ample opportunity for inspiration, appreciation, and enjoyment through their own personalized experiences—without the formality of program or structure. The Service may allow other visitor uses that do not meet all the above criteria (including uses that have occurred historically and uses that represent new technology) if they meet the criteria listed in section 8.1.

If a superintendent has a reasonable basis for believing that an ongoing or proposed public use would cause unacceptable impacts to park resources or values, the superintendent must manage the activity so as to prevent or eliminate the unacceptable impacts, or reduce them to acceptable levels. As appropriate, the superintendent may (1) use education and interpretive materials and adaptive management to encourage visitors to conduct their activities in a manner that reduces impacts; (2) require the use of best available technology and improved techniques; (3) place temporal, spatial, or numeric limitations on the use; (4) temporarily or permanently close a specific area; or (5) prohibit a particular use.

Any administrative closures or restrictions must be consistent with applicable laws, regulations, and policies, and (except in emergency situations) require a written determination by the superintendent, with public involvement when feasible, that such measures are needed to

- maintain public health and safety
- prevent unacceptable impacts to park resources or values
- carry out scientific research
- equitably allocate use of facilities
- implement management responsibilities
- minimize visitor use conflicts.

When practicable, management actions will be based on the results of study or research, including (when appropriate) research in the social sciences. Any management actions taken will be fully explained to visitors and the public. Visitors will be given appropriate information on how to minimize adverse impacts, and how to enjoy the safe and lawful use of the parks.

Park managers should seek out opportunities to communicate NPS policies and regulations to those individuals and groups who use, or who wish to use, national parks for established, and potentially new, recreational activities. Generally, discussion and communication about NPS policies should be used as an opportunity to exchange information with individuals and user groups about the Service's statutory and regulatory requirements, and to learn about the their goals and organizational structure. It is in the Service's interest to establish ongoing communication with individuals and groups representing a diverse range of visitor uses, including those who advocate recreational uses that may be of questionable appropriateness for national park areas. Only by establishing and maintaining open lines of communication may the Service ensure that its management decisions are fair, reasonable, and defensible.

Beyond the need to communicate about specific types of uses, park managers should actively solicit participation by representative groups in planning processes that might affect their interests. In particular, participation by these groups should be sought when a general management plan, visitor use management plan, backcountry management plan, or similar plan is being proposed. It is vitally important that park managers and other NPS decision makers become fully aware of the viewpoints expressed by these groups, and that their viewpoints be given respectful consideration. The Service recognizes that it may not

be possible to accommodate all the interests of all groups. However, when the interests of a user group cannot be accommodated, the responsible park manager must be able to explain the reason.

(See Park Management 1.4; Management of Recreational Use 8.2.2.1. Also see 36 CFR 1.5: "Closures and Public Use Limits"; Director's Order #12: Tourism)

8.2.1 Carrying Capacity

Carrying capacity is the type and level of use that can be accommodated while sustaining the desired resource and visitor experience conditions in the park. By identifying these conditions, superintendents can manage park uses consistent with park purposes and to protect the resources and values for which the park was established. Superintendents will monitor for and address unacceptable impacts to park resources and values to protect park resources and maintain high-quality visitor experiences.

In general, carrying capacity should not be defined in static numeric terms, but rather should (1) describe desired resource and social conditions, and (2) identify the kinds of policies, actions, and best available technology that could be implemented to achieve the desired conditions. When making decisions about carrying capacity, park managers must use the best available natural and social science and other information, solicit public involvement, and maintain a comprehensive administrative record relating to their decisions. The decision-making process should be based on

- desired resource conditions and visitor experiences for the area as established in park planning or NEPA documents,
- quality indicators and standards that define the desired resource conditions and visitor experiences, and
- other factors that will lead to logical conclusions and the protection of park resources and values.

The level of analysis necessary to make decisions about carrying capacities is commensurate with the potential impacts or consequences of the decisions. The greater the potential for significant impacts or consequences to park resources and values and the opportunities to enjoy them, the greater the level of communication, consultation, study and analysis needed to support the decisions.

The general management planning process will determine the desired resource and visitor experience conditions that are the foundation for carrying capacity analysis and decision making. If a general management plan is not current or complete, or if more detailed decision-making is required, a carrying capacity planning process, such as the Visitor Experience and Resource Protection (VERP) framework, should be applied in an implementation plan or an amendment to an existing plan. If the time frame for making decisions is insufficient to allow the application of a carrying capacity planning process, park managers must make decisions based on the best available science, public input, and other information. In either case, such planning must be accompanied by appropriate environmental impact analysis, in accordance with Director's Order #12.

As use occurs over time, park managers must continue to decide if management actions are needed to prevent unacceptable impacts on park resources or values. If indicators and standards have been prescribed for an impact, the acceptable level is the prescribed standard. If indicators and standards do not exist, park managers must determine how much impact is acceptable before management action is required.

If park uses reach a level at which one or more uses must be limited or curtailed, the preferred choice will be to continue uses that best meet the criteria listed in sections 8.1 and 8.2, and to limit or curtail those that least meet those criteria.

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

8.2.2 Recreational Activities

The National Park Service will encourage, allow, or not allow recreational activities according to the criteria listed in sections 8.1 and 8.2. Examples of recreational activities include, but are not limited to, boating, camping, bicycling, fishing, hiking, horseback riding and packing, outdoor sports, picnicking, scuba diving, cross-country skiing, caving, mountain and rock climbing, and swimming. However, not all of these activities will be allowed in all parks; that determination should be made on the basis of park-specific planning. Servicewide regulations addressing aircraft use, off-road bicycling, hang gliding, off-road vehicle use, personal watercraft, and snowmobiling require that special, park-specific regulations be developed before these uses may be allowed in parks. (Different statutory and regulatory provisions apply to snowmobile, motorboat, and airplane use in units of the national park system in Alaska.)

The Service will monitor new or changing patterns of use or trends in recreational activities, and will assess their potential impacts on park resources. A new form of recreational activity will not be allowed within a park if a park manager determines that it will result in unacceptable impacts on park resources or values consistent with the criteria in 8.1. Management of recreational uses that have been approved according to the criteria in 8.1 will be limited to that which is necessary to protect park resources and values and promote visitor safety and enjoyment.

8.2.2.1 Management of Recreational Use

Superintendents should develop and implement visitor use management plans and take management actions as needed to ensure that recreational uses and activities within the park are consistent with its authorizing legislation or proclamation, and that these uses are determined to be appropriate. Depending on local park needs and circumstances, these plans may be prepared as

- coordinated activity-specific documents (such as river use plan, backcountry use plan, wilderness stewardship plan, off-road vehicle use plan, winter use plan),
- as action plan components of a resource management plan or general management plan, or

- or as a single integrated plan that addresses a broad spectrum of recreational activities.

Regardless of their format or complexity, visitor use management plans will (1) contain specific, measurable management objectives related to the activity or activities being addressed, (2) be periodically reviewed and updated, and (3) be consistent with carrying capacity decisions made in the general management plan.

The Service will seek consistency in recreation management policies and procedures on both a Servicewide and interagency basis to the extent practicable. However, because of differences in the enabling legislation and resources and values of individual parks, and differences in the missions of the Service and other federal agencies, an activity that is entirely appropriate when conducted in one location may be inappropriate when conducted in another. The Service will consider opportunities for visitor enjoyment, the park's purposes, and the effects on park resources and visitors when determining how to manage a specific recreational activity.

Park managers will consider a wide range of techniques in managing recreational use to ensure protection of park resources and values, and to provide desired visitor experiences. Examples of appropriate techniques include visitor information and education programs; separation of conflicting uses by time or location; "hardening" sites; modifying maintenance practices; and permit and reservation systems. Superintendents may also use their discretionary authority to impose local restrictions, public use limits, and closures, and they may designate areas for a specific use or activity (see 36 CFR 1.5). Any restriction of appropriate recreational uses will be limited (1) to what is necessary to protect park resources and values, (2) to promote visitor safety and enjoyment, or (3) to meet park management needs. To the extent reasonable and practicable, public use limits established by the Service will be based on the results of scientific research, public involvement, and other available support data. Recreational activities proposed as organized events or that involve commercialization, advertising, or publicity on the part of participants or organizers are defined as "special events," and are managed in accordance with the policies in section 8.6.2, regulations in 36 CFR 2.50, and criteria and procedures in Director's Order #53: Special Park Uses.

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

8.2.2.2 Commercial Visitor Services

For information on commercial visitor services, see Commercial Services 6.4.4, Planning Criteria for Park Concessions 10.2.2.1, and Commercial Use Authorizations 10.3.

8.2.2.3 River Use

A river use management plan should be developed for each park having significant levels of river use, or the potential for such use, unless the planning is accomplished through some other document. Appropriate types and levels of public uses will be identified and managed to protect aquatic resources, the riparian environment, and visitor enjoyment. Each river management plan will include specific procedures for disposing of refuse and human waste. Planning will include consultation with tribal, state, and local governments (including cooperating agency status where appropriate), and will include public involvement.

(See Implementation Planning 2.3.3; National Wild and Scenic Rivers System 4.3.4; Water Resource Management 4.6; Flood plains 4.6.4; Wetlands 4.6.5; Grazing by Domestic and Feral Livestock 8.6.8)

8.2.2.4 Backcountry Use

The Service uses the term "backcountry" to refer to primitive, undeveloped portions of parks. This is not a specific management zone, but rather refers to a general condition of land that may occur anywhere within a park. Backcountry use will be managed in accordance with a backcountry management plan (or other plan addressing backcountry uses) that is intended to provide for visitor enjoyment and recreation opportunities that are consistent with the backcountry experience and that ensure protection of park resources or values. The Service will seek to identify acceptable limits of impacts, monitor backcountry use levels and resource conditions, and take prompt management action when unacceptable impacts occur. Strategies designed to guide the preservation, management, and use of the backcountry and to achieve the park's management objectives will be integrated into the park's backcountry management plan. Backcountry proposed or recommended for wilderness designation will be managed as wilderness consistent with the Wilderness Stewardship policies in Chapter 6.

The number and types of facilities to support visitor use, including sanitary facilities, should be limited to the minimum necessary to achieve a park's backcountry management objectives and to provide for the health and safety of park visitors. Public use levels will be managed, where practicable, in accordance with the natural system's ability to absorb human waste. The Service should not provide refuse containers in backcountry areas unless doing so would not detract from the primitive experience of the backcountry and is necessary to prevent unacceptable impacts to the resources or values. All refuse must be carried out, except that combustible materials may be burned when authorized by the park managers. Users should be educated about and encouraged to practice a strong outdoor land ethic, as developed by our partner organizations including Leave No Trace, Tread Lightly!, Backcountry Horsemen of America, and others.

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

8.2.2.5 Fishing

Recreational fishing will be allowed in parks when it is authorized, or not specifically prohibited, by federal law—provided that it has been determined to be an appropriate use. When fishing is allowed, it will be conducted in accordance with applicable federal laws and treaty rights, and nonconflicting state laws and regulations. (For NPS units in Alaska, fishing will additionally be managed in accordance with the Alaska National Interest Lands Conservation Act.) The Service may restrict fishing activities when necessary to achieve management objectives outlined in a park's resource management plan or to otherwise protect park resources or public safety—unless such restrictions would violate a federal law or treaty. Before the Service issues regulations or other restrictions, representatives of appropriate tribes and state and federal agencies will be consulted to ensure that all available scientific data is considered in the decision-making process. Any such regulations or other restrictions will be developed with public involvement.

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

(See Implementation Planning 2.3.3; Planning for Natural Resource Management 4.1.1; Harvest of Plants and Animals by the Public 4.4.3; Facilities for Water Recreation 9.3.4.2)

8.2.2.6 Hunting and Trapping

Hunting, trapping, or any other methods of harvesting wildlife by the public will be allowed where it is specifically mandated by federal law. Where hunting is authorized on a discretionary basis under federal law, it may take place only after the Service has determined that the activity can be managed as an appropriate use, and that the proposed use is consistent with sound resource management principles.

Hunting and trapping will be conducted in accordance with federal law and applicable laws of the state or states in which a park is located. However, except for Alaska park units (which are subject to the Alaska National Interest Lands Conservation Act and regulations published at 36 CFR Part 13), the park in which hunting and/or trapping occurs must also publish special regulations to govern the activity, and those regulations may be more restrictive than applicable state regulations when necessary to prevent unacceptable impacts on park resources or values or to provide for public safety. Before the Service issues regulations or other restrictions, representatives of appropriate tribes and state and federal agencies will be consulted (including offering cooperating agency status where appropriate) to ensure that all available scientific data is considered in the decision-making process. Any such regulations or other restrictions will be developed with public involvement.

If the wildlife to be harvested is comanaged by the Service with states or tribes pursuant to a park's enabling legislation or proclamation, the Service's consultation, cooperation, and communication concerning fish and wildlife management will be consistent with Departmental policy at 43 CFR Part 24. This Departmental policy recognizes the broad authorities and responsibilities of federal and state agencies with regard to the management of the nation's fish and wildlife resources, and promotes cooperative management relationships among these agencies. In particular, the policy calls on the Service to consult

with state agencies on certain fish and wildlife management actions, and encourages the execution of memoranda of understanding as appropriate to ensure the conduct of programs that meet mutual objectives.

(See Harvest of Plants and Animals by the Public 4.4.3; Genetic Resource Management Principles 4.4.1.2)

8.2.2.7 Recreational Pack and Saddle Stock Use

Equine species such as horses, mules, donkeys and burros, and other types of animals (including llamas, alpacas, goats, oxen, dogs and reindeer) may be employed when it is an appropriate use to support backcountry transport of people and materials. NPS regulations at 36 CFR 2.16 prohibit the use of animals other than those designated as "pack animals" for transporting equipment.

Planning for recreational stock use should be conducted in the context of visitor use planning to address social, biological, and physical carrying capacity considerations, and to make allocation decisions that minimize potential conflicts between and among user groups. The plan should (1) establish routes, trails, and areas of travel, and (2) identify the need for supporting infrastructure such as designated horse camps, hitch rails, corrals, and appropriate trailhead facilities designed for vehicles towing horse trailers. The plan should also identify sensitive natural and cultural resource areas, and develop management strategies to protect these resources.

In areas where demand for available grazing for recreational and administrative stock exceeds allowable limits, alternative strategies must be developed. In areas where certified "weed seed free" hay or pellet rations are available, they should be considered as alternative feeding strategies to supplement grazing. Administrative stock use should generally follow the same rules and guidelines that are established for recreational use.

8.2.3 Use of Motorized Equipment and Mechanized Modes of Travel

There are many forms of motorized equipment and mechanized modes of travel, and improved technology has increased the frequency of their use. In some areas and under certain conditions, the use of mechanized equipment and mechanized modes of travel may be determined to be an appropriate use. The management of these uses requires effective monitoring of resources and visitor experiences. Uses and impacts associated with the use of motorized equipment will be addressed in park planning processes. In the development of these plans, appropriate tribal, local, and state governments shall be consulted and offered cooperating agency status as appropriate, and public input shall be included. To meet its responsibilities under Executive Order 13149: Greening the Government Through Federal Fleet and Transportation Efficiency, the Service will develop and implement a strategy to reduce its vehicle fleet's annual petroleum consumption.

(See Soundscape Management 4.9)

8.2.3.1 Off-road Vehicle Use

Off-road motor vehicle use in national park units is governed by Executive orders and regulations. Off road vehicles are defined as "any motorized vehicle designed for or capable of cross-country travel on or immediately over, land, water, sand, snow, ice, marsh, swampland, or other natural terrain" (except any registered motorboat or any vehicle used for emergency purposes). Within the national park system, off-road vehicle use that occurs on park roads is managed in the same manner as automobile traffic according to the regulations in 36 CFR Part 4. Routes and areas may be designated for off-road motor vehicle use by special regulation within national recreation areas, national seashores, national lakeshores, and national preserves, and then only when determined to be an appropriate use. Consistent with the executive orders and the Organic Act, park managers must immediately close a designated off-road vehicle route whenever the use is causing or will cause unacceptable impacts.

NPS administrative off-road motor vehicle use will be limited to what is necessary (1) to manage the public use of designated off-road vehicle routes and areas; (2) to conduct emergency operations; and (3) to accomplish essential maintenance, construction, and resource protection activities that cannot be accomplished reasonably by other means.

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

8.2.3.2 Snowmobiles and Oversnow Vehicles

Snowmobile use is a form of off-road vehicle use governed by Executive Order 11644 (as amended by Executive Order 11989) and, in Alaska, by provisions of the Alaska National Interest Lands Conservation Act (16 USC 3121 and 3170). Implementing regulations are published at 36 CFR 2.18, 36 CFR Part 13, and 43 CFR Part 36.

Routes and areas may be designated for snowmobile and oversnow vehicle use by special regulation on routes and water surfaces that are used by motor vehicles or motorboats during other seasons. Such routes or areas shall be designated only when determined to be an appropriate use.

NPS administrative use of snowmobiles and oversnow vehicles will be limited to what is necessary (1) to manage public use of snowmobile or oversnow vehicle routes and areas; (2) to conduct emergency operations; and (3) to accomplish essential administrative, maintenance, construction, and resource protection activities that cannot be accomplished reasonably by other means.

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

8.2.3.3 Personal Watercraft

Motorized personal watercraft (PWC) use may be permitted through special regulations and when this use has been identified as appropriate for a specific park. PWC use may be authorized if an evaluation of the park's enabling legislation, resources and values, other visitor uses, and overall management objectives confirms that PWC use is an appropriate use.

8.2.4 Accessibility for Persons with Disabilities

All practicable efforts will be made to make NPS facilities, programs, and services accessible to and usable by all people, including those with disabilities. This policy reflects the commitment to provide access to the widest cross section of the public, and to ensure compliance with the intent of the Architectural Barriers Act and the Rehabilitation Act. The Service will also comply with section 507 of the Americans with Disabilities Act (42 USC 12207), which relates specifically to the operation and management of federal wilderness areas. Specific guidance for implementing these laws is found in the Secretary of the Interior's regulations regarding enforcement of nondiscrimination on the basis of disability in Department of the Interior programs (43 CFR Part 17, Subpart E).

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

(See Physical Access for Persons with Disabilities 5.3.2; Accessibility for Persons with Disabilities 6.4.10; Accessibility for Persons with Disabilities 9.1.2. Also see Director's Order #16A: Reasonable Accommodation for Applicants and Employees with Disabilities; Director's Order #42: Accessibility for Visitors with Disabilities)

8.2.5 Visitor Safety and Emergency Response

8.2.5.1 Visitor Safety

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

While recognizing that there are limitations on its capability to totally eliminate all hazards, the Service and its concessioners, contractors, and cooperators will seek to promote a safe and healthful environment for visitors and employees. The Service will work cooperatively with other federal, tribal, state, and local agencies, organizations, and individuals to carry out this responsibility. The Service will strive to identify recognizable threats to the safety and health of persons and to the protection of property by applying nationally accepted codes, standards, engineering principles, and the guidance contained in Director's Orders #50, #58, and #83 and their associated reference manuals. When practicable and consistent with congressionally designated purposes and mandates the Service will reduce or remove known hazards and apply other appropriate measures,

including closures, guarding, signs, or other forms of education. In doing so, the Service's preferred actions will be those that have the least impact on park resources and values.

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

These *Management Policies* do not impose park-specific visitor safety prescriptions. The means by which public safety concerns are to be addressed is left to the discretion of superintendents and other decision-makers at the park level who must work within the limits of funding and staffing. Examples include decisions about whether to (1) install warning signs or artificial lighting, distribute weather warnings or advisories, initiate search-and-rescue operations, or render emergency aid; (2) eliminate potentially dangerous animals; (3) close roads and trails, or install guardrails and fences; and (4) grant or deny backcountry or climbing permits. Some forms of visitor safeguards—such as fences, railings, and paved walking surfaces—typically found in other public venues may not be consistent with park purposes or practicable in a national park setting. In some instances, restrictions on activities may be necessary to maintain a safe environment for those not engaged in the activity.

(See Air Quality 4.7.1; Lightscape Management 4.10; General Policy 6.4.1; Siting Facilities to Avoid Natural Hazards 9.1.1.6; Waste Management and Contaminant Issues 9.1.6; Risk Management Program 10.2.4.8; Food Service Sanitation Inspections 10.2.4.14)

8.2.5.2 Emergency Preparedness and Emergency Operations

The National Park Service will develop a program of emergency preparedness in accordance with title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 USC 5195— 5197g); National Security Decision Directive 259 (February 4, 1987); Department of the Interior policy; and other considerations at the Washington headquarters, regional, and park levels. The purpose of the program will be to maximize visitor and employee safety and the conservation of resources and the protection of property. This program will include a systematic method for alerting visitors about potential disasters and evacuation procedures.

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

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

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

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

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

8.2.5.3 Search and Rescue

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

(See Management Facilities 6.3.10; General Policy 6.4.1)

8.2.5.4 Emergency Medical Services

The Service will make reasonable efforts to provide appropriate emergency medical services for persons who become ill or injured. An emergency medical services program will be maintained, where appropriate, to provide transportation and pre-hospital care of the sick and injured, which may range from minor first aid to advanced life support in various environmental settings. Transportation may include everything from patrol cars and ambulances to fixed-wing planes and helicopter air ambulances, consistent with Departmental policies regarding aircraft use.

Qualified emergency medical services in local communities may be used if such services can respond rapidly enough in life-threatening emergencies. When such services are not available, the Park Service will make a reasonable effort to provide a level of emergency

medical service commensurate with park needs, and in response to an emergency medical needs assessment. Each superintendent will develop and implement a program to meet those needs, in accordance with Director's Order #51: Emergency Medical Services. Extended emergency medical services operations will be conducted the Incident Command System.

8.2.6 Recreation Fees and Reservations

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

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

8.2.6.1 Recreation Fees

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

- First Amendment activities, which are exempt from all fees
- special park uses such as agricultural, grazing, and commercial filming activities (all of which are subject to special park use fees)
- NPS-authorized research activities
- federal, state, tribal, and local government business
- outings conducted for educational purposes by schools and other bona fide educational institutions.

(See Fees 8.6.1.2; First Amendment Activities 8.6.3. Also see 36 CFR 71.13)

8.2.6.2 National Park Reservation Service

To better serve park visitors, to ensure the conservation of park resources, or to improve operational efficiency, the Park Service will participate in the interagency National Recreation Reservation System operated under Recreation.gov (NRRS). A reservation service may involve campgrounds, other facilities, tours, or other services operated or provided by the Park Service for visitors. The NRRS may be expanded or new services may be developed based on NPS needs and NRRS capacity to accommodate the needs.

Superintendents are encouraged to participate in NRRS when it will improve visitor services, better market and increase visitation at underused parks, or improve the efficiency of park administration. To avoid duplicative costs and confusion, a park must first determine that the NRRS will not accommodate the park's reservation needs before participating in some other type of reservation system.

(See Chapter 7: Interpretation and Education)

8.3 Law Enforcement Program

8.3.1 General

The law enforcement program is an important tool in carrying out the NPS mission. The objectives of the NPS law enforcement program are (1) the prevention of criminal activities through resource education, public safety efforts, and deterrence; and (2) the detection and investigation of criminal activity and the apprehension and successful prosecution of criminal violators. In carrying out the law enforcement program, the Service will make reasonable efforts to provide for the protection, safety, and security of park visitors, employees, concessioners, and public and private property, and to protect the natural and cultural resources entrusted to its care.

Law enforcement is characterized by high risks and inherent dangers to enforcement officers, and by high public expectations that law enforcement activities will be performed in a professional manner. It is therefore essential that the Service issue clear policies and procedures to guide the law enforcement program, and that commissioned employees receive the training and equipment necessary to perform their duties successfully. The NPS law enforcement program will be managed and supervised in accordance with (1) all applicable laws and regulations; (2) Part 446 of the *Department of the Interior Manual;* (3) these *Management Policies*; (4) Director's Order #9: NPS Law Enforcement Program; Reference Manual #9; or (5) U. S. Park Police General Orders, as appropriate. To help sustain the high level of public trust necessary for an effective law enforcement program, commissioned employees will adhere to the Department of the Interior's law enforcement code of conduct and the standards of ethical conduct found in Reference Manual 9.

All necessary and appropriate steps will be taken to ensure that the park service maintains a viable and progressive law enforcement program. The authority and responsibility to manage the NPS Commissioned Park Ranger program will flow from the Director to the

Deputy Director-Operations, to the Regional Directors, to park Superintendents. Park Superintendents will be responsible and accountable for the management of the law enforcement program within their respective areas. National law enforcement policy oversight relating to commissioned park rangers and special agents will be maintained in the office of the Associate Director for Visitor and Resource Protection. This Associate Director will also manage the national Special Agent program.

The authority and responsibility to manage U.S. Park Police operations will flow from the Director to the Deputy Director-Operations, to the Chief, U.S. Park Police.

8.3.2 The Context for Law Enforcement

Park law enforcement activities will be managed by superintendents as part of a comprehensive, interdisciplinary effort to protect resources, manage public use, and promote public safety and appropriate enjoyment. This is in keeping with guidance provided by Congress in 1976 when it amended the General Authorities Act (16 USC 1a-3).

8.3.3 Shared Responsibilities

Congress has authorized the designation of certain employees as law enforcement officers, with the responsibility to "maintain law and order and protect persons and property within areas of the National Park System" (16 USC 1a-6(b)). Only employees who meet the standards prescribed by and who are designated by the Secretary of the Interior may perform law enforcement duties.

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

8.3.4 Enforcement Authority

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

The Service is authorized to use appropriated funds for "rendering of emergency rescue,

fire fighting, and [other] cooperative assistance to nearby law enforcement and fire prevention agencies and for related purposes outside of the National Park System"(16 USC 1b(1)). Further, insofar as 16 USC 1b(1) does not confer arrest authority to NPS personnel who act outside park boundaries, state arrest authority is first needed before NPS personnel can enforce state law or engage in law enforcement activity outside national park system boundaries.

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

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

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

8.3.5 Jurisdiction

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

8.3.6 Law Enforcement Public Information and Media Relations

The National Park Service will provide appropriate information to the public and the news media in accordance with applicable laws, Departmental policy, and Director's Order #75: Media Relations. Superintendents should identify appropriate opportunities to (1) enhance deterrence by publicizing arrests, weapons seizures, and successful prosecutions; (2)

highlight cooperation and assistance activities such as Park Watch; and (3) educate the public about the full range of threats to and the challenges of protecting park resources.

The right of the public to obtain information about government operations and activities is subject to the requirements of the Freedom of Information Act and the Privacy Act.

(See Public Information and Media Relations 1.7.3)

8.3.7 Homeland Security

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

8.4 Overflights and Aviation Uses

A variety of aircraft, including military, commercial, general aviation, and aircraft used for NPS administrative purposes, fly in the airspace over national parks. Overflights may cause unacceptable impacts to park resources and values and diminish visitor enjoyment. In cooperation with appropriate authorities, the Park Service will take all necessary steps to avoid or to mitigate unacceptable impacts resulting from aircraft overflights.

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

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

8.4.1 Alaska and Remote Areas

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

8.4.2 Education

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

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

8.4.3 General Aviation

The Service will work closely with the Federal Aviation Administration and with general aviation organizations to ensure that general aviation operations over units of the national park system are conducted in accordance with applicable FAA advisories and "fly-friendly" techniques and procedures designed to help pilots minimize impacts on national parks. The Service will seek the assistance of these organizations in problem resolution if general aviation concerns arise over national parks.

8.4.4 Administrative Use

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

- use, to the maximum extent practicable, the quietest air craft available for its aviation operations
- limit official use of flights over parks to those needed to support or carry out emergency operations or essential management activities in cases where there are no practical alternatives or when alternative methods would be unreasonable
- give full consideration to safety; wilderness management implications; impacts on resources, values, or visitors; impacts on other administrative activities; and overall cost-effectiveness
- plan, schedule, and consolidate flights so as to avoid or minimize adverse impacts on park resources and values and visitor enjoyment
- require other agencies that request to use aircraft within park boundaries to comply with the standards and policies applicable to NPS aircraft

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

8.4.5 Military Aviation

The Park Service will work cooperatively with agencies of the Department of Defense to address the congressionally mandated missions of all agencies. In addition, the Service will seek to prevent unacceptable impacts on resources or values or strive to mitigate any adverse effects on park resources, values, or visitor experiences in national park units resulting from of overflights related to military training or operational low-level overflights. Superintendents are responsible for consulting, cooperating, and communicating with base commanders controlling military training routes or military

operations areas that may affect their parks, and for developing formal agreements that mitigate identified impacts.

8.4.6 Commercial Air Tour Management

The National Parks Air Tour Management Act of 2000, and implementing Federal Aviation Administration regulations, provide for a joint FAA/NPS planning process that will lead to the FAA management of commercial air tours over national parks (with the exception of parks in Alaska, which are specifically excluded from the process). The Park Service, as a cooperating agency, will assist the FAA in developing an air tour management plan (ATMP) for each park with existing or proposed air tours. Superintendents will work cooperatively with the FAA, air tour operators, and other individuals or groups in the development of air tour management plans, and will determine the nature and extent of impacts on natural and cultural resources and visitor experience opportunities inside park boundaries. The FAA, with responsibility for ensuring the safe and efficient use of the nation's airspace and for protecting the public health and welfare from aircraft noise, will implement the air tour management plan and regulate commercial air tours in accordance with it.

8.4.7 Permitted Overflights

When issuing permits for activities such as filming or research, in which the use of aircraft is proposed, the superintendent will determine that the use is appropriate and apply conditions to protect park resources and values from adverse impacts. Permit requests will be denied if the activity will have unacceptable impacts on the visitor experience or a park's resources and values.

8.4.8 Airports and Landing Sites

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

Fully functional, efficient, and safe operation of airports is important to providing visitors opportunities to use and enjoy their parks. To help achieve this, and in recognition of the needs of adjacent local communities, the Service will work cooperatively with the Federal Aviation Administration and other entities having jurisdiction over landing sites and airports adjacent to parks. Such cooperation will also be for the purpose of preventing, minimizing or mitigating impacts to park resources, values, or the visitor experience that result from aircraft operations. Whether landing sites or airports are situated within or adjacent to parks, the objective will be to minimize noise and other impacts, and confine

them to the smallest and most appropriate portion of the park as possible, consistent with safe aircraft operations.

(Also see 36 CFR 2.17; 43 CFR 36.11(f); Reference Manual 47)

8.5 Native American Use

The National Park Service will develop and implement its programs in a manner that reflects knowledge of and respect for the cultures of Native American tribes or groups with demonstrated ancestral ties to particular resources in parks. Evidence of such ties will be established through systematic archeological or ethnographic studies, including ethnographic oral history and ethnohistory studies, or a combination of these sources. For purposes of these policies, the term "Native American" includes American Indians, Alaska natives, native peoples of the Caribbean, native Hawaiians, and other native Pacific islanders. The term will be applicable to federally and state-recognized tribes and to those Native Americans who are defined by themselves and known to others as members of a named cultural unit that has historically shared a set of linguistic, kinship, political, or other distinguishing cultural features.

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

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

- Service general regulations governing access to and use of natural and cultural resources in parks will be applied in an informed and balanced manner that is consistent with park purposes, does not unreasonably interfere with Native American use of traditional areas or sacred resources, and does not violate the criteria listed in section 8. 2 for use of the parks.
- Superintendents will establish and maintain consulting relationships with potentially affected Native American tribes or groups.
- Management decisions will reflect knowledge about and understanding of potentially affected Native American cultures and people that is gained through research and consultations with the potentially affected groups.

The American Indian Religious Freedom Act (AIRFA) (42 USC 1996) states that "henceforth it shall be the policy of the United States to protect and preserve for American Indians their inherent right to freedom to believe, express, and exercise the traditional religions of the American Indians, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites." The National Park Service recognizes that site-specific worship is vital to Native American religious practices. As a matter of policy, and

in keeping with the spirit of the law, the Service will be as unrestrictive as possible in permitting Native American tribes access to park areas to perform traditional religious, ceremonial, or other customary activities at places that have been used historically for such purposes—provided the criteria listed in section 8.1 and 8.2 for use of the parks are not violated. In allowing religious access by other entities, including nonrecognized Indian groups, the Park Service will consider requests individually, being mindful to not take actions that will either advance or inhibit religion. The Service will not direct visitor attention to the performance of religious observances unless the Native American group so wishes.

With regard to consumptive use of park resources, current NPS policy is reflected in regulations published at 36 CFR 2.1 and 36 CFR Part 13.

These regulations allow park managers to designate certain fruits, berries, nuts, or unoccupied seashells which may be gathered by hand for personal use or consumption if it will not adversely affect park wildlife or the reproductive potential of a plant species, or otherwise adversely affect park resources. The regulations do not authorize the taking, use, or possession of fish, wildlife, or plants for ceremonial or religious purposes, except where specifically authorized by federal statute or treaty rights, or where hunting, trapping, or fishing are otherwise allowed.

The Service will protect sacred resources to the extent practicable and in a manner consistent with the goals of the traditionally associated Native American tribe or group when authorized under the National Historic Preservation Act. The location and character of sacred sites will be withheld from public disclosure if disclosure will cause significant invasion of privacy, risk harm to the historic resource, or impede the use of a traditional religious site by practitioners.

As with other nonrecreational users, members of Native American tribes or groups may enter parks for traditional nonrecreational activities without paying an entrance fee.

The ceremonial use of peyote will be limited to members of the Native American Church during religious ceremonies, in accordance with regulations of the Department of Justice, Drug Enforcement Administration ("Special Exempt Persons, Native American Church," 21 CFR 1307.31).

(See Consultation 5.2.1; Ethnographic Resources 5.3.5.3; first Amendment Activities 8.6.3; Consumptive Uses 8.9. Also see Executive Order 13007; Director's Orders #71A: Relationships with Indian Tribes, and #71B: Indian Sacred Sites)

8.6 Special Park Uses

8.6.1 General

A special park use is defined as a short-term activity that takes place in a park area and that

- provides a benefit to an individual, group, or organization rather than the public at large
- requires written authorization and some degree of management control from the Service in order to conserve park resources and values and the public interest
- is not prohibited by law or regulation
- is not initiated, sponsored, or conducted by the Service; and is not managed under a concession contract (see chapter 10), a recreation activity for which the Park Service charges a fee, or a lease (see chapter 5).

8.6.1.1 Requests for Permits

Each request to permit a special park use or to renew authorization of an existing use will be reviewed and evaluated by the superintendent according to the terms of applicable legislation, regulations, and management planning documents using criteria and procedures outlined in Director's Order #53: Special Park Uses. When considering permit requests, superintendents will take into account the Servicewide implications of their decisions. A superintendent must deny initial requests or requests for renewal upon finding that the proposed activity would not be allowed under the criteria listed in section 8.1.

The superintendent likewise must terminate previously authorized special park uses based on such a finding.

8.6.1.2 Fees

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

(See Park Management 1.4; Recreation Fees and Reservations 8.3; Special Events 8.6.2)

8.6.2 Special Events

8.6.2.1 General

Special events—such as sports, pageants, regattas, public spectator attractions, entertainment, ceremonies, and encampments—may be permitted by the superintendent when (1) there is a meaningful association between the park area and the event, and (2) the event will contribute to visitor understanding of the significance of the park area. However, a permit must be denied if the event would be disallowed under the criteria listed in section 8.1. The superintendent must ensure that appropriate permit conditions are used for special events.

The Park Service will not permit the public staging of special events

- that are conducted primarily for the material or financial benefit of organizers or participants

- that are commercial in nature
- that demand in-park advertising or publicity
- for which a separate public admission fee is to be charged

However, park buildings or specially designated locations that are suitable and appropriate may be made available for private, "by-invitation-only" events. Admission fees for or any other monies associated with the "by-invitation-only" event may not be collected by the permittee on park premises.

Large-scale events will be managed using the NIMS Incident Command System.

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

8.6.2.2 Helium-Filled Balloons

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

8.6.2.3 Fireworks Displays

Fireworks displays will not be permitted if they pose an unacceptable risk of wildland or structural fire or will cause unacceptable impacts to park resources or values or jeopardize public safety. In all instances, the decision to approve or deny a request will be made by the superintendent, following consultation with the regional safety officer. Fireworks displays will be conducted in compliance with the National Fire Protection Association Code for the Display of Fireworks (NFPA 1123).

8.6.2.4 Sale of Food or Merchandise

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

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

8.6.3 First Amendment Activities

The National Park Service will authorize the use of park land for public assemblies, meetings, demonstrations, religious activities, and other public expressions of views protected under the First Amendment of the U.S. Constitution, in accordance with NPS

regulations. To ensure public safety and the protection of park resources and values, and to avoid assigning the same location and time to two or more activities, the Service may manage these activities by issuing a permit to regulate the time, location, number of participants, use of the facilities, and number and type of equipment used, but not the content of the message presented.

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

When the Service allows one group to use an area or facility for expressing views, it must provide other groups with a similar opportunity if requested. No group wishing to assemble lawfully may be discriminated against or denied the right of assembly if all permit conditions are met. Whenever religious activities are conducted in parks, any NPS actions pertaining to them must reflect a clearly secular purpose, must have a primary effect that neither advances nor inhibits religion, and must avoid “excessive governmental entanglement with religion.”

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

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

(See Confidentiality 5.2.3. Also see Reference Manual 53)

8.6.4 Rights-of-Way for Utilities and Roads

8.6.4.1 General

A right-of-way is a special park use allowing a utility to pass over, under, or through NPS property. It may be issued only pursuant to specific statutory authority, and generally only

if there is no practicable alternative to such use of NPS lands. The criteria listed in section 8.2 must also be met.

When an application for a right-of-way is submitted, the superintendent will establish conditions and develop documentation of compliance with the National Environmental Policy Act, the National Historic Preservation Act, and other statutory compliance requirements as appropriate. Due to the potentially high costs and values associated with rights-of-way, special attention will be paid to fees and the recovery of a fair market value for use of the land. New rights-of-way will be executed by the regional director; conversions from other authorizing documents, amendments, and renewals of existing rights-of-way may be signed by the superintendent. A right-of-way issued by the Park Service is considered a temporary document, and does not convey an interest in land.

NPS regulations pertaining to the issuance of rights-of-way are in 36 CFR Part 14; Department of the Interior regulations pertaining to rights-of-way in Alaska are found in 43 CFR Part 36. Additional guidance can be found in Director's Order #53, and Reference Manual 53: Special Park Uses. A utility or road right-of-way proposed for a park in Alaska is subject to the authorities and procedural requirements of title XI of the Alaska National Interest Lands Conservation Act.

(See Park Management 1.4, Rights- of- Way 6.4.8. Also see Director's Order #53)

8.6.4.2 Utilities

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

8.6.4.3 Telecommunication Antenna Sites

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

As with other special park uses, telecommunication proposals must meet the criteria listed in section 8.1. In addition:

- Superintendents will encourage preliminary meetings with telecommunication antenna applicants who wish to discuss the pending applications and address NPS concerns. Similar meetings should be held during the decision-making process, as necessary, particularly if the superintendent is considering denying the application.

- Superintendents will consider the safety of the visiting public when reviewing telecommunication antenna applications, including the potential benefit of having telephone access to emergency law enforcement and public safety services.
- Reviews under the National Environmental Policy Act and the National Historic Preservation Act will be conducted expeditiously, consistent with all applicable statutes, and within timetables established under Director's Order #53.

8.6.4.4 Roads and Highways

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

(See Fees 8.6.1.2; Non-NPS Roads 9.2.1.2, Construction and Expansion Proposals 9.2.1.2.2. Also see Director's Order #87D: Non-NPS Federal Aid Roads)

8.6.5 Access to Private Property

The Service will allow access to the private property of adjacent landowners, or landowners within park boundaries, consistent with any deed reservations or statutory rights of access. Where no right of access otherwise exists, the Service may allow access when it determines that providing such access is an appropriate use.

Whenever access to private property is allowed, commercial vehicles will be allowed access across NPS-administered lands to private property only in accordance with 36 CFR 5.6, "Commercial Vehicles." Access to nonfederal lands in Alaska that requires access across NPS-administered lands will be provided in accordance with the applicable regulations implementing Title 11 of the Alaska National Interest Lands Conservation Act.

8.6.6 Filming and Photography

8.6.6.1 General

The National Park Service will encourage filming and photography when it will promote the protection and public enjoyment of park resources provided that the activity does not violate the criteria listed in section 8.1.

Filming and photography activities that do not necessarily promote the protection and public enjoyment of parks, but which meet the section 8.1 criteria, will also be permitted. For the purposes of this policy, "filming" is defined as the recording of images or the sound tracks associated with them, including still, motion, and video filming by any available technology.

8.6.6.2 Permits and Fees

A permit will be required for any filming or photography that (1) involves the use of a model, set, or prop; (2) requires entry into a closed area; or (3) requires access to the park outside normal visiting hours.

A permit will not be required for a visitor using a camera and/or a recording device for their own personal use within normal visitation areas and hours. Press coverage of breaking news never requires a permit; however, it is subject to the restrictions and conditions necessary to conserve park resources, provide for public health and safety, and prevent impairment of park resources or values.

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

8.6.6.3 NPS Participation

The Service's participation is governed by the following:

- The Park Service may actively assist filming and photography activities that promote public understanding and appreciation of the national park system, and the Director may authorize use of the arrowhead symbol for such filming projects.
- A superintendent may request a credit line provided that the content or subject matter of the filming project would not reflect adversely on the National Park Service.
- NPS employees, while on duty or in uniform, will not be employed by filming permittees.

Identifiable NPS equipment, uniforms, or insignia must not be portrayed in any way that would imply Service endorsement of a product or service. The Park Service will not censor the content of any filming project, or require finished film products for review, files, or documentation purposes. However, a superintendent may review a story board or other material offered by the applicant to help determine whether (1) a credit line would be appropriate, or (2) it would be appropriate for the Park Service to actively assist a filming activity or authorize use of the arrowhead symbol.

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

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

8.6.7 Agricultural Uses

Agricultural uses and activities are authorized in parks in accordance with the direction provided by a park's enabling legislation and general management plan. Agricultural practices and techniques, including the use of pesticides and other biocontrol agents such

as genetically modified or engineered organisms, should be specified in an approved resource management plan, and are subject to review and approval by the NPS integrated pest management (IPM) program manager. These practices and techniques are also subject to the provisions of federal and state laws, NPS regulations and policies, and Director's Orders #53 and #77-7. In general, agricultural activities should be conducted in accordance with accepted best management practices.

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

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

(See Park Planning Processes 2.3; Biological Resource Management 4.4; Pest Management 4.4.5; Cultural Landscapes 5.3.5.2; Personal Services 7.3.1; Unacceptable Impacts 8.1.2. Also see Director's Order #77- 7: Integrated Pest Management)

8.6.8 Domestic and Feral Livestock

8.6.8.1 General

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

8.6.8.2 Managing Agricultural Grazing

Agricultural (commercial and administrative) grazing is an authorized use in some parks. The Park Service will only allow agricultural grazing in parks where it is

- specifically authorized by federal law,
- required under a reserved right of use arising from the acquisition of a tract of land,
- required in order to maintain a historic scene, or
- conducted as a necessary and an integral part of a recreational activity appropriate to a park.

Parks with agricultural livestock use, including parks where such use is administered by another agency, should address the management of this use in an agricultural or livestock use plan or other appropriate public planning document. The amount (stocking densitities, animal unit months) and type (seasonal, rotation schedules, etc.) of use must be determined according to established protocols to prevent unacceptable impacts to park resources and to avoid conflicts with visitors. Particular attention will be given to protecting wetland and riparian areas, sensitive species and their habitats, water quality, and cultural resources. A monitoring program must be implemented, and adaptive management practices must be used to protect park resources.

Agricultural livestock grazing will use "best management practices" to protect park vegetation, wildlife, soils and water; safeguard sensitive species; prevent or minimize the establishment and spread of nonnative species; and preserve cultural sites. Integrated pest management methods must conform to NPS pest management policy in Section 4.4.5. Other forms of administrative stock use, such as using grazing animals to achieve resource conditions (i.e., using sheep to remove leafy spurge) may also be allowed as part of an integrated pest management plan.

8.6.8.2.1 Permitting Agricultural Grazing

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

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

8.6.8.2.2 Structures for Agricultural Grazing

Appropriate structures will be approved by the National Park Service and will be allowed in parks when

- such use is consistent with a livestock management plan or another appropriate management,

- the structures are consistent with park purposes and other applicable laws, regulations, or policies, and
- the structures will not cause unacceptable impacts to park resources and values.

The Service will not expend funds to construct or maintain livestock structures unless there is a direct benefit to the protection of park resources. The permittee may be required to remove structures when livestock activities are no longer authorized unless the Service determines that the structures are an appropriate use.

(See Management of Exotic Species 4.4.4; Water Resource Management 4.6; Identification and Designation of the Wilderness Resource 6.2; Grazing and Livestock Driveways 6.4.7; Equestrian Trails 9.2.3.3; Miscellaneous Management Facilities 9.4.5. Also see Director's Order #77-3: Domestic and Feral Livestock, and Reference Manual 77-3; Director's Order #53: Special Park Uses, and Reference Manual 53; Director's Order #77-7: Integrated Pest Management)

(See chapter 2 Park System Planning)

8.6.8.3 Trespass and Feral Livestock

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

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

8.6.9 Military Operations

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

- A permit will be issued that clearly states all necessary conditions or stipulations to protect park resources and values and provide for visitor enjoyment and safety;
- All applicable park rules and regulations will be followed;
- No weaponry will be carried, displayed, or used, except for ceremonial purposes or authorized public demonstrations;
- The activity will be conducted away from visitor use locations and out of public view (except where a public demonstration is specifically authorized);
- The military organization will designate a liaison officer who will be available to the superintendent throughout the exercise; and

- Permittees will be educated about how the purpose, mission, and regulations of the park may differ from their own missions, especially in regard to resource protection and visitor use and enjoyment.

National security and law enforcement agencies, such as the CIA, FBI, Secret Service, Department of Homeland Security, and state police, may wish to conduct similar exercises. These requests should be evaluated in the same way as military special use requests.

8.6.10 Cemeteries and Burials

8.6.10.1 National Cemeteries

All national cemeteries administered by the National Park Service will be managed as historically significant resources, and as integral parts of larger historical parks. Burials in national cemeteries will be permitted, pursuant to applicable regulations, until available space has been filled. The management and preservation of national cemeteries are subject to the provisions of the National Cemeteries Act of 1973; NPS "National Cemetery Regulations" (36 CFR Part 12); and Director's Order #61: National Cemeteries.

The enlargement of a national cemetery for additional burials constitutes a modern intrusion, compromising the historical character of both the cemetery and the historical park; therefore, enlargement will not be permitted.

8.6.10.2 Family Cemeteries

The burial of family members in family cemeteries that have been acquired by the Service in the course of establishment of parks will be permitted to the extent practicable, pursuant to applicable regulations, until space allotted to the cemeteries has been filled. Family members (or their designees) will be allowed access for purposes of upkeep and commemoration (such as wreath-laying and religious rituals) that do not jeopardize safety or resource conservation. Whenever applicable, park managers will keep active files on cemeteries for the purpose of responding to requests and inquiries.

(Also see Director's Order #19: Records Management)

8.6.10.3 Other Burials and the Scattering of Ashes

Other burials or re-interments outside established cemeteries in parks will be prohibited except where permitted by cultural resource policies. The scattering of ashes from cremation may be permitted by a superintendent, in accordance with NPS general regulations in 36 CFR 2.62 and applicable state laws. Authorization to scatter ashes must take into account potential conflicts with the spiritual or cultural practices of the indigenous people associated with the area.

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

8.6.11 Other Special Park Uses

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

8.7 Mineral Exploration and Development

Mineral exploration and development include exploration, extraction, production, storage, and transportation of minerals. Mineral exploration or development may be allowed in parks only when prospective operators demonstrate that they hold rights to valid mining claims, federal mineral leases, or nonfederally owned minerals. If this right is not clearly demonstrated, the National Park Service will inform the prospective operator that until proof of a property right is documented the Service will not further consider the proposed activity. The Service, in consultation with the owner, will seek to extinguish the associated mineral right through acquisition unless otherwise directed by Congress if the Service determines that the proposed mineral development would (1) impair park resources or values, or (2) is not consistent with park purposes, or (3) does not meet approval standards under applicable NPS regulations and cannot be sufficiently modified or mitigated to meet those standards. In some parks, all or certain types of mineral development are specifically prohibited by law.

All persons who conduct mineral development within parks will do so only in conformance with applicable laws, regulations, and NPS policies. These laws include the Mining in the Parks Act, the Mineral Leasing Act, the Acquired Lands Mineral Leasing Act, the Surface Mining Control and Reclamation Act of 1977, the National Park System General Authorities Act, the Alaska National Interest Lands Conservation Act, and enabling statutes for individual parks. Applicable regulations include 36 CFR Part 9, Subpart A and Subpart B; 43 CFR Parts 3100-3500; and special use regulations. Persons may not use or occupy surface lands in a park for purposes of removing minerals outside the park unless provided for by law. General management plans, land protection plans, and other planning documents for parks with mining claims, federal mineral leases, or nonfederally owned mineral interests will address these nonfederal property interests as appropriate. Lands with mineral interests will be zoned according to their anticipated management and use based on their resources and values, park management objectives, and park-specific legislative provisions relating to mineral interests.

(See Park Planning Processes 2.3; Land Protection Plans 3.3; Identification and Designation of the Wilderness Resource 6.2; Mineral Development 6.4.9)

8.7.1 Mining Claims

The location of new mining claims pursuant to the General Mining Act of 1872 is prohibited in all park areas. Under the Mining in the Parks Act, the National Park Service may permit mineral development only on existing patented and valid unpatented mining claims in conformance with the park's enabling legislation and the regulations for mining claims in 36 CFR Part 9, Subpart A. The Service may require a validity examination on unpatented mining claims at any time. The Service will require a validity examination of all unpatented mining claims before approving any operations on such claims in

accordance with 36 CFR Part 9, Subpart A. However, a validity examination is not required before the NPS authorization of activities that are conducted only to reclaim a site. All mineral development and use of resources in connection with a claim will be confined to the boundaries of the claim itself, except for access and transport permitted under 36 CFR Part 9, Subpart A; or, for Alaska, 43 CFR Part 36.

8.7.2 Federal Mineral Leases

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

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

8.7.3 Nonfederally Owned Minerals

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

The Service may approve operations associated with nonfederal oil and gas interests under the standards and procedures in 36 CFR Part 9, Subpart B. If an operator's plan fails to meet the regulatory standards for approval, the Park Service may have authority to deny the operation and initiate acquisition in accordance with the procedures outlined in Section 3.7. Application of the regulations is not intended to result in a taking of the property interest, but rather to impose reasonable regulation of the activity.

Operations associated with nonfederal mineral interests, other than oil and gas, are subject to the requirements of 36 CFR Part 5, "Commercial and Private Operations," and 36 CFR 1.6. In accordance with 36 CFR 1.6, the Service will consider how operations associated with these mineral interests would impact public health and safety, environmental, or scenic values, natural or cultural resources, scientific research, implementation or management responsibilities, proper allocation and use of facilities, or the avoidance of conflict among visitor use activities. If the impacts from operations cannot be sufficiently

mitigated, the Park Service may seek to acquire the mineral interest in accordance with the procedures outlined in Section 3.7.

8.8 Collecting Natural Products

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

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

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

8.9 Consumptive Uses

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

- specifically authorized by federal law or treaty rights (such as hunting, trapping, mining, or subsistence use in specifically identified parks)
- specifically authorized pursuant to other existing rights (such as a right retained by a donor of the land on which the use would occur)
- grazing activities authorized in accordance with section 8.2.2.7 and 8.6.8.2.1
- traditional visitor activities, such as fishing or berry picking, that are authorized in accordance with NPS general regulations

The 36 CFR Part 13 regulations address the consumptive use of park resources for subsistence purposes in Alaska. Some park-specific enabling acts (e.g., Big Cypress National Preserve and Kaloko-Honokohau National Historical Park) also allow subsistence or other traditional uses of park resources.

(See Park Management 1.4; Harvest of Plants and Animals by the Public 4.4.3; General 8.1, Native American Use 8.5. Also see 36 CFR Part 13, Subpart B)

8.10 Natural and Cultural Studies Research and Collection Activities

Studies, research, and collection activities by non-NPS personnel involving natural and cultural resources will be encouraged and facilitated when they otherwise comport with NPS policies. Scientific activities that involve field work or specimen collection, or have the potential to disturb resources, the visitor experience, or park operations, require a permit issued by the superintendent that prescribes appropriate conditions for protecting park resources, visitor use and enjoyment, and operations.

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

8.11 Social Science Studies

8.11.1 General

The National Park Service will facilitate social science studies that support the NPS mission by providing an understanding of park visitors, the nonvisiting public, gateway communities and regions, and their interactions with park resources. This approach will provide a scientific basis for park planning, development, operations, management, education, and interpretive activities. Investigators will be encouraged to use the parks for scientific studies whenever such use is consistent with NPS policies that recognize the scientific value of parks as laboratories. Specific guidance is provided in Director's Order #78: Social Science.

Studies include short- or long-term scientific investigations in NPS areas that may involve social science surveys and research. The data and information acquired through scientific activities conducted in the parks will be made broadly available to park management, the scientific community, and the public, except where legal restrictions apply. Studies may include projects conducted by researchers and scholars with universities, foundations, state and federal agencies, and NPS staff. The Park Service will promote cooperative relationships with educational and scientific institutions and qualified individuals when specialized expertise exists that can be of significant assistance to the Service in obtaining information, and when the opportunity for research and study in the parks offers institutions a significant benefit to their programs. NPS facilities and assistance may be made available to qualified researchers conducting NPS-authorized studies. NPS or other federally funded studies that rely on survey instruments are strictly regulated and must be approved by the Park Service, the Department of the Interior, and the Office of

Management and Budget before they can be used to gather information directly from visitors or the general public.

(See Information Resources Management 1.7; Studies and Collections 4.2; Research 5.1, Planning 5.2; Special Park Uses 8.6; NPS-supported Studies 8.11.2; Independent and Commercial Studies 8.11.3. Also see the Department of the Interior's Interim Guidelines for Collection of Information from the Public)

8.11.2 NPS-supported Studies

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

The Service will support studies to

- reach a level of understanding that will minimize "crisis" management
- ensure a systematic and fully adequate park information base
- provide a sound basis for policy, planning, and decision making
- develop effective strategies, methods, and technologies to predict, avoid, or minimize impacts on resources while providing for visitor use and enjoyment
- determine causes of resource management problems
- further understand park ecosystems and related human social systems, and document their components, condition, and significance
- evaluate visitor satisfaction with services, facilities, and recreational opportunities
- ensure that the interpretation of park resources and issues reflects current standards of scholarship for the history, science, and condition of the resources
- evaluate performance measures in support of strategic plan goals
- ensure that the interpretation of park resources and issues reflects current standards of scholarship for the history, science, and condition of the resources
- evaluate performance measures in support of strategic plan goals.

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

8.11.3 Independent and Commercial Studies

Non-NPS social science studies conducted in parks are not required to address specifically identified NPS management issues or information needs. However, these studies (excluding research in museum collections) require an NPS research/collecting permit. Permits must include terms and conditions requiring that the studies conform to NPS policies and other guidance regarding activities such as the collection and publication of data, conduct of studies, and wilderness use. NPS research/collecting permits may also include requirements that permittees provide parks, within reasonable time-frames, with

the appropriate field notes (subject to ethical guidelines of the appropriate discipline), data, information about the data, catalog data, progress reports, interim and final reports, and publications derived from the permitted activities. Projects will be administered and conducted only by fully qualified personnel, and will conform to current standards of scholarship.

The collection of data from the public and employees to support the research, development, and marketing of commercial products or services may be permitted only in limited circumstances. Such activity will be permitted when the superintendent determines that it would be an appropriate use. All necessary data collection permits must be obtained, including the Scientific Research and Collecting Permit. Names and addresses and any other unique identifying information collected from park visitors and/or employees cannot be distributed, shared, or sold for commercial purposes.

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

8.11.4 Management and Conduct of Studies

All studies in parks will employ nondestructive methods to the maximum extent possible to avoid the irretrievable commitment of park resources. Studies will be preceded by an approved scope of work, proposal, or other detailed written description of the work to be performed.

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

8.12 Leases and Cooperative Agreements

The National Park Service may permit the use of any property, whether historic or nonhistoric (except nonhistoric land) through a lease or cooperative agreement if such lease or cooperative agreement will ensure the property's preservation. Proposed uses must be determined to be appropriate, and rent must be at least equal to the fair market value adjusted for capital investments and restrictions. The proposed activities of the lease must not be subject to authorization through a concession contract, commercial use authorization or similar instrument, and the lease must adequately ensure the preservation of the property if the property is historic.

In general, each lease will be competitively offered through a Request for Proposals or a Request for Bids. However, the Park Service may enter into a lease noncompetitively with nonprofit organizations or units of government if the responsible manager determines that the nonprofit or governmental use of the property will contribute to the purposes and programs of the park. All leases must be at fair market value. The term of the lease will be the shortest time needed for the proposed use, taking into account required lessee investments and other factors related to determining an appropriate lease term. No lease will exceed 60 years. Lease terms may not be extended except that leases with a term of one (1) year or more may be extended once for a period not to exceed one (1) additional year if it is determined that an extension is necessary because of circumstances beyond NPS control.

Leases with a term off sixty (60) days or less, or short-term leases, may be awarded noncompetitively if the Park Service determines that to do so is in the best interests of the administration of the applicable park area. This authority is not limited to nonprofit organizations or units of government; any qualified person or entity may be awarded a lease with a term of sixty (60) days or less. Short-term leases cannot require any rehabilitation or improvements to the applicable property. Fair market rent is determined through a comparable determination of similar local rental rates.

Cooperative agreements to occupy, maintain, repair, rehabilitate, restore, or build upon an historic or nonhistoric property can be entered into with state, local, and tribal governments; other public entities; educational institutions; and private nonprofit organizations when it is anticipated that substantial involvement between the Park Service and the cooperator would exist during the period of occupancy.

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

(See Chapter 10: Commercial Visitor Services. Also see Director's Order #38: Real Property Leasing)

CHAPTER 9: PARK FACILITIES

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CHAPTER 9: PARK FACILITIES

[Insert for cover page] The National Park Service will provide visitor and administrative facilities that are necessary, appropriate, and consistent with the conservation of park resources and values. Facilities will be harmonious with park resources, compatible with natural processes, esthetically pleasing, functional, energy- and water-efficient, cost-effective to operate and maintain, universally designed and welcoming to all segments of the population, and their benefit-to-cost ratio will be maximized. Park facilities and operations will demonstrate environmental leadership by incorporating sustainable practices to the maximum extent practicable in planning, design, siting, construction, and maintenance

CHAPTER 9: PARK FACILITIES

9.1 General

Support facilities necessary to house, transport, inform, and serve visitors and staff require proper planning, design, programming, construction, operation, and maintenance. The Park Service must avoid the construction of buildings, roads, and other development that will cause unacceptable impacts on park resources or values. The Service must also avoid the future operation and maintenance costs of unnecessary, overbuilt, or ineffective facilities. Therefore, the Service will not develop or redevelop a facility within a park until a determination has been made (1) that the facility is necessary and appropriate, and appropriately located in consideration of park resources, (2) that it would be practicable for the facility to be developed, or (3) that the service for which the facility is needed cannot be more appropriately and efficiently provided outside the park. Where appropriate, assets[1] for which an acceptable condition cannot be achieved should be considered for removal if they are not a priority for accomplishment of the park's mission.

The Service will continually implement best management practices and strive to ensure that park facilities are financially sustainable. This will include taking action to ensure that

- cost-neutral, low-cost, or minimal-development alternatives are included in the planning processes,
- all practicable steps are taken during the planning process to reduce the short- and long-term costs of operation,
- facilities are not constructed when there is reason to believe that funds will not be available for sustainable operation,
- private fundraising efforts for new construction include provisions for a maintenance endowment, as appropriate, and
- performance management elements are adopted for achieving and maintaining acceptable facility condition.

All buildings under a concession contract are U.S. government/Service-owned structures and ~~are~~ part of the overall facility inventory at each park. The concessioner may,

[1] The terms "facilities" and "assets" are used interchangeably in this chapter.

depending on the contract, have either a leasehold surrender interest or possessory interest in one, some, or all of the buildings. Responsibilities for maintenance, environmental management, and other operational issues must be included in each concession contract. Park facility managers will work closely with the park's concession program managers to ensure that these government buildings are part of the overall park inventory and tracking systems. Park facility managers and concessioners will also strive to ensure that possessory interests and leasehold surrender valuations conform to the terms and conditions of the concession contract.

(See Park Management 1.4; Decision-making Requirements to Avoid Impairments 1.4.7; Financial Sustainability 1.8.3; Evaluating Impacts on Natural Resources 4.1.3; Planning 5.2; Commercial Visitor Services Planning 10.2.2. Also see Director's Order #21: Fundraising and Donations)

9.1.1 Facility Planning and Design

The primary consideration in facility development decisions will be the conservation of park resources and values while providing opportunities for visitor use and enjoyment of parks. Facilities for visitor use and park management will be consistent with each park's enabling legislation, and with approved general management plans, development concept plans, and associated planning documents. The planning and design of park facilities will be accomplished by interdisciplinary teams that meet the resource stewardship, programmatic, and technical requirements of the project. Public input will be sought at the earliest stage of planning and design, particularly in those cases where controversy is likely.

The Service will meet its facility development needs in a cost-effective manner, ensuring that value is returned for every decision made. Only development projects that are shown to be an efficient allocation of resources and that are affordable to build, operate, and maintain over the life-cycle of the facility will be approved. Value-analysis and value-engineering techniques, such as functional analysis and cost evaluation, will be applied to achieve the lowest life-cycle cost, consistent with required environmental and energy performance, reliability, quality, safety, and resource conservation. Construction and operational cost estimates will be continually reviewed throughout the planning and development processes to avoid excessive, unwarranted, or unnecessary costs. Development projects will also be continually reviewed for opportunities to add value and benefits that are cost-effective and that will help achieve the NPS mission.

Designs for park facilities, regardless of their origin (NPS, contractor, concessioner, or other), will be harmonious with and integrated into the park environment to the extent practicable. Throughout all phases of design and construction they will also be subject to the same code compliance; the same high standards of sustainable design, "universal design," and functionality; and the same review and approval processes. NPS requirements for sustainable design and functionality include protection of the natural and cultural environments, resource conservation, energy conservation, pollution prevention, defensible space for fire safety, and the promotion of education about sustainable design and practices while ensuring cost-effectiveness. Parks are encouraged to use the NPS facility modeling program to determine and validate building sizes for those facilities covered by the models.

The Service will issue and update, as necessary, guiding principles for sustainable design to be applied throughout the national park system to the extent practicable, consistent with federal regulations such as Executive Order 13123: Greening the Government Through Efficient Energy Management; Executive Order 13101: Greening the Government Through Waste Prevention, Recycling and Federal Acquisition; and Executive Order 13327: Federal Real Property Asset Management.

(See Park Planning Processes 2.3; General Management Concepts 4.1; Lightscape Management 4.10. Also see Director's Orders #13: Environmental Leadership; and #90: Value Analysis; NPS Guiding Principles of Sustainable Design)

9.1.1.1 Life-cycle Costs

The total cost of a system, facility, or other product will be considered in its planning, design, and construction. Total costs will be computed over a product's or system's useful life, or other specified period of time, using economic analysis. Life-cycle costs include acquisition, shipping, initial construction or installation, operation and maintenance, environmental and energy consumption, water and wastewater requirements, and the costs of eventual disposal or deconstruction of the system, facility, and/or product. To the extent practicable, the waste implications of materials, products, and by-products (including product "life-cycle" pollution) should be considered as part of life-cycle costs. When the cost of facility deconstruction is included in the life-cycle cost analysis, deductions may be factored in for the salvage value of the recyclable materials.

(Also see Director's Orders #13: Environmental Leadership, and #90: Value Analysis)

9.1.1.2 Integration of Facilities into the Park Environment

Facilities will be integrated into the park landscape and environs with sustainable designs and systems to minimize environmental impact. Development will not compete with or dominate park features, or interfere with natural processes—such as the seasonal migration of wildlife or hydrologic activity associated with wetlands, geothermal, karst, or other hydrologic systems.

If a cohesive design theme is desired, recommended, or required, the theme will be consistent with the purpose and character of the park, or of an individual developed area in a large park. Standard designs and components may be used, but they will be adapted as appropriate to the specific site and conditions as part of the design process.

The full integration of facilities into the park environment will involve

- sensitivity to cultural, regional, esthetic, and environmental factors (e.g., solar orientation, prevailing winds, landscaping, and vulnerability to wildfire and other natural hazards) in the selection of site, construction materials, and forms
- innovative concepts for grouping facilities and activities, both in the design of new development and in the redesign of existing complexes, building on the architectural and landscape elements already present
- thorough interdisciplinary resource, user, and short- and long-term structure maintenance analysis

- the long-term need for and sustainable use of water, energy, and waste disposal resources
- assessment of the transportation and mobility needs of park visitors and concessioner and park employees within the park, and access to the park from gateway communities
- knowledge about the values and sociocultural interests of groups traditionally associated with the park, including Native Americans.

(See Environmental Leadership 1.6; Lightscape Management 4.10; Protection of Cultural Values 9.1.1.5; Visitor Centers 9.3.1.3; Siting Facilities to Avoid Natural Hazards 9.1.1.6)

9.1.1.3 Protection of Cultural Values

When important cultural resources are present, efforts will be made to use existing contributing structures. New visitor or administration structures will harmonize with the area and the cultural resources in proportion, color, and texture. No attempt will be made to duplicate or mimic a historic design, nor will any modern construction be portrayed to the public as being historic. However, vernacular styles of architecture are appropriate when they provide visual compatibility with the cultural landscape. Application of the "criteria of effect" promulgated by the Advisory Council on Historic Preservation, and compliance with the Council's regulations on "Protection of Historic Properties" (36 CFR Part 800) will precede any development. These criteria apply to all historic properties.

(See Identification and Evaluation of Resources 5.1.3; Planning 5.2; Treatment of Cultural Resources 5.3.5. Also see Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation)

9.1.1.4 Adaptive Re-use

The National Historic Preservation Act, Executive Order 13006, and Executive Order 13287 require each federal agency—before acquiring, constructing, or leasing buildings—to use, to the maximum extent feasible, available historic properties whenever operationally appropriate and economically prudent (16 USC 470h- 2(a)(1)). The National Historic Preservation Act also requires each agency to implement alternatives for the adaptive use of historic properties it owns if that will help ensure the properties' preservation. Therefore, the adaptive re-use of historic and nonhistoric buildings for operations such as visitor centers, hostels, and administrative offices will be considered first, before new construction, provided that (1) it can meet park objectives and current code requirements, (2) its continued use will not be an intrusion on significant natural or cultural resources, and (3) a cost savings will be realized. Even when the cost of adaptive re-use is greater than new construction, it may still be justified. Use of historic buildings will comply with all laws, regulations, and policies regarding the treatment and use of cultural resources.

(See Physical Access for Persons with Disabilities 5.3.2; Use of Historic Structures 5.3.5.4.7

9.1.1.5 Facility Siting

Whenever practicable and authorized by Congress, major park facilities—especially those that can be shared with other entities—should be developed outside park boundaries. The Park Service will encourage the private sector to (1) meet facility needs in gateway communities, and thus contribute to local economic development; (2) encourage competition, (3) increase choices for visitors, and (4) minimize the need for in-park construction. Where possible, appropriate, and authorized, the Service will cooperatively establish and maintain administration/information facilities with other federal, state, or local entities.

If facilities must be located inside park boundaries, then the preferred locations will be those that minimize impacts on park resources and that are situated to stimulate the use of existing or planned public transportation systems, bicycle routes, and pedestrian walkways. Major facilities within park boundaries will be placed only in locations identified in an approved general management plan or in implementation planning documents as being suitable and appropriate. Facility siting will take into account the need for protection from fires, and will take maximum advantage of factors such as solar energy, wind direction and speed, natural landscaping, and other natural features.

When structures that are not historically significant are no longer functional in their present locations and are determined to be inappropriately placed in important resource areas, they will be removed or relocated to a more appropriate area.

(See General Management Planning 2.3.1; Historic and Prehistoric Structures 5.3.5.4; Commercial Visitor Services Planning 10.2.2)

9.1.1.6 Siting Facilities to Avoid Natural Hazards

The Park Service will strive to site facilities where they will not be damaged or destroyed by natural physical processes. Natural hazard areas include sites with unstable soils and geologic conditions, fault zones, thermal areas, floodplains, flash-flood zones, fire-prone vegetation, and coastal high-hazard areas. Park development that is damaged or destroyed by a destructive, hazardous, or catastrophic natural event will be thoroughly evaluated for relocation or replacement by new construction at a different location. If a decision is made to relocate or replace a severely damaged or destroyed facility, it will be placed, if practicable, in an area believed to be free from natural hazards. In areas where dynamic natural processes cannot be avoided, such as seashores, developed facilities should be sustainably designed (e. g., removable in advance of hazardous storms or other conditions). When it has been determined that facilities must be located in such areas, their design and siting will be based on

- a thorough understanding of the nature of the physical processes, and
- avoiding or mitigating (1) the risks to human life and property, and (2) the effect of the facility on natural physical processes and the ecosystem.

Requirements for development in floodplains and wetlands are contained in Executive Order 11988: Floodplain Management; Executive Order 11990: Protection of Wetlands; Director's Orders #77-1 and #77-10; and other NPS guidance documents.

(See Park Planning Processes 2.3; Floodplains 4.6.4; Wetlands 4.6.5; Shorelines and Barrier Islands 4.8.1.1; Geologic Hazards 4.8.1.3; Visitor Safety and Emergency Response 8.2.5; Concession Facilities 10.2.6)

9.1.1.7 Sustainable Energy Design

Whenever practicable, any facility development—whether a new building, a renovation, or an adaptive reuse of an existing facility—should include improvements in energy efficiency and reduction in "greenhouse gas" emissions for both the building envelope and the mechanical systems that support the facility. Energy efficiency, including life-cycle costs, should be achieved using solar thermal and photovoltaic applications, appropriate insulation and glazing strategies, energy-efficient lighting and appliances, and renewable energy technologies when cost-effective. Energy-efficient construction projects should be used as an educational opportunity for the visiting public.

9.1.2 Accessibility for Persons with Disabilities

In compliance with all applicable laws, regulations, and standards, the Park Service will design, construct, and operate all buildings and facilities so they are accessible to and usable by persons with disabilities to the greatest extent practicable. This means that all new and altered buildings and facilities will be in conformance with appropriate design standards. It also means that a sufficient number of existing buildings and facilities will be modified to ensure that programs can be provided in an accessible location.

Accessibility will be provided consistent with conserving park resources, visitor safety, and providing a high-quality visitor experience. In most instances, the degree of accessibility provided will be proportionately related to the degree of human-made modifications in the area surrounding the facility, and the importance of the facility to people visiting or working in the park. Accordingly, most administrative offices, some overnight visitor accommodations, some employee housing, and most interpretive and visitor service facilities will be accessible. Undeveloped areas, such as those outside the immediate influence of buildings and roads, will not normally be modified, and no special facilities will be provided, for the sole purpose of providing access to all segments of the population. Accessibility to facilities in threshold areas will be determined on the basis of topography, the significance of the attraction, the number of physical modifications to the environment needed, and the modifications necessary to ensure programmatic accessibility.

Transportation systems in parks, including water transportation, will have a sufficient percentage of fully accessible vehicles or watercraft to provide effective services to persons with disabilities. In the case of existing systems, the necessary vehicles will be provided on a replacement or retrofit basis. Until the transportation system has been made fully accessible, a separate accessible vehicle will be provided, or disabled persons will be allowed to drive their personal vehicles on otherwise-restricted roadways. In meeting the goal of accessibility and to the greatest extent practicable, emphasis will be placed on ensuring that persons with disabilities are afforded experiences and opportunities along with other visitors. Separate facilities for people with disabilities are not a substitute for full accessibility to other park facilities, but they may be allowed where the need for specialized services is clearly demonstrated.

(See Physical Access for Persons with Disabilities 5.3.2; Accessibility for Persons with Disabilities 8.2.4; Accessibility of Commercial Services 10.2.6.2. Also see Director's Order #42: Accessibility for Visitors with Disabilities)

9.1.3 Construction

The Park Service will incorporate sustainable principles and practices into design, siting, construction, building materials, utility systems, recycling of all unusable materials, and waste management. Best management practices and best available technology, where practicable, will be used for all phases of construction activity, including pre-construction, construction, and post-construction. Although new asset construction is often a viable alternative for meeting visitor needs or protecting resources, the Service will consider "non-build" alternatives to meet its needs. The non-build alternative is developed and evaluated as part of the early facility planning and design process.

9.1.3.1 Construction Sites

Construction sites will be limited to the smallest feasible area. To maximize energy conservation, the selection of construction sites will consider opportunities for taking advantage of natural sources of lighting, heating, and cooling (e.g., near an existing or potential stand of deciduous trees). Ground disturbance and site management will be carefully managed to prevent undue damage to vegetation, soils, and archeological resources, and to minimize air, water, soil, and noise pollution. Protective fencing and barricades will be provided for safety and to conserve natural and cultural resources. Effective stormwater management measures specific to the site will be implemented, and appropriate erosion and sedimentation control measures will be in place at all times. Solid, volatile, and hazardous wastes will be stockpiled, transported, and disposed of, as appropriate, in a manner that complies with federal, state, and local laws and regulations. All materials will be recycled whenever feasible and practical.

A review and approval of any "hot work" (e.g., welding, use of open flame, and grinding) will be done to ensure fire safety at the construction site. Visual intrusions will be kept to a minimum. Construction equipment will be in satisfactory condition (i.e., it will be equipped with required safety components and will not be leaking hazardous liquids or emitting hazardous or undesirable fumes above allowable legal limits). Care will be exercised to ensure that construction equipment and all construction materials imported into the park are free of undesirable seeds and invasive species. The cost of restoring areas impacted by construction will be considered part of the cost of construction, and funding for restoration will be included in construction budgets.

(See Air Resource Management 4.7; Water Resource Management 4.6; Soil Resource Management 4.8.2.4. Also see Denver Service Center specifications section 01570)

9.1.3.2 Revegetation and Landscaping

The selection of plant materials and cultivation practices will be guided by the policies for management of plant materials in section 4.4, and by the need for fire-resistant vegetation for defensible space. To the maximum extent possible, plantings will consist of species that are native to the park or that are historically appropriate for the period or event commemorated. The use of exotic plant species is restricted to situations that conform to the exotic species policy in section 4.4.4. Irrigation to maintain exotic plantings will be

avoided, except when it is part of an approved management program essential to achieve park objectives and when adequate and dependable supplies of water are available. When a decision has been made to irrigate, efficient application must be made of water to conserve water resources and ecosystems. Low water use practices that measure soil moisture content, and other technologies such as drip irrigation and appropriate timing of water applications, should be employed where feasible and practical.

Before using soil fertilizers or other soil amendments in park natural or altered landscapes, parks must develop a prescription designed to ensure that the amendments will not unacceptably alter the physical, chemical, or biological characteristics of the soil, biological community, or surface or ground waters.

Wherever practicable, soils and plants affected by construction will be salvaged for use in site restoration. As appropriate, any surplus soils and plants may be used, for the restoration of other degraded areas within the park. Surplus soils not used in this way should be stockpiled for future use whenever practicable. If additional soil and plants are needed to restore disturbed sites, they may be obtained from other sites in the park if it is determined that the use of an in-park source will not unacceptably impact cultural or natural resources or ecological processes. In any case, imported soils must be compatible with existing soils, free of undesired seeds and organisms, and fulfill the horticultural requirements of plants used for restoration.

(See Management of Native Plants and Animals 4.4.2; Genetic Resource Management Principles 4.4.1.2; Management of Exotic Species 4.4.4; Water Resource Management 4.6; Soil Resource Management 4.8.2.4; Cultural Landscapes 5.3.5.2; Water Supply Systems 9.1.5.1; Wastewater Treatment Systems 9.1.5.2. Also see Executive Order 13148 (Greening the Government Through Leadership in Environmental Management) section 207, "Environmentally and Economically Beneficial Landscaping")

9.1.3.3 Borrow Pits and Spoil Areas

Materials from borrow pits, quarries, and other clay, stone, gravel, or sand sources on NPS lands, including submerged lands, will be extracted and used only

- by the Park Service or its agents or contractors,
- for in-park administrative uses,
- after compliance with the National Environmental Policy Act, including written findings that extraction and use of in-park borrow materials does not or will not unacceptably impact park resources or values, and that this is the park's most practicable alternative based on economic, environmental, or ecological considerations, and
- after compliance with other applicable federal, state, and local requirements.

Parks should use existing pits, quarries, or sources, or create new pits, quarries, or sources in the park only after developing and implementing a parkwide borrow management plan that addresses the cumulative effects of borrow site extraction, restoration, and importation. Parks should use existing pits, quarries, or sources. If new pits, quarries, or

sources in the park are needed, a parkwide management plan that addresses the cumulative effects of borrow site extraction, restoration, and importation will be developed and implemented. NPS guidance documents, as well as natural and cultural resources and facilities management staff, should be consulted during plan development and the review of specific proposals.

In designated wild and scenic rivers, no new sources may be established, and existing sources should be closed and reclaimed. Borrow material may be extracted in proposed or designated wilderness areas only in small quantities for trail use and in accordance with an approved wilderness stewardship plan.

Spoil may be used for beach nourishment or another resource management activity only if the superintendent first finds that the proposed nourishment or activity will not unacceptably impact park resources or values and is consistent with park planning documents.

All existing spoil areas within park units that meet the definition of "solid waste disposal site" (36 CFR Part 6) will be brought into compliance with NPS solid waste regulations in 36 CFR 6.5. The development of new spoil areas or borrow pits, or the expansion of existing ones, will be analyzed through the NEPA and NHPA processes. In addition, superintendents will comply with NPS solid waste regulations and other specific NPS requirements.

Proposed borrow pits and spoil areas outside parks will also be evaluated to ensure that use by the Park Service or its contractors does not unacceptably impact resources or values inside the park; extraction operations will comply with all applicable statutes and regulations, including the National Environmental Policy Act and the National Historic Preservation Act.

(See Decision-making Requirements to Avoid Impairments 1.4.7; Management of Threatened or Endangered Plants and Animals 4.4.2.3, Geologic Resource Management 4.8; Nonfederally Owned Minerals 8.7.3; Re-vegetation and Landscaping 9.1.3.2)

9.1.4 Maintenance

9.1.4.1 General

There is a maintenance responsibility and cost for every asset that is administered by the National Park Service. A regular, periodic inventory and condition assessment of park assets will be performed, and accurate data will be entered and updated into the Facilities Management Software System or its successor. This data will be used to help prioritize maintenance, identify deficiencies, and ensure the cost-effective maintenance of all facilities. Information derived from this program will be used to inform NPS asset investment decisions. The costs of operation and the useful life of facilities and equipment are directly related to the type and level of maintenance provided. Therefore, the Service will conduct a program of preventive and rehabilitative maintenance and preservation to (1) provide a safe, sanitary, environmentally protective, and aesthetically pleasing environment for park visitors and employees; (2) protect the physical integrity of facilities; and (3) preserve or maintain facilities in their optimum sustainable condition to the greatest

extent possible. Preventive and rehabilitative maintenance programs will incorporate sustainable design elements and practices to ensure that water and energy efficiency, pollution prevention, and waste prevention and reduction are standard practice.

(Also see NPS Solid Waste Management Handbook; Executive Order 13101 (Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition); Executive Order 13148 (Greening the Government Through Leadership in Environmental Management); Executive Order 13149 (Greening the Government Through Federal Fleet and Transportation Efficiency, Executive Order 13327, Federal Real Property Asset Management)

9.1.4.2 Acquisition of Environmentally Preferable and Energy-Efficient Products

In carrying out its maintenance responsibilities, the Service will acquire environmentally preferable and energy-efficient products, as required by the Solid Waste Disposal Act, federal regulations, and Executive orders, the Service will also strive to meet and exceed any Department of the Interior acquisition goals that are established while maintaining cost-effectiveness. The Service will consider a variety of attributes when purchasing products, including energy efficiency, biodegradability, toxicity, recovered material content, packaging, transport cost, and other life-cycle environmental impacts (such as disposal). The Service will actively pursue opportunities to test and demonstrate environmentally preferable and energy-efficient products, consistent with its goal of demonstrating sustainable practices that avoid or minimize environmental impacts and that are cost-effective.

(See Environmental Leadership 1.6; Concession Operations 10.2.4. Also see Director's Order #13: Environmental Leadership)

9.1.5 Utilities

Utilities (i.e., energy, telephone, water, and wastewater systems) will be sited outside park boundaries whenever possible and practicable. In-park utilities will be as unobtrusive as possible, and have the least possible resource impact. The Service will use municipal or other utility systems outside parks whenever economically and environmentally practicable, and it may participate, when authorized, in cost-sharing with municipalities and others in meeting new, expanded, or replacement park utility needs. The Service will use the least polluting power supply options, either through on-site generation or through the purchase of power from other sources when such purchase is appropriate, available, and cost-effective, or where such purchase helps meet federal or state emissions goals or alternative energy goals.

(See Utilities and Services 10.2.6.4. Also see Director's Order #35A: Sale or Lease of Park Services, Resources or Water in Support of Activities Outside the Boundaries of National Park Areas; and Director's Order #35B: Sale of Park Services to Support Activities Within the Boundaries of National Park Areas)

9.1.5.1 Water Supply Systems

The National Park Service will use water efficiently and in a way that is sustainable. Water systems will be designed to achieve, to the fullest extent possible, the conservation of water and the energy used in its treatment and distribution. Water supply and delivery

systems will be designed and maintained to provide sufficient water to operate fire sprinkler systems and fire hydrants. Water-efficient devices will be installed in new structures and in retrofitting existing structures. New water systems or extensions to existing systems will be constructed only if practicable conservation measures will not be sufficient to cover park needs. Where a new system or an expansion is justified, the system must be properly sized, and the available or projected water supply must be sufficient for expected needs. Where feasible and appropriate, and given resource availability, groundwater sources will generally be developed rather than developing surface water diversions. Water supply systems and their operators must comply with all applicable state and federal health standards. Outdoor use of water will be limited to those applications deemed essential to park operations or to conserve park values. Consistent with native plant policies, the Service will use efficient methods for outdoor irrigation. Whenever practicable, rainwater should be collected for uses such as maintenance of landscape features and general cleaning.

(See Water Resource Management 4.6; Campgrounds 9.3.2.1; Comfort Stations 9.3.3. Also see Director's Order #83: Public Health)

9.1.5.2 Wastewater Treatment Systems

New wastewater systems, or extensions or expansions of existing systems, will be constructed only if a determination has first been made that practicable conservation measures will not be sufficient to cover park needs. In the selection of an appropriate method of wastewater treatment, factors such as all-season reliability, regulatory and public health issues, cost-effectiveness, and minimum adverse impact on the environment will all be considered. Where composting toilets are used, there should be interpretation for visitors regarding the value of recycling organic solid waste. Wastewater will be adequately treated so that on its return to water courses it meets or exceeds applicable state and federal water quality standards. Water and wastewater systems and their operators are subject to state and federal health standards. Superintendents must ensure that operators are certified, and that operations are inspected and conducted in accordance with all laws, regulations, and policies.

(See Water Resource Management 4.6; Campgrounds 9.3.2.1; Comfort Stations 9.3.3. Also see Director's Order #83: Public Health)

9.1.5.3 Utility Lines

Where feasible and practical, NPS utility lines will be placed underground, except where such placement would cause greater damage to natural or cultural resources (such as historic structures or cultural landscapes) than alternative utility line placements. Cost-effectiveness, reliability of service, and visual impact will be considered when deciding whether to install utility lines aboveground or underground. When placed aboveground, utility lines and appurtenant structures will be located and designed to minimize their impact on park resources or values. Whenever possible and practicable, all utilities will share a common corridor, and/or will be combined with transportation corridors to achieve economies of scale and minimal visual and esthetic degradation. To minimize the impact of on-grid utility lines, consideration will be given to long-term, cost-effective, renewable energy applications, such as the use of photovoltaic, wind, fuel cell, and/or biofuel technologies (either as stand-alones or as hybrid systems), particularly in remote areas.

(See Potential Wilderness 6.2.2.1)

9.1.5.4 Historic Utilities

Utilities that were present during the historic period will be managed as cultural resources, and will be governed by the same policies as other cultural resources. Where present needs require upgraded lines and facilities, modern utilities will conform insofar as possible to the appearance and location of the historic utilities.

(See Treatment of Cultural Resources 5.3.5)

9.1.6 Waste Management and Contaminant Issues

The National Park Service recognizes the far-reaching impacts that waste products, contaminants, and wasteful practices may have, not only on park resources, but also on biotic and abiotic resources elsewhere in the nation and around the world. The Service will therefore demonstrate environmental leadership and serve as a model for others to follow in managing wastes and contaminants.

9.1.6.1 Waste Management

The Service will implement cost-effective solid and hazardous waste management practices that integrate waste reduction, reuse, and recycling programs to minimize the generation and disposal of solid and hazardous waste at and from parks. For purposes of this section, solid and hazardous wastes include any materials that are so defined in the Solid Waste Disposal Act, as amended. The Service will require the cost-effective use of biodegradable materials, the reuse and recycling of materials, and other appropriate measures to minimize solid waste and ~~to~~ conserve natural resources to the fullest extent possible. Innovation in the use of recyclable or reusable materials is encouraged.

All disposal of solid waste on lands and waters within the boundaries of a unit of the park system, whether federally or nonfederally owned, must comply with NPS regulations in 36 CFR Part 6, which implement Public Law 98-506 (16 USC 460l-22(c)). These regulations are designed to ensure that all activities associated with the operation of solid waste disposal sites within the boundaries of national park units are conducted in a manner that will (1) prevent the deterioration of air and water quality; (2) prevent the degradation of natural and cultural resources; and (3) reduce adverse effects on visitor enjoyment. In accordance with the spirit and intent of these requirements, the Park Service will, to the extent practicable, avoid the use of park lands for landfills by such means as (1) implementing waste minimization and substitution practices; (2) diverting material to recycling facilities or other appropriate locations; and (3) using storage, treatment, or transfer facilities that meet or exceed DOI and all legal and regulatory standards for any generated waste that is not diverted.

The Park Service will remove landfill operations and associated impacts from parks where feasible. Cooperative waste management solutions that minimize adverse impacts on park resources are also encouraged for areas where alternatives to landfills are scarce for both parks and adjacent communities.

Open burning for solid waste disposal will not be permitted in parks, except in the very limited circumstances described in Director's Order #18: Wildland Fire Management.

Any hazardous waste that the Service generates will be disposed of separately from solid waste, in full accord with all applicable legal requirements.

(See Air Quality 4.7.1; River Use 8.2.2.3; Backcountry Use 8.2.2.4; Miscellaneous Management Facilities 9.4.5. Also see Director's Order #18: Wildland Fire Management; Director's Order #30A: Hazardous and Solid Waste Management)

9.1.6.2 NPS Response to Contaminants

The Park Service will make every reasonable effort to prevent or minimize the release of contaminants on, or that will affect, NPS lands or resources, and will take all necessary actions to control or minimize such releases when they occur. For purposes of this section, contaminants include any substance that may pose a risk to NPS resources or is regulated or governed by statutes referenced in this subsection. Prevention and minimization will include, but not be limited to, (1) the acquisition, use, and selection of nontoxic or less toxic materials; (2) implementation of safe use, storage, and disposal practices; (3) recycling of spent materials; (4) implementation of effective hazard communication programs for employees, contractors, concessioners, and visitors; (5) development and extension of appropriate emergency response programs; and (6) ensuring that parties responsible for contamination or threatened contamination of NPS property bear the responsibility for addressing such contamination.

Activities pertaining to contaminants, including response actions or handling, acquisition, storage, transportation, and disposal of such substances, will comply with federal, state, and local laws and regulations including, but not limited to, (1) the Solid Waste Disposal Act, including the Resource Conservation and Recovery Act of 1976 and the Hazardous and Solid Waste Amendments of 1984, as amended; (2) the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA); (3) the Oil Pollution Act of 1990; (4) the Clean Water Act; (4) the Hazardous Materials Transportation Act; and (5) the Toxic Substances Control Act. Such activities will also comply with the NPS integrated pest management program.

The Service will identify, assess, and respond as promptly as possible to address releases and threatened releases of contaminants into the environment. Each park will have an oil and chemical spill response management plan for spills that result from NPS activities, or from activities that are beyond NPS control (such as commercial through-traffic on roads that pass through a park). The plans will place first priority on responder and public safety. Employees will not be permitted to respond to hazardous materials spills unless they are properly qualified and certified in accordance with Director's Order #30B: Hazardous Spill Response.

The Service will take affirmative and aggressive action to ensure that all NPS costs and damages associated with the release of contaminants are borne by those responsible for the contamination of NPS property. In addition, when lands are proposed for acquisition by the Park Service, the Service will take steps to avoid or minimize its liability for the contamination of the proposed NPS property when the contamination has been caused by other parties. The Service will include in the preacquisition environmental assessment process the identification of recognizable environmental conditions, such as those associated with prior or existing commercial facilities, mining sites, and landfills. Any

recognizable existing or potential environmental contamination of lands proposed for inclusion in a park will be brought to the attention of the regional director as soon as they are identified.

(See Criteria for Inclusion 1.3; Chapter 3: Land Protection; Pest Management 4.4.5; Emergency Preparedness and Emergency Operations 8.2.5.2. Also see Director's Orders #25: Land Protection; #30A: Hazardous and Solid Waste Management; #30B: Hazardous Spill Response; 30C: Damage Assessments)

9.1.7 Energy Management

The National Park Service will conduct its activities in ways that use energy wisely and economically. Park resources or values will not be unacceptably impacted to provide energy for NPS purposes. The Service will adhere to all federal policies governing energy and water efficiency, renewable resources, use of alternative fuels, and federal fleet goals as established in the Energy Policy Act of 1992. The Service will also comply with applicable Executive orders, including Executive Order 13123: Greening the Government Through Effective Energy Management, and Executive Order 13149: Greening the Government Through Federal Fleet and Transportation Efficiency.

All facilities, vehicles, and equipment will be operated and managed to minimize the consumption of energy, water, and nonrenewable fuels. Full consideration of economic and environmental impacts will be given to the use of alternative fuels. Alternative transportation programs and the use of bio-based fuels will be encouraged, where practicable. Renewable sources of energy and new developments in energy efficiency technology, including products from the recycling of materials and waste, will be used where reasonable, practicable, and cost-effective over the life cycle. However, energy efficiencies will not be pursued if they will unacceptably impact resources or values.

As an environmental leader, the Service will interpret for the public the overall resource protection benefits from the efficient use of energy, and will actively educate and motivate park personnel and visitors to use sustainable practices in conserving energy. The Service will also pursue partnership efforts with the Department of Energy and others to further develop and meet NPS energy conservation goals.

(See Air Quality 4.7.1; Lightscape Management 4.10; Resource Issue Interpretation and Education 7.5.3; Maintenance 9.1.4; Transportation Systems 9.2; Trails and Walks 9.2.3; Sustainable Energy Design 9.1.1.7. Also see Director's Order #13: Environmental Leadership)

9.1.8 Structural Fire Protection and Suppression

Superintendents will manage structural fire activities as part of a comprehensive interdisciplinary effort to conserve resources and promote the safe public use and enjoyment of those resources. Fire prevention, protection, and suppression will be primary considerations in the design, construction, rehabilitation, maintenance, and operation of all facilities. Structural fires will be suppressed to prevent the loss of human life and minimize damage to property and resources. The Service's Structural Fire Protection and Suppression Program will provide, through Director's Order #58 and Reference Manual 58, additional policy, standards, operational procedures, and accountability to meet the

diverse needs and complexities of individual parks. The goal is to ensure that all park units receive an appropriate level of fire protection, provided in a safe and cost-effective manner by qualified personnel.

Each superintendent will complete a structural fire assessment and develop a structural fire plan to meet park needs. Structural fire protection and suppression capabilities will be maintained in accordance with those plans. Prevention priorities will focus on occupied structures and cultural resources, with emphasis placed evenly on code compliance, early warning detection, suppression systems, and employee training and awareness.

Fire prevention through code-compliant new construction, upgrading of existing structures, standardized and regularly scheduled fire inspections, and properly installed and maintained detection and suppression systems will be the primary means of addressing and correcting NPS structural fire deficiencies. Where these measures are not sufficient to meet park needs, aid agreements will be entered into with non-NPS entities capable of providing requisite fire suppression. Support from neighboring fire protection organizations is encouraged, and superintendents should enter into appropriate agreements whenever possible to enhance fire-fighting capabilities. Development of a park fire brigade will be considered only when all other options have been analyzed and determined not to be reasonable or practicable.

(See Fire Management 4.5; Fire Detection, Suppression, and Post- fire Rehabilitation and Protection 5.3.1.2; Water Supply Systems 9.1.5.1. Also see Director's Order #58: Structural Fire Management)

9.2 Transportation Systems

The location, type, and design of transportation systems and their components (e.g., roads, bridges, trails, and parking areas) and the use of alternative transportation systems all strongly influence the quality of the visitor experience. These systems also affect, to a great degree, how and where park resources will be impacted. For these reasons, management decisions regarding transportation facilities require a full, interdisciplinary consideration of alternatives and a full understanding of their consequences. Building wider roads and larger parking areas to accommodate more motor vehicles may not necessarily offer the best alternative. The Service should explore and analyze cost-effective alternative transportation solutions or infrastructure that will conserve resources and values while providing opportunities for visitor use and enjoyment. When exploring the implementation of a transportation system, the Service will use cost-effective, commercial off-the-shelf vehicles and federal fleet management services whenever possible.

Early NPS participation in transportation studies and planning processes is crucial to the long-term strategy of working closely with other federal agencies; tribal, state, and local governments; regional planning bodies; citizen groups; and others to enhance partnering and funding opportunities. The Service should participate in all transportation planning forums that may result in links to parks or unacceptable impacts on park resources or values. Working with federal, tribal, state, and local agencies on transportation issues, the Park Service will seek reasonable access to parks, and connections to external transportation systems. The Service will also advocate corridor crossings for terrestrial and

aquatic wildlife, and other accommodations to promote biodiversity and minimize or mitigate (1) harm to individual animals, (2) the fragmentation of plant and animal habitats, and (3) the disruption of natural systems.

Depending on a park's size, location, resources, and level of use, the Park Service will, where appropriate, emphasize and encourage alternative transportation systems for access to and within the park. These systems may include a mix of buses, trains, ferries, trams, and—preferably—nonmotorized modes of access. In general, the preferred modes of transportation will be those that contribute to maximum visitor enjoyment of and minimum adverse impacts on park resources and values.

Before a decision is made to design, construct, expand, or upgrade access to or within a park, nonconstruction alternatives—such as distributing visitors to alternative locations—should be fully explored and analyzed. If nonconstruction alternatives will not achieve satisfactory results, then a development solution may be pursued if the project

- is appropriate and necessary to meet park management needs or to provide opportunities for visitor use and enjoyment
- is designed with extreme care and sensitivity to the landscape through which it passes
- will not cause unacceptable impacts to resources or values and will minimize or mitigate those impacts that cannot be avoided
- will not cause use in the areas it serves to exceed the areas' visitor carrying capacity
- will incorporate the principles of energy conservation and sustainability
- will be financially and operationally sustainable
- will incorporate universal design principles to provide for accessibility for all people, including those with disabilities
- will take maximum advantage of interpretive opportunities and scenic values
- will not violate federal, state, or local air pollution control plans or regulations
- is based on a comprehensive and multidisciplinary approach that is fully consistent with the park's general management plan.

If a decision is made to construct, expand, or reconstruct a park transportation system, the Service will address the need for terrestrial and aquatic wildlife corridor crossings and other accommodations to avoid, minimize, or mitigate harm to individual animals, the fragmentation of plant and animal habitats, and the disruption of natural systems.

(See General Management Planning 2.3.1; Implementation Planning 2.3.3; Air Quality 4.7.1; General 9.1; Accessibility for Persons with Disabilities 9.1.2; Energy Management 9.1.7. Also see Director's Orders #87A: Park Roads and Parkways; #87B: Alternative

Transportation Systems; #87C: Transportation System Funding; #87D: Non- NPS Federal Aid Roads)

9.2.1 Road Systems

9.2.1.1 Park Roads

Park roads will be cost-effective, well constructed, sensitive to natural and cultural resources, reflect the highest principles of park design, and enhance the visitor experience. Park roads are generally not intended to provide fast and convenient transportation; rather, they are intended to enhance the quality of a visit while providing for safe and efficient travel with minimal impacts on resources or values.

For most parks, a road system is already in place. When plans for meeting the transportation needs of these parks are updated, a determination must be made as to whether the road system and design template should be maintained as is, reduced, expanded, realigned, eliminated, supplemented, or replaced by other transportation modes. Before roads are chronically at or near capacity, and before consideration of road expansion, limitations on use or the use of alternative destination points or transportation systems will be considered and analyzed to determine if alternative transportation systems are reasonable and practicable and improve the visitor experience.

Park road designs are subject to NPS *Park Road Standards*, which are adaptable to each park's unique character and resource limitations. Although some existing roads do not meet current engineering standards, they may be important cultural resources whose values can and should be preserved without compromising visitor safety.

9.2.1.2 Non-NPS Roads

Many parks contain roads that were not constructed by the Park Service and are not under NPS jurisdiction. Most often, these roads existed before the areas became part of the national park system, and the Service must rely heavily on tribal, state, or local authorities to maintain the roads consistent with park management goals. These other government authorities sometimes propose to expand a road, or to construct a new road within a park—with significant potential to unacceptably impact resources or values. Superintendents must consider road proposals in strict accordance with section 9.2.1.2.2, and Director's Order #87D: Non-NPS Federal Aid Roads. Where practicable, and after concurrence of the entity with road jurisdiction, non-NPS roads that are no longer needed will be closed or removed, and the area will be restored to a natural condition.

The Service will not permit the public or private construction of new roads for access to inholdings unless there is a valid existing right, or construction is specifically authorized by law.

Access to inholdings in Alaska will be managed in accordance with the provisions of the Alaska National Interest Lands Conservation Act 1110(b) and 43 CFR Part 36.

(See General 8.6.4.1)

9.2.1.2.1 Existing Commercial and Other Through-Traffic

The Park Service will work with appropriate governments, private organizations, and individuals to minimize the impacts of traffic on park resources and values. When it has been determined that commercial traffic on a non-NPS road within a park might unacceptably impact park resources or values, or is impeding the opportunities for visitor use and enjoyment, the superintendent shall work cooperatively with the local or state government that has jurisdiction over the road to prevent unacceptable impacts and mitigate the impacts on the visitor experience.

Whenever possible and practicable, the Park Service will, through cooperation, consultation, and communication, work with the agency of jurisdiction to route commercial traffic away from NPS roads within parks, except when the commercial traffic is for the purpose of serving park visitors and park operations. However, in accordance with section 8.6.5 and applicable NPS regulations (36 CFR 5.6)

- superintendents will permit commercial vehicles to use park roads when necessary for access to private lands within or adjacent to a park area to which access is otherwise not available, and
- superintendents may issue permits for commercial vehicle traffic to pass through the park in emergencies.

(Also see Director's Order #87A: Park Roads and Park ways and 9.2.2 Alternative Transportation Systems).

9.2.1.2.2 Construction and Expansion Proposals

Superintendents must take an active role in overall community and transportation planning activities to educate all parties about the NPS mandate to conserve park resources and values. The Park Service will work closely with the U. S. Department of Transportation (USDOT) and state departments of transportation (DOTs) when new highways or roads or expansions of existing road corridors that may impact park lands are proposed. In accordance with 23 USC 138 and the Organic Act, the Park Service will object to any proposal to route a state or local road through national park lands, or to increase the size of a right-of-way for an existing road, unless the Park Service first determines (or concurs with a state DOT or USDOT determination) that

- there is no feasible and prudent alternative,
- all practicable planning has taken place to minimize and mitigate harm to the park,
- it will not be contrary to the public interest, or inconsistent with the purposes for which the park was established,
- it will not cause health and safety risks to visitors or park staff, and
- it will conform to NPS standards and practices for road design, engineering, and construction.

In making these determinations, the Service will take into account the factors listed in section 9.2 and will work cooperatively and expeditiously with the US or state Department of Transportation.

Responsibility for future maintenance—meeting NPS standards—must be identified before NPS approval of a proposal.

(Also see Director's Order #87D: Non-NPS Federal Aid Roads)

9.2.2 Alternative Transportation Systems

The Park Service will work cooperatively with other federal agencies; tribal, state, and local governments; regional planning bodies; concessioners; citizen groups, and others to design and promote cost-effective alternative transportation systems for park access and circulation when it can be demonstrated that the alternative transportation mode will be used at levels that make it more efficient than the use of personal vehicles, or when resource protection and visitor enjoyment concerns make the alternative transportation mode a better choice. Through cooperation with public transportation agencies and gateway communities, in-park transportation systems should be linked to public transportation whenever feasible.

A decision to provide visitor transportation systems will be based on a finding that the system

- is a cost-effective alternative to the construction, operation, and maintenance of additional roads, parking areas, and support facilities,
- will reduce traffic congestion, noise, and air pollution, and will prevent unacceptable impacts to park resources or values,
- will enhance the visitor experience by (1) offering new or improved interpretive or recreational opportunities, (2) simplifying travel within the park, or (3) making it easier or safer to see park features, and
- will conserve energy and use alternative fueled vehicles whenever practicable.

All alternative transportation systems may be considered conceptually. Before advancing beyond the conceptual stage, appropriate approvals must be obtained from the Director.

(See Accessibility for Persons with Disabilities 9.1.2; Energy Management 9.1.7; Road Systems 9.2.1. Also see Director's Order #87B: Alternative Transportation Systems)

9.2.3 Trails and Walks

Trails and walks provide the only means of access into many areas within parks. These facilities will be planned and developed as integral parts of each park's transportation system, and will incorporate principles of universal design. Trails and walks will serve as management tools to (1) help provide opportunities for visitor use and enjoyment, and (2) when necessary to prevent unacceptable impacts to resources or values and manage the distribution and intensity of use. All trails and walks will be carefully situated, designed, and managed to

- reduce conflicts with automobiles and incompatible uses
- accommodate as many uses as are feasible, reasonable, and practicable, and are safe and do not cause unacceptable impacts to resources or values
- allow for ample opportunities for visitor use and enjoyment and for a high-quality visitor experience
- allow accessibility by the greatest number of people
- conserve park resources

Heavily used trails and walks in developed areas may be surfaced as necessary for visitor safety, accessibility for persons with impaired mobility, resource protection, or erosion control. Surface materials should be carefully selected, taking into account factors such as the purpose and location of a trail or walk and the potential for erosion and other environmental impacts.

The visitor use and management aspects of trails and walks are addressed in section 8.2.2, "Recreational Activities."

(See Chapter 7: Interpretation and Education; Accessibility for Persons with Disabilities 9.1.2. Also see Director's Order #42: Accessibility for Visitors with Disabilities)

9.2.3.1 Cooperative Trail Planning

The Park Service will cooperate with other land managers, nonprofit organizations, and user groups to facilitate local and regional trail access to parks. When parks abut other public lands, the Service will participate in interagency, multijurisdictional trail planning, and the maintenance of the NPS sections of interagency or multijurisdictional trails shall be a priority. When an effective trail system exists, and when otherwise permitted, hostels or similar low-cost overnight facilities may be provided—if they are consistent with the park's purpose and general management plan and harmonize with the natural and/or cultural resources.

(See Hostels and Shelters 9.3.2.3)

9.2.3.2 Hiking Trails

Trail design will vary to accommodate a wide range of users, and will be consistent with user patterns and site conditions. Wetlands will generally be avoided and, where possible, they will be spanned by a boardwalk or other means, using sustainable materials that will not disturb hydrologic or ecological processes. Backcountry trails will offer visitors a primitive outdoor experience, and will be unsurfaced and modest in character, except where a more durable surface is needed. The use of nonnative materials is generally not permitted on backcountry trails except where necessary to meet minimum safety standards or to reduce or avoid unacceptable impacts to park resources.

(See Wilderness General Policy 6.4.1; Trails in Wilderness 6.3.10.2; Backcountry Use 8.2.2.4)

9.2.3.3 Equestrian Trails

Equestrian trails and related support facilities, such as feed boxes and hitch rails, may be provided when they are consistent with park purposes and when site conditions are suitable. Horse camps should be designed with user interest in mind and consistent with NPS policy; ramps for mounting the animals must be provided for persons with disabilities. Photovoltaic systems should be evaluated to power any necessary water systems.

(See Grazing and Livestock Driveways 6.4.7; Grazing by Domestic and Feral Livestock 8.6.8; Accessibility of Commercial Services 10.2.6.2)

9.2.3.4 Bicycle Trails

Bicycle routes may be considered to supplement motor vehicle access. Bicycle travelways may be integrated with park roads when determined to be safe and feasible. Bicycle trails may be paved or stabilized for the protection of resources and for the safety and convenience of travelers. In accordance with 36 CFR 4.30, the designation of bicycle routes, other than in developed areas, in special use zones, or on park roads and in parking areas, requires a written determination that it is an appropriate use, and the promulgation of a special regulation.

(See General Policy 6.4.1; Backcountry Use 8.2.2.4. Also see 36 CFR 4.30)

9.2.3.5 Water Trails

Water access and use may be provided when consistent with resource conservation needs. Appropriate locations and levels of use will be determined in the park's general management plan. To promote understanding and enjoyment, and to protect waterways and adjacent lands, the Park Service will work with other agencies and organizations, as appropriate, to develop and provide education and interpretation for water trails that access parks.

9.2.3.6 Interpretive Trails

Interpretive trails and walks, both guided and self-guiding, may be used for purposes of visitor appreciation, use, enjoyment, and understanding of park values.

9.2.3.7 National Trails

To the extent that trail management and use would not detract from the basic mission, and the resources and values to be conserved, the Park Service will cooperate with other land managers, nonprofit organizations, and user groups to facilitate the use of national scenic, historic, and recreational trails, in accordance with the laws and policies applicable to such trails.

(Also see Director's Order #45- 1: National Scenic and Historic Trails; National Trails System Act)

9.2.3.8 Trailheads

To facilitate safe and enjoyable trail use and efficient management, trailheads and trail access points from which trail use can begin will be carefully tied into other elements of the park development and circulation system.

9.2.3.9 Trail Bridges

Trail bridges may be used for crossing swift waters, areas prone to flash flooding, and other places presenting potential safety hazards. Less obtrusive alternatives to bridges, such as culverts, fords, and trail relocation, will be analyzed and considered before a decision is made to build a bridge. A bridge may be the preferred alternative when necessary to prevent streambank erosion or to protect wetlands or fisheries. If a bridge is determined to be the most appropriate alternative, it will be kept to the minimum size needed to serve trail users, and will be designed to harmonize with the surrounding natural scene and be as unobtrusive as possible.

(See Water Resource Management 4.6)

9.2.4 Traffic Signs and Markings

Signs will be limited to the minimum necessary to meet information, warning, and regulatory needs, and to avoid confusion and visual intrusion. Signs should be planned to provide a pleasing, uniform appearance. Traffic signs and pavement markings on park roads will be consistent with the standards contained in the *Manual on Uniform Traffic Control Devices*, as supplemented by the *NPS Sign Manual*. All roadside signs and markings will conform to good traffic engineering practices. Park signs—especially those that display the NPS arrowhead symbol—are an important part of the total identity system for the Park Service and the Department of the Interior, and signs must conform to the standards contained in Director's Order #52C: Park Signage.

(See Navigation Aids 9.2.6; Signs 9.3.1.1)

9.2.5 Parking Areas

Parking areas and overlooks will be located so as not to unacceptably intrude, by sight or sound, or otherwise impact park resources or values. When parking areas are necessary, they will be designed to harmoniously accommodate motor vehicles and other users, to prevent unacceptable impacts to resources or values, optimize traffic flow, reduce the potential for social trails and informal pullouts, and relieve congestion and provide ample opportunity for visitor use and enjoyment. When large parking areas are needed, appropriate plantings and other design elements will be used to enhance visual appearance and parklike qualities and reduce runoff. When overflow parking is provided to meet peak visitation, it should be in areas that have been stabilized, or that are otherwise capable of withstanding the temporary impacts of parking without causing unacceptable impacts to park resources or values. Permanent parking areas will not normally be sized for the peak use day, but rather for the use anticipated on the average weekend day during the peak season of use.

(See Management of Native Plants and Animals 4.4.2; General 9.1; Transportation Systems 9.2)

9.2.6 Navigation Aids

Necessary aircraft and water navigation aids will be planned in collaboration with the Federal Aviation Administration and U. S. Coast Guard, respectively, and will be installed, maintained, and used in conformance with the standards established by these agencies only if there are no appropriate alternatives outside park boundaries. Exceptions to the standards may be authorized when necessary to meet specific park and public safety needs provided

that the exceptions are jointly agreed to by the Park Service and the agency having primary jurisdiction.

(See Overflights and Aviation Uses 8.4; Traffic Signs and Markings 9.2.4)

9.3 Visitor Facilities

While striving for excellence in visitor services, a park's general management plan or other planning document should determine the level of visitor facility development that is necessary and reasonable given current or projected visitor demands. Also, the plan should consider the distance to alternative sources of services that could meet the needs of the visitor. Facilities like gas stations and grocery stores may be necessary to park use and enjoyment, but parks with adequate gateway community infrastructure that is reasonably close to the major park features it may not necessarily follow that these facilities need to be located inside a park. The Park Service will encourage the development of private sector visitor services in gateway communities to contribute to local economic development, encourage competition, increase choices for visitors, and minimize the need for in-park facilities. When visitor facilities are found to be necessary and appropriate within a park, they will be designed, built, and maintained in accordance with accepted NPS standards for quality and the NPS commitment to visitor satisfaction.

9.3.1 Informational and Interpretive Facilities

Informational and interpretive facilities will be provided to assist park visitors in appreciating, using, and enjoying the park and understanding its significance, provided that the facilities can be developed without causing unacceptable impacts to park resources or values. The Harpers Ferry Center will be consulted on planning, design, and quality control for major interpretive facilities.

(See Chapter 7: Interpretation and Education; Accessibility for Persons with Disabilities 9.1.2)

9.3.1.1 Signs

Signs will be carefully planned and designed to fulfill their important roles of conveying clear and concise information and orientation to visitors and conveying an image of excellence. Each park should have an approved parkwide sign plan based on Servicewide design criteria and tailored to meet individual park needs. Entrance and other key signs will be distinctively designed to reflect the character of the park while meeting Servicewide standards.

Signs will be held to the minimum number, size, and wording required to serve their intended functions and minimally intrude upon the natural and historic settings. They will be placed where they do not interfere with the visitors use, enjoyment, and appreciation of park resources. Roadside information signs are subject to the standards established in the *NPS Sign Manual*. Interpretive signs will be guided by sign and wayside exhibit plans.

(See Signs 6.3.10.4; Traffic Signs and Markings 9.2.4; Navigation Aids 9.2.6. Also see Director's Order #52C: Park Signage)

9.3.1.2 Entrance Stations

Entrance and fee collection stations will be harmonious with the park environment, and should reflect the architectural character of the park. Entrance and fee collection stations should (1) reasonably accommodate the average peak season visitor traffic, (2) incorporate best available technology, and (3) use best management practices to minimize delays—thus reducing vehicle emissions at the entrance station and enhancing the visitor experience.

9.3.1.3 Visitor Centers

When necessary to provide visitor information and interpretive services, visitor centers may be constructed at locations identified in approved plans. To minimize visual intrusions and impacts on major park features, visitor centers will generally not be located near such features. Where an in-park location would create unacceptable environmental impacts, authorization should be obtained to place a visitor center outside the park.

Visitor centers should enhance personal, self-guided, or on-site interpretation. They will be constructed only when it has been determined that indoor media are the most effective means of communicating major elements of the park story, and that a central public contact point is needed.

As appropriate, a visitor center may include information services, sales of educational materials and theme-related items, audiovisual programs, museums, museum collections storage, exhibits, and other staffed or self-help programs and spaces necessary for a high-quality visitor experience. Additionally, the need for restrooms, drinking fountains, and other basic visitor requirements will be considered during the planning and design stage. The size and scope of all visitor centers should be evaluated using the Visitor Center Planning Model or similar tool before submitting any visitor center projects to the Director for approval.

(See Park Management 1.4; Environmental Leadership 1.6; Financial Sustainability 1.8.3; Nonpersonal Services 7.3.2; Location 9.1.1.2; Accessibility for Persons with Disabilities 9.1.2; Museum Collections Management Facilities 9.4.2)

9.3.1.4 Amphitheaters

Amphitheaters may be provided in campgrounds and in other locations where formal interpretive programs are desirable. Campfire circles may be provided in campgrounds to accommodate evening programs and informal social gatherings. Artificial lighting must be carefully directed and kept to a minimum, with due regard for natural night sky conditions.

(See Lightscape Management 4.10; Campgrounds 9.3.2.1)

9.3.1.5 Wayside Exhibits

Wayside exhibits may be provided along roads, on roadside pullouts, and along heavily used walks and trails to interpret resources on site.

(See Nonpersonal Services 7.3.2)

9.3.1.6 Viewing Devices

Viewing devices, such as pedestal binoculars or telescopes, may be provided at appropriate locations when the superintendent determines that such devices are desirable for the

meaningful interpretation or understanding of park resources. Such devices may be provided by the Service, or by others under a concession contract or commercial use authorization.

9.3.1.7 Facilities for Arts and Culture

Various cultural events (such as concerts, films, lectures, plays, craft shows, and art exhibits) are permitted when they are consistent with or will support a park's purposes and objectives. However, permanent facilities may be built specifically for cultural activities only when all of the following criteria are met:

- The permanent facility is required for programs of major importance in conveying the park story.
- It would be impossible or impractical to use demountable or temporary facilities.
- It would not be feasible, reasonable, or practicable to adaptively use other park facilities.
- Neither the facility nor its operation would unacceptably impact resources or values, or hinder the use of the park for its intended purposes.
- It would not be feasible for individuals or entities outside the park to provide the facility.

(See Use of Historic Structures 5.3.5.4.7; Special Events 8.6.2)

9.3.2 Overnight Accommodations and Food Services

Overnight facilities and food services will be consistent with the kinds and levels necessary and appropriate to achieve each park's purposes. In many cases, overnight accommodations and food services are not needed within a park. In general, they should be provided only when the private sector or other public agencies cannot adequately provide them in the park vicinity. However, in-park facilities or services may be justified when the distance and travel time to accommodations and services outside the park are too great to permit reasonable use, or when leaving the park to obtain incidental services would substantially detract from the quality of the visitor experience. Certain activities, such as backcountry use, may require overnight stays. Types of overnight accommodations may vary from unimproved backcountry campsites to motel or hotel-type lodging, as appropriate. Commercial facilities run by concessioners are addressed in greater detail in chapter 10.

(See Accessibility for Persons with Disabilities 9.1.2; Commercial Visitor Services Planning 10.2.2)

9.3.2.1 Campgrounds

When campgrounds are determined to be necessary, their design will accommodate the differences between recreation-vehicle camping and tent camping, and will consider cultural landscapes, terrain, soils, vegetation, wildlife, climate, special needs of users, visual and auditory privacy, and other relevant factors.

The Service will determine the range of amenities and utility hookups that are appropriate to each campground based on the park's mission, campground location and size, availability of commercial campgrounds in the area, cost of installing and maintaining the amenities and utilities, and other considerations. Portable generators may be allowed, but they may also be limited to designated areas and times of operation. To eliminate the need for generators, electric utilities may be provided on a limited basis. Shower facilities may be provided where feasible. Modest-sized play areas for small children are permissible, as are informal areas for field sports associated with organized group camps. Wood fires in fire rings are generally permissible; however, whenever it is necessary to restrict such fires at individual campsites because of fire danger, air pollution, or other hazards, alternatives may be provided or allowed, such as facilities for the use of charcoal or other fuels or central cook sheds. When a need exists, sanitary dump stations will be provided in or near campgrounds that accommodate recreational vehicles.

When necessary for basic safety requirements, pathways and the exteriors of buildings and structures may be lighted. Such lighting will be energy efficient and shielded as much as possible so visitors have the opportunity to experience the natural darkness and night skies.

Campgrounds intended to accommodate large recreational vehicles or buses will be located only where existing access roads can safely accommodate such vehicles and the resulting increased traffic load.

Campgrounds will not exceed 250 sites unless a larger number of sites has been approved by the Director.

When desirable for purposes of management, tent camping may be accommodated in separate campgrounds, or in separately designated areas within campgrounds. Provision may also be made for accommodating organized groups in separate campgrounds or in separately designated areas.

Boating campgrounds may be provided in parks with waters used for recreational boating. The need for campgrounds—and their sizes, locations, and numbers—will be determined by (1) the type of water body (e.g., river, lake, reservoir, saltwater); (2) the availability and resiliency of potential campsites; (3) the feasibility of providing and maintaining docking, beaching, mooring, camping, and sanitary facilities; and (4) the potential for unacceptable impacts to park resources or values.

(See Soundscape Management 4.9; Lightscape Management 4.10; Recreational Fees 8.2.6.1; National Park Reservation Service 8.2.6.2; Collecting Natural Products 8.8; Water Supply Systems 9.1.5.1; Wastewater Treatment Systems 9.1.5.2; Concession Facilities 10.2.6. Also see Director's Order #47: Soundscape Preservation and Noise Management; Director's Order #83: Public Health)

9.3.2.2 Backcountry Campsites

Backcountry and wilderness campsites may be permitted, but only when consistent with the park's wilderness management plan, resource management plan, or other pertinent planning document.

(See Wilderness Use Management 6.4; Backcountry Use 8.2.2.4)

9.3.2.3 Hostels and Shelters

Hostels are low-cost, supervised accommodations that encourage and facilitate the energy-efficient, nonmotorized enjoyment of parks and their surrounding regions by individuals and families. Such facilities, along with hostel-like accommodations such as huts and shelters, will be considered in the planning process if overnight use is determined to be an appropriate use of the park, particularly as a means of encouraging and facilitating the use of trails and backcountry areas. The Service will cooperate with other agencies, nonprofit organizations, park concessioners, and others to plan and develop hostels, where appropriate. If a decision is reached to develop a hostel accommodation, it will be managed by others under the provisions of concession policies and procedures.

Hostels will, at a minimum, contain sheltered overnight accommodations and sanitary facilities, and they will usually contain cooking, eating, and recreation spaces. Hostels may be used for other park programs, such as environmental education or interpretation. Although nonmotorized access to hostels is emphasized, motorized transportation may also be available.

(See Facility Planning and Design 9.1.1; Chapter 10: Commercial Visitor Services)

9.3.3 Comfort Stations

Comfort facilities will have waste disposal systems that meet Public Health Service standards. Levels of use will determine the size and nature of the utility systems provided. In locations with water supply and wastewater disposal problems, low-water-use or waterless toilets, such as oil and composting toilets, will be considered. Chemical toilets in portable enclosures may be used for temporary purposes when necessary. Pit privies, vault toilets, composting toilets, or other alternatives that meet public health standards may suffice in areas of infrequent use or when utility services are not readily available.

(See General Policy 6.4.1; Backcountry Use 8.2.2.4; Accessibility for Persons with Disabilities 8.2.4; Water Supply Systems 9.1.5.1; Wastewater Treatment Systems 9.1.5.2; Campgrounds 9.3.2.1. Also see Director's Order #83: Public Health)

9.3.4 Other Visitor Facilities

Other visitor facilities may be provided when necessary for visitor use and enjoyment of the area, and when consistent with park purposes and the conservation of park resources and values. Visitor facilities determined to unacceptably impact park resources and values will not be permitted.

9.3.4.1 Picnic and Other Day Use Areas

Picnic areas and other day use areas to be used for specific purposes (such as play areas) may be provided on a limited basis as appropriate to meet existing visitor needs.

9.3.4.2 Facilities for Water Recreation

Boating facilities (such as access points, courtesy docks, boat ramps, floating sewage pump-out stations, navigational aids, and marinas), breakwaters, and fish cleaners may be provided as appropriate for the safe use and enjoyment by visitors of water recreation resources when (1) they are consistent with the purposes for which the park was established, and (2) it is not practicable that adequate private facilities will be developed.

Facilities must be carefully sited and designed to avoid unacceptable adverse effects on aquatic and riparian habitats and minimize conflicts between boaters and other visitors who use the park. A decision to develop water-based facilities must take into account not only the primary impacts (such as noise, air and water pollution) of the development, but also the secondary impacts (including cumulative effects over time) that recreational use associated with the development may have on park resources and visitor enjoyment.

(See Park Management 1.4; Soundscape Management 4.9; Visitor Use 8.2; River Use 8.2.2.3; Fishing 8.2.2.5; Campgrounds 9.3.2.1; Water Trails 9.2.3.5. Also see Director's Order #47: Soundscape Preservation and Noise Management)

9.3.4.3 Skiing Facilities

The Park Service will not permit new downhill skiing facilities or associated structures in any unit of the national park system. Downhill skiing is an activity that requires extensive development and is generally provided outside park areas. When such facilities within parks have been provided based on previous policy, their use may continue unless the development and use are shown to cause unacceptable impacts on park resources or values. Any proposal to eliminate or change the capacity of existing facilities will be accomplished through the NPS planning process, and will involve public participation and a NEPA process.

(See Decision-making Requirements to Avoid Impairments 1.4.7; Recreational Activities 8.2.2)

9.3.5 Advertising

Commercial notices or advertisements will generally not be displayed, posted, or distributed on the federally owned or federally controlled land, water, or airspace of a park. A superintendent may permit advertising only if (1) the notice or advertisement is for goods, services, or facilities available in the park, and (2) such notices and advertisements are found to be desirable and necessary for the convenience and guidance of the public. Acceptable forms of advertising will be addressed, as necessary, in concession contracts and cooperating association agreements.

Billboard advertising will in no case be permitted within a park. In addition, park managers should communicate and collaborate with local communities, businesses, and transportation officials on the park's resources and values to help reduce the impacts of billboard advertising near approach roads outside of parks.

NPS policy encourages appropriate "donor recognition," which occurs when the Park Service publicly thanks an individual, corporation, or some other entity for their gift or service. Such recognition must be consistent with the provisions of Director's Order #21.

In accordance with Part 470 of the *Department of the Interior Manual*, the Service will not use paid advertising in any publication in connection with its programs and activities except where special legal requirements and authority exist. If a superintendent believes paid advertising is necessary because of the significant benefits it affords in enhancing public participation, prior approval must be obtained from the WASO Office of Public Affairs.

(See Cooperating Associations 7.6.2; Concession Contracting 10.2.3. Also see 36 CFR 5.1)

9.4 Management Facilities

Where authorized by Congress, management facilities will be located outside park boundaries whenever the management functions being served can be adequately supported from such a location. When management facilities are located inside the park, they will be sited away from primary resources and features of the park, so as not to adversely affect park resources or values or detract from the visitor experience. Historic properties will be used to the maximum extent practicable provided that the reuse will not affect their significance.

Modular, precut, or prefabricated structures may be used for management facilities, including administrative offices, employee housing, and maintenance structures, when products meeting design requirements are available. Standard plans will be modified to reflect regional and park design themes, harmonize with the natural surroundings; conserve the natural and cultural environments; provide for resource conservation; provide for energy efficiency or the use of renewable energy sources; limit chemical emissions; and foster education about sustainable design.

(See Park Management 1.4; Environmental Leadership 1.6; Use of Historic Structures 5.3.5.4.7; Accessibility for Persons with Disabilities 8.2.4; Facility Planning and Design 9.1.1; Accessibility for Persons with Disabilities 9.1.2. Also see Director's Orders #89: Space Management; and #90: Value Analysis; 36 CFR Part 6, Solid Waste Disposal Sites in Units of the National Park System)

9.4.1 Administrative Offices

The location of administrative offices will be determined by conditions specific to each park, including impacts on park resources, availability and adequacy of leasable space outside the park, relationship to adjacent communities, convenience to visitors, weather, energy consumption, comparative costs, commuting distance for employees, and management effectiveness.

(See Facility Planning and Design 9.1.1; Energy Management 9.1.7)

9.4.2 Museum Collections Management Facilities

Park curatorial facilities should be adapted to the needs of each park. They may share space in visitor centers or administrative office buildings or be housed in completely separate buildings. Incorporation with maintenance facilities should be avoided because of the heightened danger of fire, chemical spills, and similar accidents. Curatorial facilities will meet each collection's special requirements for security, conservation, fire suppression, and environmental controls.

The operation of environmental control systems to meet the temperature, relative humidity, particulate, and, as necessary, pollutant control specifications for museum collections is typically more energy intensive than those for structures with staff and offices. To ensure energy efficiency and the correct performance of the systems to protect the resource, the thermal performance of the building envelope and the efficiency of the systems must be

addressed in facility planning and design. Prior to planning a collections management facility, the park, in consultation with subject-matter specialists, must complete a value analysis of various options for addressing the collections management needs of the park, including on-site and off-site locations and joint facilities with other NPS units and other entities.

(See Museum Collections 5.3.5.5; Fire Detection, Suppression, and Post- fire Rehabilitation and Protection 5.3.1.2; Environmental Monitoring and Control 5.3.1.4. Also see Director's Order #24: NPS Museum Collections Management)

9.4.3 Employee Housing

The Park Service will rely, to the maximum extent practicable, on the private sector to provide housing for NPS employees. If housing is not available in the private sector, the Service will provide only the number of housing units necessary to support the NPS mission.

Occupancy is permitted or required to provide for timely response to park protection needs, to ensure reasonable deterrence to prevent threats to resources, and to protect the health and safety of visitors and employees. Such prevention or response services will determine acceptable and appropriate locations for employee housing, which is provided for the benefit of the government in meeting the NPS mission.

9.4.3.1 Housing Management Plan

A housing management plan will be prepared for each park, and will be updated every two years (or more frequently, if necessary). The plans will include an assessment of housing needs to meet the mission of the park. Park superintendents are accountable to their regional directors for employee housing in their parks. Regional directors are responsible for ensuring the consistent application of Servicewide housing policy.

9.4.3.2 Eligible Residents

Park housing will be provided for persons who are essential to the management and operation of the park. These may include not only NPS employees, but also concession employees, volunteers in the parks, Student Conservation Association volunteers, researchers, essential cooperators (e.g., school teachers, health personnel, contractors, and state or county employees), and employees of another federal agency.

9.4.3.3 Historic Structures

The use of historic structures for housing is encouraged when NPS managers determine that this use contributes to the preservation of these structures and when feasible cost-effective alternatives have been considered.

(See Use of Historic Structures 5.3.5.4.7; Adaptive Use 9.1.1.4)

9.4.3.4 Design and Construction

Because of location, use, and other unique factors, special design concerns must be considered for housing constructed in parks. Housing must be designed to be as much a part of the natural or cultural setting as possible, yet it must be well built, functional, energy-efficient, and cost-effective. The design of park housing will minimize impacts on park resources and values, comply with the standards for quality design, and consider

regional design and construction influences. Value analysis principles will be applied in all NPS housing construction projects. Design costs will be kept to a minimum by using standard designs from manufacturers and the NPS Standard Design Catalog and a cost model.

(See Facility Planning and Design 9.1.1. Also see Director's Orders #36: Housing Management, and #90: Value Analysis)

9.4.4 Maintenance Structures

Maintenance structures will be consistent in design, scale, texture, and details with other park facilities. Optimally, they will be screened or located in areas remote from public use. Wherever feasible, NPS and concessioner maintenance facilities will be adjacent and integrated in design to facilitate operations and to reduce impacts on park resources.

9.4.5 Miscellaneous Management Facilities

When installations such as landing sites and airstrips, fire towers, weather monitors, research stations, communication towers, and pump houses are necessary, they will be located and designed to minimize their impact on resources and their intrusion on the visitor experience. Whenever possible and practicable, such installations will be located within developed park areas. Totally utilitarian facilities, such as maintenance storage yards, sewage lagoons, and solid waste disposal sites—when they absolutely must be developed inside a park—will be sited to prevent unacceptable impacts to resources or values and to not be visually intrusive. Alternative energy applications and sustainable wastewater treatment facilities, such as aquaculture ponds, wetlands, and root-zone beds, may be located in more visible areas when they are important to interpretive and educational objectives and do not unacceptably impact natural or cultural resources and values.

(See Environmental Leadership 1.6; Studies and Collections 4.2; General Policy 6.3.1; Airports and Landing Sites 8.4.8; Facility Planning and Design 9.1.1; Water Supply Systems 9.1.5.1; Wastewater Treatment Systems 9.1.5.2; Waste Management 9.1.6.1; Maintenance Structures 9.4.4)

9.5 Dams and Reservoirs

Dams and reservoirs will not be constructed in parks. The National Park Service will seek to deactivate existing such structures unless

- they contribute to the cultural, natural, or recreational resource bases of the area,
- are a necessary part of a park's water supply system, or
- or their deactivation poses a greater threat to park resources and values than their continued maintenance and operation.

All dams will be subject to annual safety inspections. Each park with a dam or reservoir will prepare an emergency action plan. The emergency action plan will also address potential hazards posed by dams outside the park and beyond the Service's control. The NPS inventory of dams will be used to record all NPS and non-NPS dams and reservoirs

and any other type of stream flow control structures affecting units of the national park system, including those that are proposed or have been deactivated.

(See Water Quality 4.6.3; Floodplains 4.6.4; Wetlands 4.6.5; Watershed and Stream Processes 4.6.6; Emergency Preparedness and Emergency Operations 8.2.5.2; Water Supply Systems 9.1.5.1; Wastewater Treatment Systems 9.1.5.2. Also see Director's Order #40: Dams and Appurtenant Works)

9.6 Commemorative Works and Plaques

9.6.1 General

For the purpose of this section, the term "commemorative work" means any statue, monument, sculpture, memorial, plaque, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of a person, group, event, or other significant element of history. It also includes the naming of park structures or other features—including features within the interior of buildings. Within the District of Columbia and its environs, the Commemorative Works Act prohibits the establishment of commemorative works unless specifically authorized by an act of Congress. Outside of the District of Columbia and its environs, commemorative works will not be established unless authorized by Congress or approved by the Director (36 CFR 2.62). The consultation process required by section 106 of the National Historic Preservation Act must be completed before the Director will make a decision to approve a commemorative work.

To be permanently commemorated in a national park is a high honor, affording a degree of recognition that implies national importance. At the same time, the excessive or inappropriate use of commemorative works—especially commemorative naming—diminishes its value as a tool for recognizing people or events that are truly noteworthy; excessive or inappropriate use also has the potential for diverting attention from the important resources and values that park visitors need to learn about. Therefore, the National Park Service will discourage and curtail the use and proliferation of commemorative works except when

- Congress has specifically authorized their placement, or
- there is compelling justification for the recognition, and the commemorative work is the best way to express the association between the park and the person, group, event, or other subject being commemorated.

In general, compelling justification for a commemorative work will not be considered unless

- the association between the park and the person, group, or event is of exceptional importance, and
- in cases where a person or event is proposed for commemoration, at least five years have elapsed since the death of the person (or the last member of a group), or at least 25 years have elapsed since the event. (Within the District of Columbia and its environs, refer to the Commemorative Works Act for more specific requirements.).

Having worked in a park or having made a monetary or other type of donation to a park does not necessarily meet the test of "compelling justification." In these and similar cases, other forms of recognition should be pursued. Donor recognition must be consistent with Director's Order #21: Donations and Fundraising.

With regard to the naming of park structures, names that meet the criteria listed above may be approved by the Director. Names that do not meet those criteria will require legislative action.

9.6.2 Interpretive Works That Commemorate

The primary function of some commemorative works—most often in the form of a plaque presented by an outside organization—is to describe, explain, or other wise attest to the significance of a park's resources. These devices are not always the most appropriate medium for their intended purpose, and their permanent installation may not be in the best long-term interests of the park. Therefore, permanent installations of this nature will not be allowed unless it can be clearly demonstrated that the work will substantially increase visitors' appreciation of the significance of park resources and values, and do so more effectively than other interpretive media.

With regard to Civil War parks, new commemorative works will not be approved except where specifically authorized by legislation. However, consideration may be given to proposals that would commemorate groups that were not allowed to be recognized during the commemorative period.

In those parks with legislative authorization to erect commemorative works, superintendents will prepare a plan to control their size, location, materials, and other factors necessary to protect the overall integrity of the park. The plan may include a requirement for an endowment to cover the costs of maintaining the commemorative work.

9.6.3 Approval of Commemorative Works

Before being approved a determination must be made, based on consultation with qualified professionals, that the proposed commemorative work will

- be designed and sited to avoid disturbance of natural and cultural resources or values,
- be located in surroundings relevant to its subject,
- be constructed of materials suitable to and compatible with the local environment,
- meet NPS design and maintenance standards,
- not encroach on any other preexisting work, or be aesthetically intrusive,
- not interfere significantly with open space and existing public use,
- not divert attention from a park's primary purpose, and
- not be affixed to the historic fabric of a structure.

The Director may order the removal or modification of commemorative works that were installed without proper authorization, or that are inconsistent with the policies in this section. Temporary forms of in-park recognition, and permanent forms that will not be constructed or installed within park boundaries, do not require the Director's approval.

The naming of geographic features is subject to approval by the U. S. Board on Geographic Names. NPS proposals for naming geographic features will follow the procedures described in Director's Order #63: Geographic Names.

(Also see Director's Order #67: Copyright and Trademarks; U. S. Board on Geographic Names "Principles, Policies, and Procedures: Domestic Geographic Names")

9.6.4 Historic Commemorative Works

Many commemorative works have existed in the parks long enough to qualify as historic features. A key aspect of their historical interest is that they reflect the knowledge, attitudes, and tastes of the persons who designed and placed them. These historic works and their inscriptions will not be altered, relocated, obscured, or removed, even when they are deemed inaccurate or incompatible with prevailing present-day values. Any exceptions require specific approval by the Director.

9.6.5 Donated Commemorative Works

Although commemorative works and other forms of in-park permanent recognition will not be used to recognize monetary contributions or other donations to a park or the Park Service, there may be occasions when an authorized or approved commemorative work will be offered or provided by a private donor. Names of donors will be discouraged from appearing on commemorative works. If they do appear, donor names will be conspicuously subordinate to the subjects commemorated. Donations of commemorative works should include sufficient funds to provide for their installation and an endowment for their permanent care.

(See Non personal Services 7.3.2; Cemeteries and Burials 8.6.10. Also see Director's Order #64: Commemorative Works and Plaques)

9.6.6 Commemorative Works in National Cemeteries

Regulations governing commemorative works associated with national cemeteries are found in 36 CFR Part 12 and Director's Order #61: National Cemeteries.

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CHAPTER 10: COMMERCIAL VISITOR SERVICES

[Wording for introductory page.] The National Park Service will provide, through the use of concession contracts, commercial visitor services within parks that are necessary and appropriate for public use and enjoyment. Concession operations will be consistent to the highest practicable degree with the preservation and conservation of the resources and values of the unit.

Chapter 10: Commercial Visitor Services

10.1 General

Commercial visitor services will be authorized through concession contracts or commercial use authorizations, unless otherwise provided by law. Section 10.2 below addresses concession authorizations; section 10.3 addresses commercial use authorizations.

(See Leasing 8.12. Also see Director's Orders #48A: Concessions Management, and #48B: Commercial Use Authorizations)

10.1.1 Leasing

The National Park Service may permit the use of any property, historic or nonhistoric (except nonhistoric land), through a lease or cooperative agreement if such lease or cooperative agreement will ensure the property's preservation. Proposed uses must be determined to be appropriate, and rent must be at least equal to the fair market value, adjusted for capital investments and restrictions. The proposed activities of the lease must not be subject to authorization through a concession contract, commercial use authorization or similar instrument, and the lease must adequately ensure the preservation of the property if the property is historic.

In general, each lease will be competitively offered through a Request for Proposals or a Request for Bids. However, the Service may enter into a lease noncompetitively with nonprofit organizations or units of government if the responsible manager determines that the nonprofit or governmental use of the property will contribute to the purposes and programs of the park. All leases must be at fair market value. The term of the lease will be the shortest time needed for the proposed use, taking into account required lessee investments and other factors related to determining an appropriate lease term. No lease will exceed 60 years. Lease terms may not be extended except that leases with a term of one (1) year or more may be extended once for a period not to exceed one (1) additional year if it is determined that an extension is necessary because of circumstances beyond NPS control.

10.2 Concessions

10.2.1 Concession Policies

Concession operations are subject to the provisions of the National Park Service Concessions Management Improvement Act of 1998; NPS regulations published at 36 CFR Part 51; this chapter of NPS *Management Policies*; and Director's Order #48A: Concession Management; and other specific guidance that may be issued under the

Director's authority. In Alaska, concession operations are also subject to the provisions of the Alaska National Interest Lands Conservation Act and 36 CFR Part 13.

10.2.2 Commercial Visitor Services Planning

Commercial visitor services planning will identify the appropriate role of commercial operations in helping parks to achieve desired visitor use, enjoyment, and experiences, and will be integrated into other plans and planning processes. These plans will follow other policies regarding planning and compliance.

Park managers will develop an overall park commercial services strategy to determine if the development of specific concessions management plans are necessary. Concession management plans or commercial services plans will support a park's purpose and significance, exceptional resource values, and visitor experience objectives, and will be consistent with enabling legislation. A decision to authorize a park concession will consider the effect on or need for additional infrastructure and management of operations, and will be based on a determination that the facility or service

- is necessary and appropriate for the public use and enjoyment of the park in which it is located, and identified needs are not, nor can they be, met outside park boundaries,
- will be provided in a manner that furthers the preservation and conservation of park resources and values,
- incorporates sustainable principles and practices in planning, design, siting, construction, utility systems, selection and recycling of building materials, and waste management, and
- is financially feasible and sustainable.

The number, location, and sizes of sites assigned for concessions facilities will be the minimum necessary for proper and satisfactory operation of the facilities. Concession facilities will emphasize compatibility of design, be consistent with aesthetic values and the conservation of natural and cultural resources, and integrate sustainable design concepts.

For information about leasing historic structures for visitor services or other appropriate uses, see section 5.3.3 and Director's Order #38: Real Property Leasing.

10.2.3 Concession Contracting

Approved standard contract language will be used in all NPS concession contracts. Any deviations from such language must be approved in writing by the Director.

10.2.3.1 Terms and Conditions of Contracts/Authorizations

Concession services will be authorized under concession contracts unless otherwise authorized by law. The term of a concession contract will generally be 10 years or less. However, the Director may award a contract for a term of up to 20 years if the Director determines that the contract terms and conditions, including the required construction of capital improvements, warrant a longer term. In this regard, the term of concession

contracts should be as short as is prudent, taking into account the financial requirements of the concession contract, the required construction of capital improvements, resource preservation and conservation, visitor needs, and other factors that the Director may deem appropriate. Proposed concession operations must be economically feasible and generally supported by a feasibility study prepared by a qualified individual.

10.2.3.2 Modifications/Amendments

Concession contracts may be modified only by written amendment. Amendments developed after the issuance of a concession contract must be consistent with current NPS policies and orders. Unless otherwise authorized by the contract, a concession contract may be amended to provide minor additional visitor services that are a reasonable extension of the existing services.

10.2.3.3 Extension

Concession contracts may be extended only in accordance with the requirements of 36 CFR Part 51, subpart D. The signature authority for contract extensions or amendments must be consistent with delegations of authority from the Director.

10.2.3.4 Competition

To obtain the best service provider and maximize benefits to the government, the National Park Service encourages competition in the awarding of concession contracts. The National Park Service also encourages, through outreach, the participation of American Indian, minority, and women-owned businesses when new business activities occur.

10.2.3.5 Third-party Agreements and Subconcessions

Unless specified in the contract, sub-concession or other third-party agreements, including management agreements, for the provision of visitor services that are required and/or authorized under concession contracts are not permitted. The Park Service may also advertise for a new concession contract to provide these additional services.

10.2.3.6 Multi-park Contracts

Concessioners operating in more than one park unit should have separate contracts for each park unit. An exception may be made in the case of those park units having common NPS management or where service is provided in contiguous park areas (for example, a pack trip that crosses the boundary of two adjoining parks).

In some instances bundling of contracts may be deemed by the Director as a method of providing the necessary and appropriate services under certain conditions; these may include lack of opportunity for profit, geographic location, and type of service.

10.2.3.7 Termination

The Service may terminate concession contracts for default and under any other circumstances specified in the concession contract.

10.2.4 Concession Operations

10.2.4.1 Operating Plans

The operating plan is an exhibit to the concession contract; the plan will describe operational responsibilities authorized in the contract between the concessioner and the

Park Service. The plan is reviewed and updated annually by the Service in accordance with the terms of the contract. Operating plans are considered an integral part of a concessioner's contractual performance compliance. Some aspects of a concessioner's operating requirements may also be contained in general or specific provisions unique to that contract.

10.2.4.2 Service Type and Quality

It is the objective of the National Park Service that park visitors be provided with high-quality facilities and services. Where appropriate, the concession contract will specify a range of facility, accommodation, and service types that are to be provided at reasonable rates and standards to ensure facility maintenance and quality services to visitors. Concessioners are not permitted to use or encourage pseudo-ownership concepts such as time-shares or long-term rental agreements that in any way alters the authorities of the Park Service to manage the park and facilities.

10.2.4.3 Evaluation of Concession Operations

Concession operations will be regularly evaluated to ensure that park visitors are provided with high-quality services and facilities that are safe and sanitary and meet NPS environmental, health, safety, and operational standards. The evaluation results will provide a basis for NPS management to determine (1) whether to continue or terminate a concession contract, and (2) whether a concessioner is eligible to exercise a right of preference in the award of a qualified new concession contract for those categories of contracts where such a right is available by law.

10.2.4.4 Interpretation by Concessioners

Concessioners will be encouraged to train their employees and, through their facilities and services, to instill in their guests an appreciation of the park, its purpose and significance, its proper and sustainable management, and the stewardship of its resources. When the provision of interpretive services is required by the contract, concessioners will provide formal interpretive training for their employees, or will participate in formal interpretive training that is either offered by the Park Service or cosponsored by the concessioner. Instilling appreciation of the park in visitors can be accomplished in many ways. For example, it can be accomplished through guided activities; the design, architecture, landscape, and decor of facilities; educational programs; interpretive menu design and menu offerings; and involvement in the park's overall interpretive program. Gift shop merchandise and displays also present opportunities to educate visitors about park history; natural, cultural, and historical resources; and sustainable environmental management.

Concession contracts will require the concessioner to provide all visitor services in a manner that is consistent with, and supportive of, the interpretive themes, goals, and objectives articulated in each park's planning documents, mission statement, and/or interpretive prospectus.

(See Chapter 7: Interpretation and Education)

10.2.4.5 Merchandise

The National Park Service will approve the nature, type, and quality of merchandise to be offered by concessioners. Although there is no Servicewide list of specific preferred merchandise, priority will be given to those sale items that interpret, provide inspiration,

and foster awareness, understanding, and appreciation of the park and its resources. Merchandise should have interpretive labeling, or include other information to indicate how the merchandise is relevant to the park and its interpretive program and themes.

Each concession operation with a gift shop will have a mission statement based on the park's concession service plan or general management plan. Concessioners will develop and implement a merchandise plan based on the park's gift shop mission statement. The merchandise plan must be satisfactory to the Director, and should ensure that merchandise sold or provided reflects the significance of the park and promotes the conservation of the park's geological resources, wildlife, plant life, archeological resources, local Native American culture, local ethnic and traditional culture, historical significance, and other park resources and values. The plan should also integrate pollution prevention and waste-reduction objectives and strategies for merchandise.

Merchandise must be available at a range of prices. Theme-related merchandise manufactured or handcrafted in the United States—particularly in a park's geographic vicinity—will be encouraged. The revenue derived from the sale of United States Indian, Alaska Native, native Samoan, and native Hawaiian handcrafts is exempt from any franchise fee payments.

10.2.4.6 Artifacts and Specimens

Concessioners will not be permitted to sell any merchandise in violation of laws, regulations, or NPS policies. Some merchandise may be determined by the park superintendent to be locally sensitive or inappropriate for sale, and may be prohibited for retail sale at the discretion of the superintendent. The sale of original objects, artifacts, or specimens of a historic, archeological, paleontological, or biological nature is prohibited. Replicated historic, archeological, paleontological, or biological objects, artifacts, or specimens may be sold if they are obvious replicas and clearly labeled.

Any geological merchandise approved for sale or exhibit by concessioners must be accompanied by appropriate educational material and a written disclaimer clearly stating that such items were not obtained from inside park boundaries. The proposed sale of any replicas, or of geological merchandise, must be addressed in the gift shop merchandise plan.

10.2.4.7 Rates

The National Park Service must approve all rates charged to visitors by concessioners. The reasonableness of a concessioner's rates and charges to the public will, unless otherwise provided in the contract, be judged primarily on the basis of comparison with current rates and charges for facilities and services of comparable character under similar conditions. Due consideration will be given to length of season, provision for peak loads, average percentage of occupancy, accessibility, availability and costs of labor and materials, type of patronage, and other factors deemed significant by the NPS Director.

10.2.4.8 Risk Management Program

Concession contracts require each concessioner to develop a risk management program that is (1) appropriate in scope to the size and nature of the operation; (2) approved by the superintendent, and (3) in accord with the Occupational Safety and Health Act and the

National Park Service Concession Risk Management Program. Concessioners are responsible for managing all of their operations in a manner that minimizes risk and controls loss due to accident, illness, or injury. To ensure compliance, the Service will include a risk management evaluation as part of its standard operational review of concession operations.

10.2.4.9 Natural and Cultural Resource Management Requirements

Concessioners are required to comply with applicable provisions of all laws, regulations, and policies that apply to natural and cultural resource protection. The use, maintenance, repair, rehabilitation, restoration, or other modification of concession facilities that are listed in or eligible for the National Register of Historic Places are subject to the applicable provisions of all laws, executive orders, regulations, and policies pertaining to cultural properties. The National Park Service will assist concessioners in understanding and complying with regulations for the protection of historic properties (36 CFR Part 800) promulgated by the Advisory Council on Historic Preservation. Historic structures and their contents and museum objects that are in the control of concessioners will be treated in accordance with the appropriate standards contained in NPS guidance documents. The Service will work closely with concessioners to integrate into concession activities the policies, procedures, and practices of Executive Order 13287: Preserve America.

(See Chapter 4, Natural Resource Management; Use of Historic Structures 5.3.5.4.7. Also see Reference Manual 24: the Museum Handbook, and 28: the Cultural Resource Management Guideline; Director's Order #38: Real Property Leasing, and #48A: Concessions Management)

10.2.4.10 Environmental Program Requirements

In the operation of visitor services, concessioners will be required by contract to meet environmental compliance objectives by

- complying with all applicable laws pertaining to the protection of human health and the environment, and
- incorporating best management practices (BMPs) in all operations, construction, maintenance, acquisition, provision of visitor services, and other activities under the contract.

With certain exceptions approved by the Director, concessioners will be required by contract to develop, document, implement, and comply fully with, to the satisfaction of the Director, a comprehensive, written environmental management program (EMP) to achieve environmental management objectives. The EMP must be updated at least annually, must be approved by the superintendent, and should be appropriate to the nature and size of the operation. The EMP must account for all activities with potential environmental impacts conducted by the concessioner, or to which the concessioner contributes. The scope and complexity of the EMP may vary based on the type, size, and number of concessioner activities.

The National Park Service will review concessioner compliance with the EMP under the contract. The National Park Service will also conduct environmental compliance audits of

all commercial visitor services at least every three years in accordance with the concessions environmental audit program. The concessioner will be responsible for corrective actions required by law and identified during the environmental compliance audits. The National Park Service will assist concessioners in understanding environmental program requirements, and will also include an environmental management evaluation as part of its annual standard operational reviews of concession operations.

(See Compensation for Injuries to Natural Resources 4.1.6; Compensation for Damages 5.3.1.3; Integrated Pest Management Program 4.4.5.2; Overnight Accommodations and Food Services 9.3.2. Also see Director's Order #48: Concession Management; Director's Order #83: Public Health)

10.2.4.11 Insurance

Concession contracts will identify the types and recommended minimum amounts of insurance coverage required of concessioners in order to

- provide reasonable assurance that concessioners have the ability to cover bona fide claims for bodily injury, death, or property damage arising from an action or omission of the operator,
- protect the government against potential liability for claims based on the negligence of the operators, and
- enable rapid repair or replacement of essential visitor facilities located on park lands damaged or destroyed by fire or other hazards.

Concessioners will not be permitted to operate without liability insurance. Under limited conditions, concessioners may operate without property insurance, as described in Director's Order #48A: Concession Management.

10.2.4.12 Food Service Sanitation Inspections

Concessioners who prepare food on or off park lands or serve food on park lands will be subject to inspection for compliance with all applicable health and sanitation requirements of local and state agencies, the U.S. Public Health Service, and the Food and Drug Administration.

(Also see Director's Order #83: Public Health)

10.2.4.13 Smoking

Generally, all NPS concession facilities will be smoke free. The only exceptions will be specifically designated smoking areas and rooms. The sale of tobacco products through vending machines is prohibited.

(See Executive Order 13058 (Protecting Federal Employees and the Public from Exposure to Tobacco Smoke in the Federal Workplace))

10.2.5 Concessions Financial Management

Concession contracts must provide for payment to the government of a franchise fee, or other monetary consideration as determined by the Secretary, upon consideration of the probable value to the concessioner of the privileges granted by the particular contract involved. Such probable value will be based upon a reasonable opportunity for net profit in

relation to capital invested and the obligations of the contract. Consideration of revenue to the United States is subordinate to the objectives of protecting and preserving park areas and providing necessary and appropriate services for visitors at reasonable rates.

10.2.5.1 Franchise Fees

The amount of the franchise fee or other monetary consideration paid to the United States for the term of the concession contract must be specified in the concession contract and may only be modified to reflect extraordinary unanticipated changes from the conditions anticipated as of the effective date of the contract. Contracts with a term of more than five years will include a provision that allows reconsideration of the franchise fee at the request of the Director or the concessioner in the event of such extraordinary unanticipated changes. Such provision will provide for binding arbitration in the event that the Director and the concessioner are unable to agree upon an adjustment to the franchise fee in these circumstances.

10.2.5.2 Franchise Fee Special Account

All franchise fees and other monetary considerations will be deposited into a Department of the Treasury special account. In accordance with the NPS Concessions Management Improvement Act of 1998, twenty percent (20%) will be available to support activities throughout the national park system, and eighty percent (80%) will be available to the park unit in which it was generated for visitor services and funding high-priority and urgently necessary resource management programs and operations.

10.2.5.3 Record-keeping System

All concessioners will establish and maintain a system of accounts and a record-keeping system that use written journals and general ledger accounts to facilitate the preparation of annual concessioner financial reports.

10.2.5.4 Annual Financial Reports

For each concession contract, concessioners will be required to submit a separate annual financial report that reflects only the operations they are authorized to provide under that particular contract.

10.2.5.5 Donations to the National Park Service

The National Park Service will not solicit or accept donations or gifts from entities that have or are seeking to obtain or establish a contract, lease, or other business arrangement with the Service. The Park Service will not require any concessioner to donate or make contributions to the Service under any circumstance, including the incorporation of such a requirement in concession contracts. Further guidance on donations is available in Director’s Order #21: Donations and Fundraising.

10.2.6 Concession Facilities

All buildings under a concession contract are U.S. Government/Service-owned structures and are part of the overall facility inventory at each park. The concessioner may, depending on the contract, have a contractual right of compensation in the form of a leasehold surrender interest or possessory interest in one, some, or all of the buildings. Responsibilities for maintenance, environmental management, and other operational issues must be included in each concession contract. Park facility managers will work closely with the park's concession program managers to ensure that these government buildings are part of the overall park inventory and tracking systems. Park facility managers and

concessioners will also strive to ensure that possessory interests and leasehold surrender interest valuations conform to the terms and conditions of the concession contract.

10.2.6.1 Design

Concession facilities will be of a size and at a location that the Service determines to be necessary and appropriate for their intended purposes. All concession facilities must comply with applicable federal, state, and local construction codes, and meet accessibility requirements as set forth in applicable accessibility guidelines. Proposed concession facilities must conform to NPS standards for sustainable design, universal design, and architectural design. Concession development or improvement proposals must undergo review for compliance with the National Environmental Policy Act of 1969 and section 106 of the National Historic Preservation Act (16 USC 470f), and must be carried out in a manner consistent with applicable provisions of the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* and other applicable legal requirements.

In addition to general park design requirements, the Park Service will apply value analysis during the design process to analyze the functions of facilities, processes, systems, equipment, services, and supplies. Value analysis must be used to help achieve essential functions at the lowest life-cycle cost, consistent with required performance, reliability, environmental quality, and safety criteria and standards.

(See Facility Planning and Design 9.1.1)

10.2.6.2 Accessibility of Commercial Services

Concessioners share the National Park Service's responsibility to provide employees and visitors with the greatest degree of access to programs, facilities, and services that is reasonable, within the terms of existing contracts and agreements. Applicable laws include, but are not limited to (1) regulations issued under the authority of section 504 of the Rehabilitation Act of 1973, as amended (43 CFR Part 17), which prohibits discrimination on the basis of disability in programs or activities conducted by federal executive agencies; and (2) the Architectural Barriers Act of 1968, which requires physical access to buildings and facilities. Where there is no specific language identifying applicable accessibility laws in an existing concession contract, the Park Service will address the issue of compliance in the annual concession operating plan.

(See Physical Access for Persons with Disabilities 5.3.2; Accessibility for Persons with Disabilities 8.2.4 and 9.1.2. Also see Director's Order #42: Accessibility for Visitors with Disabilities)

10.2.6.3 Maintenance

Concession contracts will require concessioners to be responsible for all maintenance and repair of facilities, lands, and utility systems assigned for their use, in accordance with standards acceptable to the Service. Exceptions will be made only in extraordinary circumstances, as determined by the Director. All concession contracts must include a current maintenance plan as specified in the concession contract. Maintenance plans are an exhibit to the concession contract and will be considered an integral part of a concessioner's contractual performance compliance.

Maintenance of historic properties and cultural landscapes will be carried out in a manner consistent with applicable provisions of the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation*.

10.2.6.4 Utilities and Services

Utilities include, but are not limited to, electricity, fuel, natural gas, water, disposal of wastewater and solid waste, and communication systems. The Service may provide utilities to the concessioner for use in connection with the operations required or authorized under the contract, when available, at rates to be determined in accordance with applicable laws. If the Service does not provide utilities to the concessioner, the concessioner will, with the written approval of the Director and under any requirements prescribed by the Director, (1) secure necessary utilities at its own expense from sources outside the area; or (2) install the utilities within the area, subject to conditions of the contract.

(Also see Director's Order #35B: Sale of Park Utilities and Services to Support Activities Within Parks)

10.2.6.5 Closure of Commercial Operations during Government Shutdown

The Anti-Deficiency Act requires federal agencies to suspend all nonessential activities whenever there is a failure to enact an appropriations bill or adopt a continuing resolution. All concessioner-operated programs and services must cease, and visitors must be asked to leave within 48 hours. All commercial facilities and services in a park will be closed to protect the safety of visitors and the integrity of park resources. Exceptions to this policy include concessions that are required for health and safety purposes or protection of the environment, or that are necessary to support park operations that are deemed essential, such as law enforcement.

Commercial facilities located on through-roads (roads or public highways that begin and end outside of a park, plus parkways) and public highways may remain open if doing so does not result in additional costs to the park (for example, the staffing of entrance stations). These commercial facilities may include operations such as service stations, food services, stores, and lodging, or portions of such operations that will not contribute to additional park expenses. The commercial facility in question should have access directly from the road or highway and not require the reopening of park roads having other destinations. More specific aspects of closures may be guided by a Servicewide shutdown plan.

10.2.7 Concessioner Employees and Employment Conditions

10.2.7.1 Nondiscrimination

Concessioners will comply with all applicable laws and regulations relating to nondiscrimination in employment and the provision of services to the public.

10.2.7.2 Substance Abuse

In compliance with state and federal regulations condemning substance abuse, the Park Service prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol. The Service also prohibits the unlawful manufacture, cultivation, processing, or transportation of illicit drugs. This policy applies to concessioners and their employees, at

any facility or in any activity taking place on NPS lands. Concessioners are required to provide and advise employees about the availability of Employee Assistance Programs addressing substance abuse problems.

10.2.8 National Park Service Employees

10.2.8.1 Accepting Gifts and Reduced Rates from Concessioners

NPS employees may not receive concessioner goods or services at a discount unless it is in connection with official business, is to the government's advantage, and is provided for under the terms of a concession contract. However, employees may accept reduced rates or discounts offered by the concessioner when those same reduced rates or discounts are available to the general public.

NPS employees may not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value from a concessioner or other person who conducts operations and activities that are regulated by the Department of the Interior. Employees should consult with their ethics counselor regarding the limited exceptions to the general prohibition on accepting gifts from outside sources.

10.2.8.2 Employment of NPS Personnel or Family Members by Concessioners

Federal law prohibits government employees from making recommendations, decisions, or approvals relating to applications, contracts, controversies, or other matters in which the employee or the employee's spouse or minor child has a financial interest. Park employees may not make decisions, approvals, or recommendations related to concession activities when their spouse or dependent child is employed by a park concessioner in that particular park. For example, the spouse or dependent child of the superintendent, assistant superintendent, concession staff, environmental manager, or public health specialist may not be employed by a concessioner in the specific park in which the NPS employee works.

(Also see Director's Order #37: Home Businesses in Parks)

10.2.8.3 NPS Employee Ownership or Investment in Concession Businesses

Department of the Interior policy prohibits employees and their spouses and minor children from acquiring or retaining for commercial purposes any permit, lease, or other rights granted by the Department for conducting commercial services on federal lands. Therefore, no NPS concession contract or commercial use authorization to conduct commercial services in a park will be issued to NPS employees or their spouses and minor children who are owners, partners, corporate officers, or general managers of any business seeking such a contract in federal land managed by the Department of the Interior. Further, to avoid the appearance of partiality and conflicts of interest, and to comply with ethics laws that apply to all federal employees, NPS employees may not work on any matter involving a business in which they, their spouse, or their minor children have a financial interest.

10.2.8.4 Concession Management Personnel Qualifications

To effectively carry out the concession management program, managers and supervisors will make every effort to ensure that personnel selected for positions meet the essential competencies established for the position being filled. When concession management personnel lack the full complement of essential competencies or require refresher training for their position, managers and supervisors will ensure that those employees are trained

and certified as competent. All personnel vacancy announcements issued for concession management must include program competencies.

10.3 Commercial Use Authorizations

Commercial use authorizations (CUAs)—which are distinguished from concession contracts—may be issued pursuant to section 418 of the National Park Service Concessions Management Improvement Act of 1998 (16 USC 5951—5966). As the statute is quite prescriptive, it should be carefully considered in addition to the policies contained in this section. A more detailed discussion of commercial use authorizations will be included at a later date in implementing regulations and in Director's Order #48B: Commercial Use Authorizations.

10.3.1 General

Commercial use authorizations may be issued only to authorize services that (1) are determined to be an appropriate use of the park, (2) will have minimal impact on park resources and values, and (3) are consistent with the purpose for which the unit was established, as well as all applicable management plans and park policies and regulations.

10.3.2 Requirements

By law, a CUA must provide for

- payment of a reasonable fee, such fees to be used, at a minimum, to recover associated management and administrative costs,
- provision of services in a manner consistent to the highest practicable degree with the preservation and conservation of park resources and values, and
- limitation of liability of the Federal government arising from the commercial use authorization.

No park may issue commercial use authorizations in a quantity inconsistent with the preservation and proper management of park resources and values. Each park issuing commercial use authorizations will ensure that they contain provisions for the protection of visitors and the resources and values of the park.

10.3.3 Limitations

By law, commercial use authorizations may be issued only for

- commercial operations with annual gross receipts of not more than $25,000 resulting from services originating and provided solely within a unit of the national park system pursuant to such authorization,
- the incidental use of resources of the unit by commercial operations that provide services originating and terminating outside of the boundaries of the unit, or
- such uses by organized children's camps, outdoor clubs, nonprofit institutions (including backcountry use), and such other uses as the Secretary of the Interior deems appropriate.

Nonprofits will be required to obtain commercial use authorizations only when they generate taxable income from the authorized use.

10.3.4 Construction Prohibition

By law, under no circumstances will a commercial use authorization provide for or allow construction of any structure, fixture, or improvement on federally owned land within any unit of the national park system.

10.3.5 Duration

By law, the maximum term for any commercial use authorization is two years in length. No rights of renewal are associated with commercial use authorizations.

10.3.6 Other Contracts

Holding or seeking to obtain a commercial use authorization does not preclude a person, corporation, or other entity from submitting proposals for concessions contracts.

Glossary

Accessibility—individuals with disabilities are able to reach, use, understand or appreciate NPS programs, facilities and services, or those individuals have the same benefits available to persons without disabilities. See also, "universal design."

Accession— a transaction whereby a museum object or specimen is acquired for a museum collection. Accessions include gifts, exchanges, purchases, field collections, loans, and transfers.

Adaptive management—[is a decision process that] promotes flexible decision-making that can be adjusted in the face of uncertainties as outcomes from management actions and other events become better understood. Careful monitoring of these outcomes both advances scientific understanding and helps adjust policies or operations as part of an iterative learning process. Adaptive management also recognizes the importance of natural variability in contributing to ecological resilience and productivity. It is not a "trial and error" process, but rather emphasizes learning while doing. Adaptive management does not represent an end in itself, but rather a means to more effective decisions and enhanced benefits. Its true measure is how well it helps meet environmental, social, and economic goals, increases scientific knowledge, and reduces tensions among stakeholders. *(Source: National Research Council)*

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

Archeological resource— any material remains or physical evidence of past human life or activities that 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.

Backcountry— refers to primitive, undeveloped portions of parks, some of which may be categorized as "wilderness."

Best available technology – the use of the latest technology that will result in fewer impacts at the same level of use.

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

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.

Civic Engagement – is a continuous, dynamic conversation with the public on many levels that reinforces the commitment of both NPS and the public to the preservation of heritage resources, both cultural and natural, and strengthens public understanding of the full meaning and contemporary relevance of these resources.

Commemorative work— any statue, monument, sculpture, plaque, memorial, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate the memory of a person, group, event, or other significant element of history.

Consultation— a discussion, conference, or forum in which advice or information is sought or given, or information or ideas are exchanged. Consultation generally takes place on an informal basis; formal consultation requirements for compliance with section 106 of NHPA are published in 36 CFR Part 800.

Cooperating associations— private, nonprofit corporations established under state law which support the educational, scientific, historical, and interpretive activities of the NPS in a variety of ways, pursuant to formal agreements with the Service.

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.

Cultural landscape— a geographic area, including 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.

Cultural resource— an aspect of a cultural system that is valued by or significantly representative of a culture, or that contains significant information about a culture. A cultural resource may be a tangible entity or a cultural practice. Tangible cultural resources are categorized as districts, sites, buildings, structures, and objects for the National Register of Historic Places, and as archeological resources, cultural landscapes, structures, museum objects, and ethnographic resources for NPS management purposes.

Defensible space— the space needed for firefighters to adequately defend structures from oncoming wildland fires, or to stop a structural fire before it ignites wildland vegetation. Defensible space describes the desired result of planning, siting, landscaping and

constructing developed facilities in a way that minimizes their vulnerability to wildfire threats and maximizes their protection against wildfire hazards.

Derogation— see "impairment."

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.

Directives system— policy guidance system established by Director's Order #1 in 1996. The system replaces and updates guidance documents formerly known as NPS Guidelines, Special Directives, and Staff Directives. The system consists of 3 levels:

> **Level 1— NPS Management Policies**— first overview level of the Directives system.
>
> **Level 2— Director's Orders**— operational policies and procedures that supplement Level 1.
>
> **Level 3—** Reference Manuals and other detailed guidance on how to implement Service-wide policies and procedures.

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

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

Environmental impact statement— a detailed NEPA analysis document prepared, with extensive public involvement, when a proposed action or alternatives have the potential for significant impact on the human environment.

Environmental leadership— advocating, on a personal and organizational level, cooperative conservation, best management practices, best available technology, adaptive management, and the principles of sustainability, and making decisions that demonstrate a commitment to those practices and principles.

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.

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

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.

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.

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.

Impact— the likely effects of an action or proposed action upon specific natural, cultural, or socioeconomic resources. Impacts may be direct, indirect, individual, cumulative, beneficial, or adverse.

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.

Integrated pest management— a decision-making process that coordinates knowledge of pest biology, the environment, and available technology to prevent unacceptable levels of pest damage, by cost- effective means, while posing the least possible hazard to people, resources, and the environment.

Leave-no-trace (LNT)— principles and practices that emphasize the ethic of leaving a place free and clear of the residual evidence of human presence; applied to all forms of recreation management within wilderness or backcountry areas.

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.

Lightscape management (natural ambient)— the effective use of good design to appropriately light areas and minimize or eliminate light clutter, the spill over of light into areas where light is not wanted and light pollution, all of which wastes energy, and impacts park visitors, neighbors and resources.

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.

Mission-critical— something that is essential to the accomplishment of an organization's core responsibilities.

Mitigation— a modification of a proposal to lessen the intensity of its impact on a particular resource.

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

Native Americans— includes American Indians, Alaska Natives, native peoples of the Caribbean, native Hawaiians, and other native Pacific islanders.

NEPA process— the objective analysis of a proposed action to determine the degree of its impact on the natural, physical, and human environment; alternatives and mitigation that reduce that impact; and the full and candid presentation of the analysis to, and involvement of, the interested and affected public – as required of federal agencies by the National Environmental Policy Act of 1969.

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."

Professional Judgment—One of the major responsibilities of park superintendents is to make decisions that affect the future of the parks they manage. Some of these decisions, and those made by other managers at the park, regional, and national level, have the potential for major and long-term consequences. These Management Policies are intended to help shape those decisions, promote a degree of consistency in the decision-making

process, and help to ensure the long-term protection of each park's integrity. However, in virtually all situations, the quality of the decisions that are made will depend largely on the professional judgment of the decision-maker. That is why these Management Policies frequently refer to management decisions being based on the "professional judgment" of NPS managers. For the purposes of these Management Policies, professional judgment means a decision or opinion that is shaped by study and analysis and full consideration of all the relevant facts, and taking into account

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

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

Record of decision (ROD)— the document which is prepared to substantiate a decision based on an analysis of a range alternatives (e.g., an EIS). When applicable, it includes a detailed discussion of rationale and reasons for choosing a particular alternative or not adopting all mitigation measures analyzed.

Sacred sites— certain natural and cultural resources treated by Native Americans as sacred places having established religious meaning, and as locales of private ceremonial activities.

Scholarship—knowledge resulting from study and research in a particular field, or the mastery of a particular area of learning reflected in a scholar's work. A scholar is a learned person; someone who by long study has gained mastery in one or more disciplines and practices, and whose mastery is recognized by a peer group.

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.

Stewardship— the cultural and natural resource protection ethic of employing the most effective concepts, techniques, equipment, and technology to prevent, avoid, or mitigate impacts that would compromise the integrity of park resources.

Strategic plan— a Service-wide, 5-year plan required by GPRA (5 USC 306) in which the NPS states (1) how it plans to accomplish its mission during that time, and (2) the value it expects to produce for the tax dollars expended. Similarly, each park, program, or central office has its own strategic plan, which considers the Service-wide mission plus its own particular mission. Strategic plans serve as "performance agreements" with the American people.

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

Sustainable design— design that applies the principles of ecology, economics, and ethics to the business of creating necessary and appropriate places for people to visit, live, and work. Development that has a sustainable design, sits lightly upon the land, demonstrates resource efficiency, and promotes ecological restoration and integrity, thus improving the environment, the economy, and society.

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

Traditional— pertains to recognizable, but not necessarily identical, cultural patterns transmitted by a group across at least two generations. Also applies to sites, structures, objects, landscapes, and natural resources associated with those patterns. Popular synonyms include "ancestral" and "customary."

Traditionally associated peoples—. For purposes of these Management Policies, social/ cultural entities such as tribes, communities, and kinship units, as well as park neighbors, traditional residents, and former residents who remain attached to a park area despite having relocated, are "traditionally associated" with a particular park when (1) the entity regards park resources as essential to its development and continued identity as a culturally distinct people; (2) the association has endured for at least two generations (40 years); and (3) the association began prior to establishment of the park.

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

Tread Lightly ®-- a private, nonprofit organization that promotes responsible outdoor use to help recreationists minimize their impact on the environment, with a core focus on the ethical use of motorized and mechanized vehicles on both land and water.

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

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

Visitor— anyone who visits a park.

Visitor Experience and Resource Protection (VERP) framework— a visitor carrying capacity planning process applied to determine the desired resource and visitor experience conditions, and used as an aid to decision-making.

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

Wilderness (area)— federal land that has been designated by Congress as a component of the national wilderness preservation system. For the purpose of applying these policies, "wilderness" includes the categories of proposed, recommended, and designated wilderness. Potential wilderness may be a subset of any of these five categories.

Summary of Key Improvements in Draft Management Policies 2006

When the National Park Service review team began the process of updating the Management Policies, a set of principles was first formulated to guide the process. Among those principles were the following:

- Our policies must comply with all current laws, regulations, and Executive orders.
- The prevention of impairment will remain a key tenet of park management.
- Key authorities and decision making will remain the responsibility of the NPS.
- We will place more emphasis on consultation and cooperation with local/state/federal entities.
- We will recognize that NPS should pursue the best contemporary business practices.
- Consistency will be encouraged across the system—"one" national park system.
- The NPS legacy goals, cooperative conservation, and civic engagement will be guiding principles.
- The tone will be improved throughout the document so that there is no misunderstanding about the NPS's commitment to public enjoyment of park resources and values.
- When there is a conflict between conserving park resources and values and providing for the enjoyment of them, conservation will be predominant.

By adhering to these principles, we believe the draft Management Policies 2006 retains the high quality of the 2001 edition while adding a number of improvements, including those identified below.

Introduction section

The draft **Introduction** provides an overview of the policy-making function. A new subsection contains key terms and concepts that will help NPS employees understand how they are to apply the policies.

Improvements:

- Unnecessary text that no longer applies from MP 2001 has been removed.
- The meaning of important terms and concepts is now explained. These terms and concepts have been included early in the document, rather than in the glossary in the back, because they are crucial to understanding how the Service will protect the parks through the application of *Management Policies*.
- These terms and concepts are especially important because of the way they inform the decision-making process.
- *Appropriate use* has been defined to help managers decide if a proposed park use is suitable, proper, or fitting for a particular park, or to a particular location within a park. This will promote consistency in decision-making, while acknowledging that what is appropriate may vary from one park to another, and from one location to another within a park.

- *Unacceptable impact* was used in the 2001 policies, but there was some confusion as to its meaning. The term is now more clearly defined, and this will promote greater consistency in the decision-making process.
- *Impairment* has virtually the same definition as in the 2001 edition, but clarity has been added to one of the criteria, along with an acknowledgement that impairment stems from a *significant* impact. (The criterion that has been revised had previously referred to a "goal" in a park's general management plan. This was considered too open-ended and has been replaced with "as being of special significance" in a park's general management plan.)
- P*rofessional judgment* is also defined for the first time, and this will result in park managers being held to a higher standard of accountability when they make decisions. (This term is currently in the Glossary, but will be placed in the Introduction.)
- The relationship between the words *conserve*, *preserve*, and *protect* has been clearly explained. This will eliminate misunderstandings that have arisen over how, or whether, the choice of one word over the other within *Management Policies* imparts a particular meaning. In the context of *Management Policies*, the words are generally used interchangeably (except where their application is tied to a quotation or close paraphrase of a statute). The choice of any one of these words is not intended to, and should not be construed to, imply a greater or lesser restriction on opportunities for visitor enjoyment or on the level of care given to park resources and values.
- The concept of *third-party enforceability* has been introduced. Although this concept has been used for all new Director's Orders, it is included in *Management Policies* for the first time. This wording clarifies that the policies are intended only to improve the internal management of the Park Service; they are not promulgated as a rulemaking and are not intended to carry the force and effect of law—as is the case with regulations. Where the text of a policy is tied to a particular statute or regulation, it is the statute or regulation that controls, not the text of the policy.
- The importance of civic engagement is now an important aspect of the management polices. The various publics we serve deserve to be more included in park management decisions.

Chapter 1

The Foundation lays out basic information about the National Park System, the primarily laws that govern park management, and the principles that guide NPS field operations.

Improvements:

- The Service's overarching mission is described as protecting park resources and values to ensure they are managed in a way that improves the resources for the enjoyment of present and future generations. More emphasis is given to the Service's commitment to allow only appropriate use of the parks, and to not allow unacceptable impacts to park resources and values.
- More guidance is provided to managers in making decisions about whether or not a proposed action would cause impairment. Managers are required to include civic engagement and the use of the best available scientific, scholarly, and technical information, and be able to articulate the reasoning behind their decisions.

- When there are concerns as to whether an activity or action will cause impairment, the Service will protect the resources while taking appropriate steps, including scientific study and public involvement, to resolve the concerns.
- Entire new sections have been added and others revamped to reflect the Service's goal of management excellence in the areas of public information, management accountability, financial sustainability, business-like concessions, and budget performance.
- New emphasis is given to fiscal responsibility regarding construction projects, which must be essential to a park's mission, achievable, and sustainable.
- A new section has been added to stress the importance of civic engagement.
- There is strong recognition that the Service's success in achieving its mission is ultimately dependent on the talents and capabilities of its workforce. Attention is focused on career development and training, succession and workforce planning, diversity, and employee health.
- Continues to ensure that the resource remains predominant.

Chapter 2

The **Park Planning** chapter describes policies applicable to the park planning process, which helps define the types of resource conditions, visitor experiences, and management actions that will best achieve each park's goals.

Improvements:

- Incorporates changes in planning standards and policies crafted by a large group of career professionals to provide clearer guidance on the NPS's integrated planning framework.
- Reflects a clearer focus on the scope of public participation and the need to include it in the decision-making process to produce more successful planning efforts.
- Recognizes the need to bring a fiscal "reality check" to the Service's planning activities.
- Clarifies the process by which rivers, or river segments, are added to the Nationwide Rivers Inventory.
- Clarifies how Inventory rivers, or river segments, within parks are to be treated for NPS planning purposes.
- Much of the required strategic planning products information has been removed to streamline the relevant sections.

Chapter 3

This chapter sets forth the methods and techniques that will be used for **Land Protection**, including the acquisition of lands (or interests in lands) necessary to conserve each park's resources and values and provide for their enjoyment.

Improvements:

- Clarifies that it is the Service's goal to acquire lands or interests in lands through a cooperative negotiation process with a willing seller.

- Also, as a general principle and consistent with Congressional direction, condemnation is the least desirable tool for the Service to use in land acquisition.

Chapter 4

This chapter explains the Service's **Natural Resource Management** policies, which are intended to conserve in an unimpaired condition not only the resources, but also the natural processes, systems, and values of the parks.

Improvements:

- The draft continues the strong resource protection commitments contained in the 2001 edition, but adds text where it would help in making the policies more clear.
- Text has been added to clarify that the goal of protecting natural resources and values while providing for their enjoyment remains the same for all parks.

Chapter 5

This chapter focuses on **Cultural Resource Management**, and explains the policies by which the Service will preserve and foster appreciation of park cultural resources. It continues the strong resource protection commitments contained in the 2001 edition, differing from the 2001 edition in only minor ways.

Improvements:

- The draft continues the strong resource protection commitments contained in the 2001 edition, but adds text where it would help in making the policies more clear.
- The World Heritage List is de-mystified and the designation process better explained.
- Text pertaining to the knowledge and skills of professional staff has been relocated to chapter 1 to emphasize the importance of skilled and well trained staff in all NPS disciplines.

Chapter 6

Chapter 6 sets forth the policies under which the Service will meet its **Wilderness Stewardship** responsibilities. The chapter was drafted with input and review by the National Wilderness Steering Committee, and continues to reflect the high standard that the NPS sets for itself in meeting stewardship responsibilities.

Improvements:

- Some sections have been relocated to improve the chapter's organization.
- Edits have been made to resolve sources of long-standing confusion, such as the relationship between "suitability" and "eligibility."
- The wilderness review process is clarified by replacing "suitability assessment" with "eligibility assessment," which is intended to be more explicit as the first step in the review process.

- Guidance now clarifies which parks are legally mandated to conduct assessments versus those parks for which the assessment is discretionary.
- Wilderness stewardship planning is strengthened.
- Text strengthens the NPS responsibility to monitor all facets of wilderness resources to identify threats and their source, to mitigate those threats, and to ensure that the public purposes of wilderness are being met, while preserving the wilderness resources and character.

Chapter 7

This chapter explains the **Interpretation and Education** policies that will produce memorable educational and recreational experiences for visitors, and foster the development of a personal stewardship ethic toward national park resources and values. The draft retains almost all of the substance of the 2001 edition.

Improvements:

- The text for battle reenactments has been revised to clarify why certain activities are not appropriate in national park units.
- Personnel-related text has been moved to chapter 1 to emphasize the importance of skilled and well trained staff in all NPS disciplines.

Chapter 8

This chapter describes the policies by which the Service will provide opportunities for appropriate **Use of the Parks**, with the most important type of use being the enjoyment of unimpaired park resources and values by present and future generations. This chapter does not allow more personal watercraft, cell towers, OHVs, low flying aircraft, noise, snowmobiles, or other uses currently governed by laws and regulations.

Improvements:

- Many sections have only the lightest of edits and updates, with appropriate changes according to current Departmental or other higher authorities.
- The need for consultation and civic engagement practices is highlighted throughout the chapter to achieve desired resource and visitor enjoyment conditions.
- Text has been added to assert that each generation of Americans is entitled to enjoy their parks in as good or better condition than the generation that preceded them.
- The criteria for determining appropriate uses and identifying unacceptable impacts have been strengthened and clarified.
- An example is given on how to mitigate unacceptable impacts.
- More description is given to how parks will welcome visitors, and who the visitors are and why they visit.
- “Authenticity” is highlighted as a valued visitor experience, and examples are given of the types of authenticity we must protect.

- More clarity is added about how we must not allow uses that would impair a park's resources or values.
- Homeland Security is now addressed, as well as the new line authority for NPS special agents, and cooperative agreements.
- For clarity, the discussion of livestock grazing has been split into two separate areas, distinguishing authorized commercial grazing from recreational grazing.
- Civic engagement practices now instruct Service employees to communicate and interact with groups and individuals to attain the best possible understanding and results for the resources and the visitor.
- A new section has been added on Recreational Pack and Saddle Stock to cover how these uses and supporting operations will be planned and designed where and when they are considered appropriate.

Chapter 9

This chapter describes the policies that govern the development and care of **Park Facilities** that are necessary and appropriate to meet visitor and park management needs, and that are also sustainable and consistent with the conservation of park resources and values.

Improvements:

- This chapter has been revamped and fine-tuned to make considerations about facilities more current and practical to the overall mission, and to take into consideration new NPS technologies and initiatives like the Facility Condition Index (FCI).
- Also, the chapter focuses on ensuring that facilities are financially and managerially sustainable in the future.
- Stronger language to minimize unacceptable impacts has been added, along with improved design suggestions for Parking Areas.
- New text has been included to emphasize fiscal responsibility and alternatives to building facilities for which there is no compelling need.
- Numerous edits have been made relating to transportation systems to streamline and emphasize appropriate consultation.

Chapter 10

Chapter 10 explains the policies under which **Commercial Visitor Services** that are necessary and appropriate for visitor use and enjoyment will be provided through the use of concession contracts and commercial use authorizations.

Improvements:

- New material addresses the role of leasing and cooperative agreements as tools in meeting commercial services needs.
- Text has been edited to enhance clarity in some areas; for example, with regard to ownership of concession facilities.
- New material has been added regarding commercial use authorizations.

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INTRODUCTION

TERMS AND CONCEPTS USED IN MANAGEMENT POLICIES

A list of five key terms and concepts particularly relevant to managing the national parks is provided below. These key terms and concepts are important to understanding NPS management policies and principles. Definitions of additional terms may be obtained from the Glossary. Statutory definitions can be accessed on-line, e.g., at <http://www4.law.cornell.edu/uscode/>.

Conserve, Preserve, Protect

The words "conserve," "preserve," and "protect" are used frequently throughout these *Management Policies*. They are words that, in some contexts, carry distinctly different meanings. However, in the context of these *Management Policies*, it is not appropriate to create or imply highly prescribed distinctions between them. This is because there are many statutes applicable to the parks, and some of them use the term "conserve," some use "preserve," some use "protect," and some even use a combination of these terms. It is clear from the legislative history of these statutes, and from case law, that each of these words reflects the high standard of care for park resources that Congress has required of the Service from its beginning. For this reason, these words are used interchangeably, except where their application is tied to a quotation or close paraphrase of a statute. The choice of any one of these words within these policies is not intended to, and should not be construed to, imply a greater or lesser restriction on opportunities for visitor enjoyment or level of care for park resources and values.

Impairment

Impairment means a significant impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values, including the opportunity that otherwise would be present for the enjoyment of those resources or values, in violation of the NPS Organic Act.

Appropriate Use

As used in these *Management Policies*, an "appropriate use" is a use that is suitable, proper, or fitting for a particular park, or to a particular location within a park. What is appropriate may vary from one park to another, and from one location to another within a park.

In its role as steward of park resources, the Park Service must ensure that all park uses are appropriate and do not cause unacceptable impacts on park resources and values. When proposed park uses and the protection of park resources come into conflict, park managers are obligated to ensure that the resources and values for which the park was created are not diminished. To determine appropriateness, the park manager must rely on the Organic Act, the park's enabling legislation, NPS regulations, NPS *Management*

Policies, director's orders, the park's general management plan, and other relevant guidance and planning documents.

The concept of appropriate use is especially important with regard to visitor enjoyment, because the Park Service is required by the Organic Act to provide for the enjoyment of park resources and values. As with other park uses, a form of visitor enjoyment that is appropriate in one park may be inappropriate in another.

The Park Service will always welcome activities that are appropriate to the parks. In evaluating the appropriateness of an activity, NPS planning and decision-making procedures will be used to engage the public and use the best scientific information available. The criteria for determining whether a particular use is appropriate in a park are set forth in section 1.4.3. In applying the criteria, the responsible NPS manager will use good judgment to ensure that uses will not

- cause an "unacceptable impact"
- be inconsistent with the park purposes or values
- unreasonably interfere with park programs or activities
- disrupt the operations of park concessions or contractors
- create an unsafe or unhealthful environment for visitors or employees
- result in significant conflict with other appropriate uses
- diminish opportunities for current or future generations to enjoy park resources or values

Subject to the above criteria, appropriate uses may include

- uses that have occurred historically in a park when the type and/or the level of impact has not increased significantly,
- uses that may represent new technology, or
- uses whose impacts can be successfully mitigated or eliminated through
  - visitor education,
  - temporal, spatial, or numerical limitations on the use,
  - the application of best available technology, or
  - the application of adaptive management techniques.

<u>Unacceptable Impacts</u>

Relevant to the concept of "appropriate and inappropriate use" is the concept of "acceptable and unacceptable impacts." In determining whether a proposed park use is appropriate or inappropriate, there are several factors that a manager must consider. But the key factor is whether the associated impacts on park resources and values are "acceptable." With virtually every form of visitor use and enjoyment there will be at least some degree of impact on park resources or values, but that does not mean a proposed use must or should be disallowed. The Park Service may balance resource conservation and visitor enjoyment in managing parks while ensuring that its management actions leave the resources and values unimpaired. This means that the Service has discretion in

allowing activities that may cause impacts as long as the activities do not lead to impairment. For the purposes of implementing this important management concept, unacceptable impacts that would keep a use from being “appropriate” are impacts that would

- be inconsistent with the park’s purposes or values,
- individually or cumulatively degrade resource conditions so as to preclude future generations from enjoying the resource in as good or better condition,
- individually or cumulatively create an unsafe or unhealthful environment for other visitors or employees, or
- unreasonably interfere with
  - existing appropriate park uses,
  - NPS interpretive, visitor service, administrative, or other activities,
  - NPS concessioner or contractor operations or services, or
  - the attainment of a park’s desired conditions as identified through the park’s planning process.

As part of its standard decision-making process, the Service will engage the public and use the best scientific information available in evaluating whether impacts from an activity would be acceptable.

Third-party Enforceability

The policies contained in this document are intended only to improve the internal management of the Park Service, and are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

Law, Policy, and Other Guidance

This volume is the basic Servicewide policy document of the National Park Service. Adherence to policy is mandatory unless specifically waived or modified by the Secretary, the Assistant Secretary, or the Director.

In carrying out their responsibilities under the 1916 National Park Service [1] Organic Act and other pertinent statutes, all NPS officials and employees must be knowledgeable about the laws, regulations, and policies that pertain to their work. The property clause of the U. S. Constitution, which is the supreme law of the United States, gives Congress the authority to develop laws governing the management of the national park system. The property clause specifically directs that "The Congress will have the Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States" (article IV, section 3). Once laws are enacted, authority for interpreting and implementing them is delegated to appropriate levels of government. In carrying out this function, the National Park Service, like other federal agencies, develops policy to interpret the ambiguities of the law and to fill in the details left unaddressed by Congress in the statutes.

Hierarchy of Authorities

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

Policy Development

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

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[1] The terms "National Park Service," "Park Service," "Service," and "NPS" are used interchangeably in this document.

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

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

Compliance and Accountability

The policies contained within this document are intended only to improve the internal management of the National Park Service, and are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

Servicewide policy is articulated by the Director of the National Park Service. NPS employees must follow these policies unless specifically waived or modified in writing by the Secretary, the Assistant Secretary, or the Director. Waivers and modifications will be considered on a case-by-case basis, and previous waivers or modifications will not necessarily be regarded as precedents for future waivers or modifications. Park superintendents will be held accountable for their, and their staff's, adherence to Servicewide policy. A request for a waiver or modification of policy must include a written justification and be submitted to the Director through the Office of Policy, which will coordinate with appropriate program offices.

The Directives System

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

Management Policies will be revised at appropriate intervals to consolidate Servicewide policy decisions, or to respond to new laws and technologies, new understandings of park resources and the factors that affect them, or changes in American society. Interim updates or amendments may be accomplished through Director's Orders (the second

level of the Directives System), which also serve as a vehicle to clarify or supplement the *Management Policies* to meet the needs of NPS managers. Any previously dated statement of policy not consistent with these *Management Policies*, or with a Director's Order that updates, amends, or clarifies policy, is to be disregarded.

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

The Directives System replaces the guidelines, special directives, and staff directives issued under the former system. Some Director's Orders planned for completion were not yet approved when this edition of *Management Policies* was published. Anyone who needs additional information about a Director's Order that has not yet been approved should contact the NPS program manager responsible for the particular subject matter, or the Office of Policy in Washington, DC. (See Appendix C for a listing of Director's Orders.)

Other Sources of Guidance

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

National Park Service Program Policies

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

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Chapter 1: The Foundation

Beginning with Yellowstone, the idea of a national park was an American invention of historic consequences. The areas that now comprise the national park system, and those that will be added in years to come, are overall cumulative expressions of a single national heritage. The National Park Service must manage park resources and values in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

1.1 The National Park Idea

The world's first national park—Yellowstone—was created in 1872, at which time Congress set aside more than one million acres as "a public park or pleasuring ground for the benefit and enjoyment of the people." The legislation assigned control of the new park to the Secretary of the Interior, who would be responsible for issuing regulations to provide for the "preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities, or wonders, within the park, and their retention in their natural condition." Other park management functions were to include the development of visitor accommodations, the construction of roads and bridle trails, the removal of trespassers, and protection "against the wanton destruction of the fish and game found within the park" (16 United States Code 21-22).

This American invention marked the beginning of a worldwide movement that has subsequently spread to more than 100 countries and 1,200 national parks and conservation preserves. However, when Yellowstone National Park was created, no concept or plan existed upon which to build a system of such parks. The concept now described as the national park system, which embraces, nationwide, a wide variety of natural and cultural resources, evolved slowly over the years—often through the consolidation of federal land management responsibilities.

As interest grew in preserving the great scenic wonders of the West, efforts were also underway to protect the sites and structures associated with early Native American culture, particularly in the Southwest. The Antiquities Act of 1906 authorized the President "to declare by public proclamation [as national monuments] historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest" (16 USC 431).

In 1916, Congress created the National Park Service[1] in the Department of the Interior to "promote and regulate the use of the federal areas known as national parks, monuments, and reservations," and to "conserve" the resources and values in these areas "unimpaired" for the enjoyment of future generations (16 USC 1). The words "conserve," "preserve," and "protect" are used frequently throughout these *Management Policies*. They are words that, in some contexts, carry distinctly different meanings. However, in the context of *Management Policies*, it is not appropriate to create or imply highly prescribed distinctions between them. This is because there are many statutes applicable to the parks, and some of them use the term "conserve," some use "preserve," some use "protect," and some even

[1] The terms "National Park Service," "Park Service," "Service," and "NPS" are used interchangeably in this document.

use a combination of these terms. It is clear from the legislative history of these statutes, and from case law, that each of these words reflects the high standard of care for park resources that Congress has required of the Service from its beginning. For this reason, these words are used interchangeably, except where their application is tied to a quotation or close paraphrase of a statute. The choice of any one of these words within these policies is not intended to, and should not be construed to, imply a greater or lesser restriction on opportunities for visitor enjoyment, or level of care for park resources and values.

1.2 The National Park System

The number and diversity of parks within the national park system grew as a result of a government reorganization in 1933, another following World War II, and yet another during the 1960s. Today there are more than 388 units in the national park system. These units are variously designated as national parks, monuments, preserves, lakeshores, seashores, wild and scenic rivers, trails, historic sites, military parks, battlefields, historical parks, recreation areas, memorials, and parkways. Regardless of the many names and official designations of the park units that make up the national park system, all represent some nationally significant aspect of our natural or cultural heritage. As the physical remnants of our past, and great scenic and natural places that continue to evolve as repositories of outstanding recreational opportunities, classrooms of our heritage, and the legacy we leave to future generations, they warrant the highest standard of protection.

1.3 Criteria for Inclusion

Congress has declared in the NPS General Authorities Act of 1970 that areas comprising the national park system are cumulative expressions of a single national heritage. Potential additions to the national park system should therefore contribute in their own special way to a system that fully represents the broad spectrum of natural and cultural resources that characterize our nation. The National Park Service is responsible for conducting professional studies of potential additions to the national park system when specifically authorized by an act of Congress, and for making recommendations to the Secretary of the Interior, the President, and Congress. Several laws outline criteria for units of the national park system, and for additions to the national wild and scenic rivers system and the national trails system. To receive a favorable recommendation from the Service, a proposed addition to the national park system must (1) possess nationally significant natural or cultural resources, (2) be a suitable addition to the system, (3) be a feasible addition to the system, and (4) require direct NPS management instead of alternative protection by other public agencies or the private sector. These criteria are designed to ensure that the national park system includes only the most outstanding examples of the nation's natural and cultural resources. These criteria also recognize that there are other management alternatives for preserving the nation's outstanding resources.

1.3.1 National Significance

NPS professionals, in consultation with subject-matter experts, scholars, and scientists, will determine whether a resource is nationally significant. An area will be considered nationally significant if it

- is an outstanding example of a particular type of resource,

- possesses exceptional value or quality in illustrating or interpreting the natural or cultural themes of our nation's heritage,
- offers superlative opportunities for public enjoyment or for scientific study, and
- retains a high degree of integrity as a true, accurate, and relatively unspoiled example of a resource.

National significance for cultural resources will be evaluated by applying the National Historic Landmarks criteria contained in 36 CFR *(Code of Federal Regulations)* Part 65.

1.3.2 Suitability

An area is considered suitable for addition to the national park system if it represents a natural or cultural resource type that is not already adequately represented in the national park system, or is not comparably represented and conserved for public enjoyment by other federal agencies; tribal, state, or local governments; or the private sector.

Adequacy of representation is determined on a case-by-case basis by comparing the potential addition to other comparably managed areas representing the same resource type, while considering differences or similarities in the character, quality, quantity, or combination of resource values. The comparative analysis also addresses rarity of the resources, interpretive and educational potential, and similar resources already conserved in the national park system or in other public or private ownership. The comparison results in a determination of whether the proposed new area would expand, enhance, or duplicate resource conservation or visitor use opportunities found in other comparably managed areas.

1.3.3 Feasibility

To be feasible as a new unit of the national park system, an area must (1) be of sufficient size and appropriate configuration to ensure sustainable resource conservation and visitor enjoyment; and (2) be capable of efficient administration by the Park Service at a reasonable cost.

In evaluating feasibility, the Service considers a variety of factors for a study area, such as

- size
- boundary configurations
- current and potential uses of the study area and surrounding lands
- landownership patterns
- willingness of landowners to sell their land or interests therein
- public enjoyment potential
- costs associated with acquisition, development, restoration, and operation
- access
- current and potential threats to the resources

- existing degradation of resources
- staffing requirements
- local planning and zoning
- the level of local and general public support
- the economic/ socioeconomic impacts of designation as a unit of the national park system

The feasibility evaluation also considers the ability of the National Park Service to undertake new management responsibilities in light of current and projected availability of funding and personnel and the priority of maintaining and conserving existing national park system units.

An overall evaluation of feasibility will be made after taking into account all of the above factors. However, evaluations may sometimes identify concerns or conditions, rather than simply reach a yes or no conclusion. For example, some new areas may be feasible additions to the national park system only if landowners are willing to sell; or the boundary encompasses specific areas necessary for visitor access; or state or local governments will provide appropriate assurances that adjacent land uses will remain compatible with the study area's resources and values.

1.3.4 Direct NPS Management

There are many excellent examples of the successful management of important natural and cultural resources by other public agencies, private conservation organizations, and individuals. The National Park Service applauds these accomplishments and actively encourages the expansion of conservation activities by state, local, and private entities and by other federal agencies. Unless direct NPS management of a studied area is identified as the clearly superior alternative, the Service will recommend that one or more of these other entities assume a lead management role, and that the area not receive national park system status.

Studies will evaluate an appropriate range of management alternatives and will identify which alternative or combination of alternatives would, in the professional judgment of the Director, be most effective and efficient in protecting significant resources and providing opportunities for appropriate public enjoyment. Alternatives for NPS management will not be developed for study areas that fail to meet any one of the four criteria for inclusion listed in section 1.3.

In cases where a study area's resources meet criteria for national significance but do not meet other criteria for inclusion in the national park system, the Service may instead recommend an alternative status, such as "affiliated area." To be eligible for affiliated area status, the area's resources must (1) meet the same section 1.3.1 standards for national significance that apply to units of the national park system; (2) require some special recognition or technical assistance beyond what is available through existing NPS programs; (3) be managed in accordance with the policies and standards that apply to units of the national park system; and (4) be assured of sustained resource protection, as documented in a formal agreement between the Park Service and the nonfederal

management entity. Designation as a "heritage area" is another option that may be recommended. Heritage areas are distinctive landscapes that do not necessarily meet the same standards of national significance as national park areas, or may benefit from continued nonfederal ownership and management. Either of these two alternatives (and others, as well) would recognize an area's importance to the nation without requiring or implying management by the National Park Service.

1.4 Park Management

1.4.1 The Laws Generally Governing Park Management

The most important statutory directive for the National Park Service is provided by interrelated provisions of the NPS Organic Act of 1916 and the NPS General Authorities Act of 1970, including amendments to the latter law enacted in 1978.

The key management-related provision of the Organic Act is as follows:

> [The National Park Service] shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified … by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. (16 USC 1)

Congress supplemented and clarified these provisions through enactment of the General Authorities Act in 1970, and again through enactment of a 1978 amendment to that law (the "Redwood amendment," contained in a bill expanding Redwood National Park), which added the last two sentences in the following provision. The key part of that act, as amended, is as follows:

> Congress declares that the national park system, which began with establishment of Yellowstone National Park in 1872, has since grown to include superlative natural, historic, and recreation areas in every major region of the United States, its territories and island possessions; that these areas, though distinct in character, are united through their inter-related purposes and resources into one national park system as cumulative expressions of a single national heritage; that, individually and collectively, these areas derive increased national dignity and recognition of their superlative environmental quality through their inclusion jointly with each other in one national park system preserved and managed for the benefit and inspiration of all the people of the United States; and that it is the purpose of this Act to include all such areas in the System and to clarify the authorities applicable to the system. Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined in section 1c of this title, shall be consistent with and founded in the purpose established by section 1 of this title [the Organic Act provision quoted above], to the common benefit of all the people of the United States. The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public

> value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress. (16 USC 1a-1)

This section 1.4 of *Management Policies* represents the agency's interpretation of these key statutory provisions.

1.4.2 "Impairment" and "Derogation": One Standard

Congress intended the language of the Redwood amendment to the General Authorities Act to reiterate the provisions of the Organic Act, not create a substantively different management standard. The House committee report described the Redwood amendment as a "declaration by Congress" that the promotion and regulation of the national park system is to be consistent with the Organic Act. The Senate committee report stated that under the Redwood amendment, "The Secretary has an absolute duty, which is not to be compromised, to fulfill the mandate of the 1916 Act to take whatever actions and seek whatever relief as will safeguard the units of the national park system." So, although the Organic Act and the General Authorities Act, as amended by the Redwood amendment, use different wording ("unimpaired" and "derogation") to describe what the National Park Service must avoid, they define a single standard for the management of the national park system—not two different standards. For simplicity, *Management Policies* uses "impairment" (or a variation thereof), not both statutory phrases, to refer to that single standard.

1.4.3 The NPS Obligations to Conserve and Provide for Enjoyment of Park Resources and Values

The "fundamental purpose" of the national park system, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, is "to conserve the scenery and the natural and historic objects and the wild life 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." Through this mandate, Congress established the overarching mission for national parks, which is to protect park resources and values to ensure that these resources and values are maintained in as good, or better, condition for the enjoyment of present and future generations. NPS managers must always seek ways to avoid, or to minimize to the greatest extent practicable, unacceptable impacts on park resources and values. However, the laws do give the Service the management discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, so long as the impact does not rise to the level of impairment or diminish visitor experience over time.

As noted, the "enjoyment" of park resources and values is part of the fundamental purpose of all parks. The "enjoyment" that is contemplated by the statute is broad; it is the enjoyment of all the people of the United States, and so includes enjoyment both by people who visit parks and by those who appreciate them from afar. It also includes deriving benefit (including scientific knowledge) and inspiration from parks, as well as other uses. The Park Service recognizes that activities in which park visitors engage can cause impacts to park resources and values, and the Service must balance the sometimes competing obligations of conservation and enjoyment in managing the parks. The courts have recognized that the Service has broad discretion in determining how best to fulfill the

Organic Act's mandate. Because the enjoyment of park resources and values by present and future generations is dependent on their preservation, when there are concerns as to whether an activity or action will cause an impairment, the Service will protect the resources while taking appropriate steps, including scientific study and public involvement, to resolve the concerns.

1.4.3.1 Appropriate Use

In each case where a form of enjoyment or other use is under consideration, the responsible NPS manager must determine whether the use is "appropriate" in a particular park. Appropriate uses are those uses that, in the professional judgment of the responsible NPS manager, will not

- cause an unacceptable impact,
- be inconsistent with the park purposes or values,
- unreasonably interfere with park programs or activities,
- disrupt the operations of park concessions or contractors,
- create an unsafe or unhealthful environment for visitors or employees,
- result in significant conflict with other appropriate uses, or
- diminish opportunities for current or future generations to enjoy park resources or values.

Subject to the above criteria, appropriate uses may include

- uses that have occurred historically in a park and when the type and/or the level of impact has not increased significantly,
- uses that may represent new technology, or
- uses whose impacts can be successfully mitigated or eliminated through
  - visitor education,
  - temporal, spatial, or numerical limitations on the use,
  - the application of best available technology, or
  - the application of adaptive management techniques.

1.4.3.2 Unacceptable Impacts

In evaluating the appropriateness of an activity, standard NPS planning and decision-making procedures will be employed to engage the public and to utilize the best scientific information available. These procedures will also be used to determine whether there would be an unacceptable impact. An unacceptable impact is an impact that would

- be inconsistent with the park's purposes or values,

- degrade resource conditions so as to preclude future generations from enjoying the resource in as good, or better, condition,
- create an unsafe or unhealthful environment for other visitors or employees, or
- unreasonably interfere with
  - existing appropriate park uses,
  - NPS interpretive, visitor service, administrative, or other activities,
  - NPS concessioner or contractor operations or services, or
  - the attainment of a park's desired conditions, as identified through the park's planning process.

1.4.3.3 Park Purposes and Legislatively Authorized Uses

Park purposes are found in the general laws pertaining to the national park system, as well as the enabling legislation or proclamation establishing each unit. In addition to park purposes, in many cases, the enabling legislation or proclamation for a park may also identify uses that are either mandated or authorized.

In the administration of mandated uses, park managers must allow the use; however, they do have the authority to and must manage and regulate the use to minimize impacts on park resources, values, and visitor enjoyment. In the administration of authorized uses, park managers have the discretionary authority to allow and manage the use, provided that the use will not cause impairment or unacceptable impacts. In considering whether to allow the use, park managers must respect and be responsive to the desire, as reflected in the enabling legislation or proclamation, that the use or uses continue.

(See Major Elements of NPS Park Planning and Decision-making 2.2; General 8.1)

1.4.4 The Prohibition on Impairment of Park Resources and Values

Although Congress has given the Service the management discretion to allow impacts from activities within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired, unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the National Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them.

The impairment of park resources and values may not be allowed by the Service unless directly and specifically provided for by legislation or by the proclamation establishing the park. The relevant legislation or proclamation must provide explicitly (not by implication or inference) for the activity, in terms that keep the Service from having the authority to manage the activity so as to avoid the impairment.

1.4.5 What Constitutes Impairment of Park Resources and Values

The impairment that is prohibited by the Organic Act and the General Authorities Act is a significant impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values. The responsible NPS manager must have followed a process including civic engagement as well as the use

of the best available scientific, scholarly, and technical information, and be able to clearly articulate the reasoning applied in reaching a finding of impairment or non-impairment. Whether an impact meets this definition depends on the particular resources and values that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts.

An impact to any park resource or value may, but does not necessarily, constitute an impairment. An impact would be more likely to constitute an impairment to the extent that it affects a resource or value whose conservation is

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, or
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or
- identified in the park's general management plan or other relevant NPS planning documents as being of special significance.

An impact would be less likely to constitute an impairment to the extent that it is an unavoidable result, which cannot reasonably be further mitigated, of an action necessary to preserve or restore the integrity of park resources or values.

An impact that may lead to impairment may result from NPS administrative activities; activities undertaken by concessioners, contractors, and others operating in the park; or visitor activities.

1.4.6 What Constitutes Park Resources and Values

The "park resources" that are subject to the no impairment standard include the following:

- The park's scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals.

The "park values" that are subject to the no impairment standard include

- appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing the same,
- the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system, and

- any additional attributes encompassed by the specific values and purposes for which it was established.

(See introduction to chapter 4)

1.4.7 Decision-making Requirements to Avoid Impairments

Before approving a proposed action that could lead to an impairment of park resources and values, an NPS decision-maker must consider the impacts of the proposed action and determine, in writing, that the activity will not lead to an impairment of park resources and values. If there would be an impairment, the action may not be approved.

In making a determination of whether there would be an impairment, a National Park Service decision-maker must use his or her professional judgment. The decision maker must consider any environmental assessments or environmental impact statements required by the National Environmental Policy Act of 1969 (NEPA); relevant scientific studies, and other sources of information; and public comments.

When an NPS decision maker becomes aware that an ongoing activity might have led or might be leading to an impairment of park resources or values, he or she must investigate and determine if there is, or will be, impairment. Whenever reasonable and practicable, such an investigation and determination will be made as part of an appropriate park planning process undertaken for other purposes. If it is determined that there is, or will be, such an impairment, the decision maker must take appropriate action, to the extent possible within the Service's authorities and available resources, to mitigate the impacts so as to eliminate the impairment, or reduce impacts as needed to eliminate the impairment. The action must eliminate the impairment as soon as reasonably possible, taking into consideration the nature, duration, magnitude, and other characteristics of the impacts to park resources and values, as well as the requirements of NEPA, the Administrative Procedure Act, and other applicable laws.

(See Levels of Park Planning 2.3; Evaluating Environmental Impacts 4.1.3; Planning 5.2; General 8.1; Visitor Use 8.2; General 9.1. Also see Director's Order #12: Conservation Planning and Environmental Impact Analysis)

1.5 Cooperative Conservation Beyond Park Boundaries

Cooperation beyond park boundaries has become increasingly necessary as the National Park Service strives to fulfill its mandate to conserve the natural and cultural resources of parks unimpaired for future generations. Ecological processes cross park boundaries, and park boundaries may not incorporate all of the natural resources, cultural sites, and scenic vistas that relate to park resources or the quality of the visitor experience. Therefore, activities proposed for adjacent lands may significantly affect park programs, resources, and values. Conversely, Park Service activities may have impacts outside park boundaries. Recognizing that parks are integral parts of larger regional environments, the Service will work cooperatively with others to (1) anticipate, avoid, and resolve potential conflicts; (2) protect park resources and values; (3) provide for visitor enjoyment; and (4) address mutual interests in the quality of life of community residents, including matters such as compatible economic development and resource and environmental protection. Such local and regional cooperation may involve other federal agencies; tribal, state, and local

governments; neighboring landowners; nonprofit and private sector organizations; and all other concerned parties.

The Service will use all available authorities to conserve park resources and values and protect them from impairment. Superintendents will monitor land use proposals and changes to adjacent lands, and their potential impacts on park resources and values. It is appropriate for superintendents to engage constructively with the broader community in the same way that any good neighbor would. Superintendents will encourage compatible adjacent land uses, and seek to mitigate potential adverse impacts on park resources and values by actively participating in the planning and regulatory processes of other federal agencies and tribal, state, and local governments having jurisdiction over property directly affecting, or directly affected by, the park. When engaged in these activities, superintendents should fully apply the principles of civic engagement to promote better understanding and communication by documenting the park's concerns and sharing them with all who are interested, and by listening to the concerns of those who are affected by the park's actions.

(See Civic Engagement 1.11; Cooperative Planning 2.3.1.9; Addressing Threats from External Sources 3.4; Air Quality 4.7.1; Soundscape Management 4.9. Also see Director's Order #75A)

1.6 Environmental Leadership

Given the scope of its responsibility for the resources and values entrusted to its care, the Service has an obligation, as well as a unique opportunity, to demonstrate leadership in environmental stewardship. The Park Service must lead by example not only for visitors, other governmental agencies, the private sector, and the public at large, but also for a worldwide audience.

Environmental leadership will be demonstrated in all aspects of NPS activities, including policy development; park planning; all aspects of park operations; land protection; natural and cultural resource management; wilderness management; interpretation and education; facilities design, construction, and management; and commercial visitor services. In demonstrating environmental leadership, the Service will fully comply with the letter and the spirit of NEPA, and continually assess the impact its operations have on natural and cultural resources so that it may identify areas for improvement. The Service will institutionalize an assessment process, through a Servicewide environmental auditing program, that will evaluate a broad array of NPS activities for meeting the highest standards of environmental protection and compliance. The program will also screen for opportunities to implement sustainable practices, and tangibly demonstrate the highest levels of environmental ethic.

(See Facility Planning and Design 9.1.1)

1.7 Management Excellence

Successful and sustained realization of the Service's mission requires attentive employment of the most effective and efficient business principles and practices available. Individually, and in isolation from one another, these business concepts might appear to some to have little to do with the work of conserving America's heritage resources

unimpaired for the enjoyment of present and future generations. However, unless park managers can demonstrate their responsibility to and accountability for concepts ranging from competent management of information technology and finances, to the successful management and development of human resources, their opportunities to conserve resources and provide opportunities for public enjoyment will be severely limited.

1.7.1 Managing Information

NPS information resources exist in a variety of different media, including paper records, electronic documents, maps, databases, photographs, and video and audio media. The use of information management and technology tools increases the understanding and management of the nation's natural and cultural resources, facilities and utilities, and accountability responsibilities.

Today's information technology environment is based on the convergence of many technologies, requiring a more comprehensive management and governance structure than necessary previously. Information technology (IT) assets must be cost-effective and relevant to the Service's mission. Consistent policies, procedures, and processes throughout the Service will improve interoperability (the ability of information systems to work with each other) and reduce redundant systems and uses of technology.

The Park Service will use industry "best practices" when and where appropriate and will consistently manage its IT assets using federal IT statutes, principles, standards, and guidance, such as the Clinger-Cohen Act of 1996, the federal architecture framework, the IT investment model, and National Institute of Standards and Technology guidance on information and technology security.

The Park Service will participate as a part of the larger federal, state, and public information community through data-sharing, developing system interfaces, using common technologies and practices, and seeking cost-saving possibilities through partnerships with other organizations.

The Service will use a wide variety of proven tools and technologies that will enhance the following:

- development or acquisition of information systems using a system lifecycle development approach that meet the needs of NPS management and the public
- information captured and maintained in a secure, yet accessible manner that is easily integrated with other NPS data stores storage
- information management that is required by NPS policy and by legal and professional standards
- management of electronic, textual, and audiovisual information resources, including still images, for continuous accessibility by NPS staff and the public
- presentation of information through the World Wide Web (Web) in a professional, consistent, and comprehensive manner that meets the needs of our employees and the public and demonstrates the Service's commitment to a citizen-centered environment
- the broad development of spatial information through the technology of geographic information systems

- educational opportunities for a diverse range of people and public sectors, including the international community

(Also see Director's Order #11A: Information Technology Management, DO 11C: Web Publishing, and DO 19: Records Management)

1.7.1.1 Information Sharing

The Service is committed to the widest possible sharing and availability of knowledge, and to fostering discussion about the national park system, America's natural and cultural heritage found in national parks, and the national experiences and values they represent. The Service will comply fully with its information security responsibilities under the Federal Information Security Management Act of 2002 (44 USC 3544) and determine the sensitivity of stored information. Information not found to be confidential will be made available in the "public domain" to anyone who is interested. The only exceptions to information sharing are where disclosure could jeopardize specific park resources or donor agreements, or where disclosure would violate legal or confidentiality requirements.

(Also see Director's Orders #66: FOIA and Protected Resource Information and #75A: Civic Engagement and Public Involvement))

1.7.1.2 Proprietary Information

When producing or acquiring new works (such as images, graphic designs, logos, writing, or Web sites) through acquisition by donation, contracting, partnerships, or other means, the Park Service will acquire the appropriate copyrights and any necessary releases, such as model or interview releases, whenever there is a current or anticipated need for unrestricted access to those works. The Service will respect the rights of owners of copyrights to control how their works are used, and will comply with "fair use" standards when information or works are not licensed for dissemination.

(Also see Director's Order #67: Copyrights and Trademarks)

1.7.1.3 Information Confidentiality

Although it is the general policy of the Park Service to share information widely, the Service also realizes that providing information about the location of park resources may sometimes place those resources at risk of harm, theft, or destruction. This can occur, for example, with regard to caves, archeological sites, and rare plant and animal species. Some types of personnel, financial, and law enforcement matters are other examples of information that may be inappropriate for release to the public. Therefore, information will be withheld when the Service foresees that disclosure would be harmful to an interest protected by an exemption under the Freedom of Information Act (FOIA).

Information will also be withheld when the Park Service has entered into a written agreement (e.g., deed of gift, interview release, or similar written contract) to withhold data for a fixed period of time at the time of acquisition of the information. Such information will not be provided unless required by the Freedom of Information Act or other applicable law, a subpoena, a court order, or a federal audit.

NPS managers will use these exemptions sparingly, and only to the extent allowed by law. In general, if information is withheld from one requesting party, it must be withheld from anyone else who requests it, and if information is provided to one requesting party, it must be provided to anyone else who requests it. Procedures contained in Director's Order #66: FOIA and Protected Resource Information will be followed to document any decisions to release information or to withhold information from the public.

(See Natural Resources Information 4.1.3; Studies and Collections 4.2; Caves 4.8.2.2; Research 5.1; Confidentiality 5.2.3; Interpretation and Education Services Beyond Park Boundaries 7.5.2. Also see Director's Orders #5: Paper and Electronic Communications, #19: Records Management, #84: NPS Library Programs, and #70: Internet and Intranet Publishing. Also see Reference Manual 53, Chapter 5)

1.7.2 Accessibility for Persons with Disabilities

All practicable efforts will be made to make NPS facilities, programs, services, employment, and meaningful work opportunities accessible and usable by all people, including those with disabilities. This policy reflects the commitment to provide access to the widest cross section of the public, and to ensure compliance with the Architectural Barriers Act of 1968, the Rehabilitation Act of 1973, and the Equal Employment Opportunity Act of 1972. Specific guidance for implementing these laws is found in the Secretary of the Interior's regulations regarding enforcement of nondiscrimination of the basis of disability in Department of the Interior programs (43 CFR Part 17, Subpart E).

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

1.7.3 Public Information and Media Relations

The Service will provide timely and accurate information to the public and news media in accordance with applicable laws, Departmental policy, and Director's Orders. Park managers should identify appropriate opportunities to inform and educate the public about park resources and values and ways to enjoy the same. Every effort should be made to provide early notification of changes in park management practices, and to conduct active civic engagement pursuant to Directors Order #75A. Park managers should keep the public informed of ongoing events in parks, especially as they may affect visitors and gateway communities. In some instances, certain information about individuals or events may need to be withheld for privacy, security, or other reasons, consistent with the Freedom of Information Act and the Privacy Act.

1.7.4 Management Accountability

Management accountability is the expectation that managers are responsible for the quality and timeliness of program performance, increasing productivity, controlling costs, and

mitigating the adverse aspects of agency operations, and for assuring that programs are managed with integrity and in compliance with applicable law.

The National Park Service will comply with OMB (Office of Management and Budget) Circular A-123 and the Federal Managers' Financial Integrity Act of 1982 (31 USC 3512(d)), which require that all federal agencies and individual managers take systematic and proactive measures to (1) develop and implement appropriate, cost-effective management controls for results-oriented management, (2) assess the adequacy of management controls in federal programs and operations, (3) identify needed improvements, (4) take corresponding corrective action, and (5) report annually on management controls.

The concept of management accountability will be applied to all strategies, plans, guidance, and procedures that govern programs and operations throughout the Service, including those at the park level, the program center level, and the Servicewide level. The Service will, through its organization, policies, and procedures, implement systems of controls to reasonably ensure that

- programs achieve their intended results,
- resources are used consistent with the NPS mission,
- programs and resources are managed to prevent waste, fraud, abuse, and mismanagement,
- laws and regulations are followed, and
- reliable and timely information is obtained, maintained, reported, and used for decision making.

1.7.4.1 Government Performance and Results Act

As the business system for the National Park Service, performance management will be used to set goals and track accomplishments. Servicewide strategic plans, annual performance plans, and annual performance reports will be prepared, distributed, used, and analyzed for management accountability. These requirements are based on the Government Performance and Results Act of 1993 (GPRA). Park superintendents and other NPS managers will implement a performance management system that focuses on achieving, through daily operations, the desired conditions or results identified in the plans. More details on performance management responsibilities at the national, regional, and park level are found in section 2.3.3, *Strategic Planning*.

1.7.4.2 Financial Sustainability

The Park Service will strive to be an effective and efficient steward of appropriated and nonappropriated funds and services. These include revenues from recreation and other fees, as well as financial and in-kind support from cooperating associations, friends' groups, other partnership entities, and volunteers. The Service will attempt to meet management goals consistently through strategic planning that anticipates budget requirements, changing conditions, and reasonably foreseeable trends and events.

The Service will continually implement best management practices to achieve financial sustainability, including

- analyzing and revising work processes to achieve greater efficiency,
- making full use of information technology,
- anticipating and addressing funding availability through credible business practices,
- ensuring that the out-year budget implications of decision making are carefully considered in planning and other processes,
- ensuring that both short- and long-term costs of facility development and operation are factored into the project formulation and selection process,
- utilizing value-based decision-making processes such as value analysis, capital asset planning, benefit-cost analysis, life-cycle cost estimating, risk analysis, and total cost of ownership analysis,
- linking performance management elements to achieving and maintaining financial sustainability.

The Service will continually seek improvement and innovation in the following subsections.

1.7.4.3 Construction Projects

The Service will continue to build necessary and appropriately sized new facilities to meet its mission when no other alternatives are available. However, the Service recognizes that, in the past, some building projects have too often involved facilities that may have exceeded minimum functional requirements. In many instances, the development of these facilities has affected the park's operational budget. Additionally, in some partnership projects, there have been expectations that presume an unacceptably large federal contribution—not only for the project's construction, but also for the cost of maintaining the new facility. Therefore, the Park Service will implement a comprehensive project review process to ensure that projects are essential to the mission, achievable, and sustainable. As elements of this process, the Park Service will deploy Servicewide training, a project tracking system, and an accountability system that will be incorporated into the performance plans of regional directors and superintendents.

The Park Service will proceed with projects only after the responsible manager has determined that

- the proposed projects address NPS priorities and are consistent with park general management plans,
- partners have the capability to raise promised funding,
- any expected capital contributions from the Park Service have been prioritized in the five-year capital plan, and
- ongoing operation and maintenance costs are known and can be sustained over time.

These policies will apply both to projects that are built solely with appropriated funds, and those that are built solely or partially with funds donated to the Service. In addition, where donated funds are used, the Park Service will follow the requirements of Director's Order

#21 and will include in all agreements with partners language that specifically prohibits the solicitation of funding from Congress outside of the budget process.

1.7.4.4 Facilities Management

The Service will strive to reduce the backlog of deferred facility and infrastructure maintenance and construction, including park roads and other assets. The comprehensive asset management strategy will be used to prioritize asset investments, including preventive maintenance, as well as major rehabilitation and replacement of facilities when appropriate. The comprehensive asset management strategy will include a complete inventory, baseline facility condition information, and a recurring program of comprehensive condition assessments. The Service will use these management tools to establish performance goals for NPS facilities.

1.7.4.5 Business-like Concession Program

The Service will seek to provide a better return to the federal government from concession franchise fees, as well as by requiring, as a condition of concession contracts, the improved maintenance of facilities. When appropriate, the Park Service will seek outside reviews and recommendations for improving the concession program.

1.7.4.6 Budget Performance and Accountability Programs

The Park Service will continue to pursue and employ the most useful and effective tools for improving budget performance and accountability. The Service will also continue to improve the budget formulation process, particularly related to park specifics, by making it more transparent. The goal of these efforts will be to ensure that

- funds are spent in support of a park's purpose,
- funds are spent in an efficient manner,
- a park's request for funding is credible, and
- there are adequate funds and staff to conserve and protect the resources for which parks are responsible, and provide for the enjoyment of the same.

1.7.5 Human Capital

The Service will pursue a human capital program that is comprehensive and competency based, and encompasses the entire workforce, including employees, volunteers, contractors, concession employees, students, and partners.

1.7.5.1 Career Development, Training and Management

Employee development helps organizations achieve greater success. The goals of the Park Service's employee development activities are to help employees strengthen their skills, knowledge, and experience, as well as to promote broader employee engagement in the NPS mission. Employee development planning and strategies will be directly linked to core competencies and ensure the highest return on investment for the organization. Employees will also have opportunities to broaden their experiences and to progress in their careers through continuing education and training. In accordance with section 102 of the National Parks Omnibus Management Act of 1998 (16 USC 5912), the Park Service will implement a comprehensive training program for employees in all professional careers in the workforce to ensure that the workforce has available the best, up-to-date knowledge, skills, and abilities with which to manage, interpret, and protect the resources of the national park system.

1.7.5.2 Succession Planning

The Park Service recognizes that essential institutional knowledge erodes as seasoned, mature employees retire without replacements ready to take their place. To maintain institutional memory, the Service will develop a cadre of employees who have historical and current service experiences, have implemented proven practices, and have the ability to address issues as they arise. The Service will develop the capacity to supply future leadership through a strategic and conscious effort to purposefully develop a diverse workforce with the potential to take on leadership positions. This process will include a collaborative effort among all possible interests (including pre-employment/educational institutions) to prepare employees to meet the needs for leadership talent over time. The Service will cultivate talent for the short term and the long term to ensure the availability of a sufficient number of people who reflect the diversity of America. In accordance with section 103 of the National Parks Omnibus Management Act of 1998 (16 USC 5913), the Service will implement a management training and development plan whereby career, professional NPS employees from any appropriate academic field may obtain sufficient training, experience, and advancement opportunity to enable those qualified to move into park management positions, including the position of park superintendent. Similar efforts will be made for central office positions.

1.7.5.3 Workforce Planning

The Service will implement a process to

- evaluate the workforce,
- identify the competencies needed by the workforce in each of the career fields,
- evaluate present and future trends,
- develop strategies to address competency gaps,
- benchmark best practices, and
- develop a plan that will allow us to meet mission and strategic goals.

In concert with employee development and succession planning, workforce planning will ensure that all elements of the workforce are provided the orientation and training necessary to support the NPS mission.

1.7.5.4 Employee Safety and Health

The safety and health of our employees, contractors, volunteers, and the public is one of the Service's core values. In making decisions on matters concerning employee safety and health, NPS managers must exercise good judgment and discretion, and, above all, keep in mind that the safeguarding of human life must not be compromised. The Service will strive to ensure that all employees understand how to do their jobs safely, and that they have the necessary clothing, materials, and equipment to perform their duties with minimal personal risk.

(See Human Health and Safety 8.2.5)

1.7.5.5 Workforce Diversity

The Park Service will continue to seek ways to achieve its workforce diversity goals and to recognize workforce diversity as a sound business practice. Success in achieving workforce diversity will also enhance the Service's ability to more successfully connect with park visitors who represent America's diverse population. Continuing efforts will be made to increase public awareness of employment opportunities and to develop partnerships with diverse populations and organizations for the purpose of improving workforce diversity.

1.8 Civic Engagement

The Service will embrace civic engagement as a fundamental discipline and practice. Civic engagement is a continuous, dynamic conversation with the public on many levels to reinforce the commitment of both the Service and the public to the preservation of heritage resources, both cultural and natural, and strengthens public understanding of the full meaning and contemporary relevance of these resources. The Service's commitment to civic engagement is founded on the central principle that preservation of the nation's heritage resources relies on continued collaborative relationships between the Service and American society. These relationships will encompass significant and meaningful public involvement in NPS operations, programming, planning, and decision making. Our civic engagement practices will acknowledge that these relationships must extend to all communities that comprise America, including to those people who have felt little or no connection with the nation's heritage resources or parks, or who have felt excluded from enjoying the parks. At its heart, civic engagement is about inclusiveness and being respectful of the views of those who take their valuable time to participate in the Service's public processes and who raise issues or voice their concerns. By doing this, the Park Service will strengthen public understanding of the full meaning and contemporary relevance of park resources and values, and the Service will gain a better understanding of the needs and concerns of the public and its leaders.

Civic engagement will be viewed as a commitment to building and sustaining relationships with neighbors and other communities of interest. The first principle is that we will welcome people to enjoy their parks in appropriate, sustainable ways. This practice will promote civic responsibility by building long-term, collaborative relationships with a broad range of communities, which in turn will foster a widespread investment in stewardship of the nation's resources. Park and program managers will work in partnership with state, local, and tribal governments and all interested parties to jointly sponsor, develop, and promote public involvement activities to improve mutual understanding, decisions, and work products.

(Also see Director's Order #75A: Civic Engagement and Public Involvement)

1.9 Partnerships

The Service recognizes the benefits of consultation, cooperation, and communication in the service of conservation, as well as the significant role partners play in achieving conservation goals and funding conservation initiatives on behalf of the national park system. The Service has had many successful partnerships with individuals; organizations; tribal, state, and local governments; and other federal agencies that have helped fulfill the NPS mission. Through these partnerships, the Service has received valuable assistance in the form of educational programs, visitor services, living history demonstrations, search-

and-rescue operations, fundraising campaigns, habitat restoration, scientific research, ecosystem management, and a host of other activities. These partnerships, both formal and informal, have produced countless benefits for the Service and for the national park system.

Benefits often extend into the future, because many people who participate as partners connect more strongly with the parks and commit themselves to long-term stewardship. The Service will continue to welcome and actively seek partnership activities with individuals, organizations, and others who share the Service's commitment to protecting park resources and values and providing for their enjoyment. The Service will embrace partnership opportunities that will help accomplish the NPS mission, provided that personnel and funding requirements do not make it impractical for the Service to participate, and provided that the partnership activity would not (1) violate legal or ethical standards, (2) otherwise reflect adversely on the NPS mission and image, or (3) imply or indicate an unwillingness by the Service to perform an inherently governmental function.

In the spirit of partnership, the Service will also seek opportunities for cooperative management agreements with state or local agencies that will allow for more effective and efficient management of the parks, as authorized by section 802 of the National Parks Omnibus Management Act of 1998 (16 USC 1a- 2(l)).

Park superintendents occasionally receive partnership proposals from groups or organizations who wish to offer advice on park management issues. The Park Service encourages conservation through consultation, cooperation, and communication, and through other forms of public involvement, including "consensus-based management" as described in Part 516 of the *Department of the Interior Manual*. Whenever groups are created, controlled, or managed for the purpose of providing advice or recommendations to the Service, the Service will first consult with the Office of the Solicitor to determine whether the Federal Advisory Committee Act requires the chartering of an advisory committee. Consultation with the Office of the Solicitor will not be necessary when the Service meets with individuals, existing groups, or existing organizations simply to exchange views and information, or to solicit individual advice on proposed NPS actions. The Park Service will give appropriate consideration to consensus advice presented to it when those recommendations have been developed independent of the Park Service.

(See Public Involvement 2.3.1.6; Partnerships 4.1.4; Studies and Collections 4.2; Independent Research 5.1.2; Agreements 5.2.2; Interpretive and Educational Partnerships 7.6; Volunteers in Parks 7.6.1; Cooperating Associations 7.6.2; Enforcement Authority 8.3.4; Commercial Visitor Services Chapter 10; also see Director's Orders #7: Volunteers in Parks; #20: Agreements, #21: Donations and Fundraising; #27: Challenge Cost- Share Program; #32: Cooperating Associations; NPS Guide to the Federal Advisory Committee Act)

1.10 An Enduring Message

The need for management policies in the National Park Service was first articulated by Secretary of the Interior Franklin K. Lane in a letter to the first Director of the National Park Service, Stephen T. Mather, on May 13, 1918.

Secretary Lane stated that administrative policy should adhere to three broad principles based on the 1916 Organic Act:

> First, that the national parks must be maintained in absolutely unimpaired form for the use of future generations as well as those of our own time; second, that they are set apart for the use, observation, health, and pleasure of the people; and third, that the national interest must dictate all decisions affecting public or private enterprise in the parks.

Today's national parks have become important to our nation in more ways than Secretary Lane could possibly have imagined. Parks are a true reflection of our nation's collective history, heritage, and ideals. To remain relevant now and into the future, parks must be welcoming to our citizenry so that they may understand and appreciate these special places set aside for their enjoyment. As America's story continues to evolve, new park units will be added in the future, and they will carry equally compelling reasons for their inclusion in the national park system.

Secretary Lane's guiding principles remain fundamentally valid, and serve as a useful reminder of the need for a sustained commitment to park resource protection and public enjoyment. The Service's commitment to protecting the national parks and ensuring public enjoyment for present and future generations is embodied in this 2006 edition of *Management Policies*.

Chapter 2: Park System Planning

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CHAPTER 2: PARK SYSTEM PLANNING

[Cover page summary statement.] Park planning helps define the set of resource conditions, visitor experiences, and management actions that, taken as a whole, will best achieve the mandate to conserve resources unimpaired for the enjoyment of present and future generations. NPS planning is holistic and interdisciplinary, recognizing that *"To isolate and emphasize either use or preservation to the exclusion of the other can seriously distort park planning, confuse park management, and imperil the validity of the whole national park concept."* (Howard R. Stagner)

2.1 General Principles

2.1.1 Decision Making

The National Park Service uses planning to involve the public in making decisions about the future of their parks, to provide a logical and consistent framework that analyzes a broad spectrum of options for long-term management of the park, and to provide accountability for future management decisions. Decisions and directions identified in long-term park planning will be used as the guidance for a tiered series of short-and medium-term planning documents that will document implementation of the long-range plan. Each park will be able to demonstrate to decision makers, staff, and the public through an administrative record that documents how planning decisions relate to one another in a logical progression.

2.1.2 Scientific, Technical, and Scholarly Analysis

Decision makers and planners will use the best available scientific and technical information and scholarly analysis to identify appropriate management actions for use and protection of park resources. General management plans (GMPs) should consider if adaptive management is appropriate. Analysis will be interdisciplinary and tiered, focusing first on the park as a whole (including its global, national, and regional contexts) and then on site-specific details. At key points in planning, the Park Service will identify a range of reasonable, legal, feasible, and practicable alternatives, and will analyze and compare their differences with respect to

- their consistency with the park's purpose and foundation documents,
- the impacts on park visitors and park resources,
- short- and long-term costs, and
- the environmental and socioeconomic impacts to areas and interests beyond park boundaries.

2.1.3 Public Participation

Americans have strong ties with national parks, which are part of their national heritage, cultural traditions, and communities. Public participation in planning and decision making will be conducted in such a way that the Park Service fully appreciates and considers the

public's interests and concerns about the parks, the resources, and their use. The Service will actively seek out and consult with existing and potential visitors; neighbors; people with traditional cultural ties to park lands; scientists and scholars; and those with socioeconomic ties, such as concessioners, cooperating associations, gateway communities; other partners; and government agencies. The Service will work cooperatively with others to improve the resources and infrastructure of parks; to enhance services for park visitors; and to integrate parks into larger ecological, cultural, and socioeconomic systems that extend beyond the park boundaries.

(See Public Involvement 2.3.1.6; Consultation 5.2.1. Also see Director's Order #75A: Civic Engagement and Public Involvement)

2.1.4 Goal Orientation

Managers will identify long-term goals and annual goals that are incremental steps to carry out the park mission. Such planning is a critical and essential part of the National Park Service Performance Management System that is designed to improve the Service's performance and results. Park staff will monitor resource conditions and visitor experiences, and plan, track, and report performance. If goals are not being met, managers will seek to understand why, and initiate appropriate actions. The broadest goals will be periodically reassessed, taking into account their efficacy, new knowledge and technology, changing conditions, and any previously unforeseen circumstances.

(See Park Management 1.4)

2.2 Major Elements of NPS Park Planning and Decision Making

Park managers and regional directors are responsible for ensuring that planning is properly conducted within the planning framework, and for making management decisions supported by civic engagement, the best available information, and analysis. However, many parks may initially lack one or more of these planning elements. In the interim, management will be guided by the park's foundation document, strategic plan, and other current approved plans. No major new development, or other major commitment of park land or natural or cultural resources, will be authorized without an approved general management plan.

The following planning elements are part of an interrelated framework that will inform NPS decision making:

- **Foundation Document** — The planning process begins with the development of a single foundation document that includes the park mission, purpose, significance, special mandates and administrative commitments, fundamental resources and values (how each primary resource relates to the reason the park was established), and primary interpretive themes. Because this document plays an important role in all future planning and decision making, it must be developed with input from a wide range of people (public, other agencies, governmental entities and NPS staff).

- **General Management Plans** (GMPs) — A broad umbrella document that sets the long-term goals for the park based on the foundation document. The general management plan (1) clearly defines the desired natural and cultural resource conditions and visitor experiences to be achieved and maintained over time; (2) identifies the kinds and levels of management activities, visitor use, and development that are appropriate for maintaining the desired conditions; and (3) identifies indicators and standards for maintaining the desired conditions.
- **Program Management Plans** — Program management plans are more detailed documents that follow the general management plan and provide program-specific information on strategies to achieve and maintain the desired resource conditions and visitor experiences, including identification of appropriate visitor use where applicable (e.g., resource stewardship plan and comprehensive interpretation plan).
- **Strategic Plans** — Provide 1- to 5-year direction and objective, measurable goals for resource conditions and visitor experiences. Results on progress towards these goals are reported annually. These goals are based on an assessment of the park's natural and cultural resources; park visitors' experiences; and the park's performance capability, given available personnel, funding, and external factors.
- **Implementation Plans** — These plans provide project-specific details needed to implement a specific action in a specific area of a park and how these actions help the park achieve its long-term goals.
- **Annual Performance Plans** — These plans contain annual goals and an annual work plan that guide park efforts for a fiscal year.
- **Annual Performance Report —** This report is an accounting of annual results in relation to annual goals.

(See Visitor Use 8.2)

2.3 Levels of Park Planning

The order of plan development will generally flow from broad general management planning to progressively more specific planning.

It is important to distinguish which issues can most appropriately be addressed by general management planning, and which can be most appropriately addressed by more detailed program, strategic, or implementation planning. Each level of planning has a distinctive function, and all levels are designed to interrelate with a minimum of duplication and confusion. At each level, plans will be written to make the links and relationships among the planning levels apparent to readers.

Environmental analysis of alternatives and public involvement required under section 102(2)(C) of the National Environmental Policy Act (NEPA) (42 USC 4332(2)(C)) will be conducted at all levels of planning. Normally, NEPA analysis and public participation will be done at the general management planning level—when the overall direction for the park's future is decided—and again at the implementation planning level, before funding and resources are committed to carry out specific actions (see 2.3.1 and 2.3.4, below). In keeping with the Council on Environmental Quality's guidelines for NEPA compliance,

environmental analysis for more specific programs or actions will follow, or flow from, earlier NEPA documents for the broader general management plan. The Service will apply the Departmental NEPA guidance principles of (1) tiering analyses off of other completed NEPA documents, (2) using adaptive management and consensus based decision making, and (3) complying with Executive Order 13352 regarding cooperating agency status.

(Also see Director's Orders #2: Park Planning, and #12: Conservation Planning and Environmental Impact Analysis)

2.3.1 General Management Planning

The Service will maintain a general management plan for each unit (or group of units) of the national park system. The purpose of the general management plan is to ensure that the park has a clearly defined direction for resource protection and appropriate uses. This document will be developed by an interdisciplinary team, in consultation with relevant offices within the Service, other federal and state agencies, local and tribal governments, other interested parties, and the general public. The general management plan will be based on full and proper use of scientific and scholarly information related to existing and potential resource conditions, visitor experiences, environmental impacts, and relative costs of alternative courses of action. The approved general management plan will create a realistic vision for the future, setting a direction for the park that takes into consideration the financial as well as environmental impact of proposed facilities and programs, and ensures that the final plan is achievable and sustainable.

The first phase of general management planning will be the development of the foundation document. The general management plan will take the long view when dealing with the time frames of natural and cultural processes. The plan will consider the park in its full ecological, scenic, and cultural contexts as a unit of the national park system and as part of a surrounding region. The management plan will also establish a management direction for all park divisions and districts. This integration will help avoid inadvertently creating new problems in one area while attempting to solve problems in another.

(See Decision-making Requirements to Avoid Impairments 1.4.7; Visitor Use 8.2)

2.3.1.1 Statutory Requirements

General management plans will meet all statutory requirements contained in 16 USC 1a-7(b), and will include

- the types of management actions required for the preservation of park resources,
- the types and general intensities of development (including visitor circulation and transportation patterns, systems, and modes) associated with public enjoyment and use of the area, including general locations, timing of implementation, and anticipated costs,
- visitor carrying capacities, and implementation commitments, for all areas of the park, and
- potential modifications to the external boundaries of the park—if any—and the reasons for the proposed changes.

(See Visitor Carrying Capacity 8.2.1)

2.3.1.2 Management Zoning

Each park's general management plan will include a map that delineates management zones or districts, a prescription of the desired resource and visitor experience conditions to be achieved for each zone, and appropriate management activities needed to achieve those desired resource and visitor experience conditions. Management zoning will outline the criteria for (or describe the kind of) appropriate uses and describe the facilities necessary to support these uses. For example, highly sensitive natural areas might tolerate little use, while other areas might accommodate much higher levels of use. Even in historic structures, one floor might be most appropriate for exhibits, while another could accommodate offices or administrative uses. Some desired conditions may apply parkwide, but the delineation of management zones will illustrate where there are differences in intended resource conditions, visitor experience, and management activity.

2.3.1.3 Planning Team

An interdisciplinary team, including park managers and staff and technical experts, will prepare general management plans. Planning teams will consult with park staff, Service and Departmental leadership, other agencies with expertise or jurisdiction by virtue of law, other knowledgeable persons, and the public concerning future management of park resources. Because this document serves as the framework for all future planning efforts, it is important that the senior park manager be involved with the plan's development from the beginning and have frequent updates from the planning team. The planning team will advise the park superintendent and the regional director, but the superintendent and regional director have ultimate responsibility for the contents of the plan. The regional director is the official responsible for approving general management plans.

2.3.1.4 Public Involvement

Members of the public—including existing and potential visitors; park neighbors; people with traditional cultural ties to lands within the park; scientists and scholars; and those with socioeconomic ties such as concessioners, cooperating associations, other partners, state and local governments, and other federal agencies—will be encouraged to participate during the preparation of a general management plan and the associated environmental analysis. Public involvement will meet NEPA and other federal requirements for identifying the scope of issues, developing the range of alternatives considered in planning, reviewing the analysis of potential impacts, and disclosing the rationale for decisions about the park's future.

The Service will use the public involvement process to

- share information about (1) legal and policy mandates, budget, and other constraints affecting development of alternatives and capacity of the Service to implement the planning process, (2) issues, and (3) proposed management directions,
- learn about the values placed by other people and groups on the same resources and visitor experiences,

- build support for implementing the plan among local interests, visitors, Congress, and others at the regional and national level, and
- gain scientific, technical, scholarly, and socioeconomic information from a variety of sources.

The Park Service encourages conservation through consultation, cooperation, and communication, and through multiple forms of public involvement, including "consensus-based management" as described in Part 516 of the *Department of the Interior Manual*. The Park Service will give appropriate consideration to consensus advice presented to it when those recommendations have been developed independent of the Park Service. Whenever groups are created, controlled, or managed for the purpose of providing advice or recommendations to the Service, the Service will first consult with the Office of the Solicitor to determine whether the Federal Advisory Committee Act requires the chartering of an advisory committee. Consultation with the Office of the Solicitor will not be necessary when the Service meets with individuals, existing groups, or existing organizations simply to exchange views and information, or to solicit individual advice on proposed NPS actions.

(See Consultation 5.2.1. Also see Director's Order #75A: Civic Engagement and Public Involvement; NPS Guide to the Federal Advisory Committee Act)

2.3.1.5 Alternative Futures

Alternative futures for the park will be explored and assessed during general management planning and environmental analysis. Within the broad parameters of the park mission and purpose, various approaches to park resource preservation, use, and development may be possible, some of which may represent competing demands for the same resource base. The management plan will be the principal tool for generally resolving such issues. The range of alternatives will examine different combinations of management actions as well as life-cycle costs within the limits of laws, regulations, and policies governing national parks.

2.3.1.6 Environmental Analysis

The analysis of alternatives will meet the program standards for NPS implementation of the National Environmental Policy Act and related legislation, including the National Historic Preservation Act (NHPA). In most cases, an environmental impact statement (EIS) will be prepared for general management plans. In a few cases, the regional director, in consultation with the NPS Environmental Quality Division, through the Associate Director for Natural Resource Stewardship and Science, may approve an exception to this general rule if completion of scoping demonstrates that there is no public controversy concerning potential environmental effects, and when the initial analysis of alternatives clearly indicates there is no potential for significant impact by any alternative. Where NEPA and sections 106 and 110 of NHPA (16 USC 470f and 470h-2, respectively) apply, NEPA procedures will be used to inform the public about undertakings having the potential to affect properties listed on, or eligible for listing on, the National Register of Historic Places, consistent with the Advisory Council on Historic Preservation's regulatory

provisions governing coordination with NEPA and the NPS nationwide programmatic agreement on Section 106 compliance.

(See Evaluating Impacts on Natural Resources 4.1.3; Planning 5.2. Also see Director's Order #12: Conservation Planning and Environmental Impact Analysis)

2.3.1.7 Cooperative Planning

General management planning will be conducted as part of cooperative regional planning and ecosystem planning whenever possible. NPS participation in cooperative regional planning will be undertaken with the hope of better coordinating and focusing the independent and autonomous efforts of multiple parties. Service participation in such planning efforts will acknowledge the rights and interests of other landowners. While being consistent with NPS management policies and park goals, plans will identify and consider potential effects outside, as well as inside, park boundaries, and will identify ways to enhance beneficial effects and mitigate adverse effects.

2.3.1.8 Wild and Scenic Rivers

The Park Service has been charged by Congress to maintain an inventory of all rivers and river segments in the nation potentially eligible for inclusion in the national wild and scenic rivers system. As a part of that charge, the Service will compile a listing of all rivers and river segments in the national park system that it considers potentially eligible for the national wild and scenic rivers system. Rivers and river segments the Service considers eligible and proposes for listing on the Nationwide Rivers Inventory must be published in the *Federal Register*. A listing on the inventory, or a determination of eligibility, will not necessarily mean that the Service will seek designation, which requires Departmental approval and legislation. NPS plans potentially affecting these listed river resources will propose no actions that could adversely affect the values that qualify a river for the national wild and scenic rivers system. A decision concerning whether or not to seek designation will be initiated through a general management plan, or an amendment to an existing general management plan, or the legislative review process.

(See National Wild and Scenic Rivers System 4.3.4)

2.3.1.9 Alaska Park Units

General management plans for park system units in Alaska that were established or expanded by the Alaska National Interest Lands Conservation Act will address the provisions for conservation and management planning specified in section 1301 of that act (16 USC 3191).

2.3.1.10 Periodic Review of General Management Plans

General management plans will be reviewed regularly to ensure that they are current. GMP revisions are generally needed every 10 to 15 years but may be needed sooner if conditions change significantly, or longer if conditions remain substantially unchanged. Even in parks with strong traditions and established patterns of use and development, managers will be responsible for assessing whether resources are threatened with impairment, the visitor experience has been diminished, or the park's built environment is difficult to sustain.

Periodically reassessing the general management plan will give everyone with a major stake in the park an opportunity to revalidate the park's role in the nation and in the region, and to reevaluate whether the kinds of resource conditions and visitor experiences being pursued are the best possible mix for the future. An approved general management plan may be amended to address a single issue, or a limited number of issues, or area of the park, rather than preparing a whole new plan if conditions and management prescriptions governing most of the area covered by the existing plan remain substantially unchanged from those present when the plan was originally approved. Amendments to an existing general management plan will be accompanied by suitable NEPA analysis and public involvement.

(See Chapter 1: the Foundation; Chapter 3: Land Protection; Chapter 4: Natural Resource Management; Chapter 5: Cultural Resource Management; Chapter 6: Wilderness Stewardship; Chapter 8: Use of the Parks; Chapter 9: Park Facilities; Chapter 10: Commercial Visitor Services. Also see Director's Orders #2: Park Planning; and #12: Conservation Planning and Environmental Impact Analysis; #75A: Civic Engagement and Public Involvement)

2.3.2 Program Management Planning

Program management planning for a park provides a bridge between the broad direction provided in the general management plan and specific actions taken to achieve goals. These plans provide a comprehensive approach for a specific park program area across most or all of the park. Program management plans planning may include special emphasis plans, such as a park resource stewardship plan, a comprehensive interpretive plan, a land protection plan, a visitor use plan, a fire management plan, an asset management plan, or a wilderness stewardship plan. Integrated, interdisciplinary approaches to program planning are encouraged. Program management plans will provide comprehensive recommendations about specific actions needed to achieve and maintain the desired resource conditions and visitor experiences.

2.3.3 Strategic Planning

Strategic planning will be conducted for the National Park Service as a whole, and every park, program, and central office will be covered by a strategic plan. Strategic plans will address Servicewide and local outcomes, and will be recommended by the superintendent, approved by the regional director, and consistent with the Department's overall strategic plan. Strategic plans will contain the following elements:

- mission statement and purpose from the foundation document,
- long-term performance goals (with performance targets),
- a short description of the strategies chosen to accomplish the goals,
- a description of how the annual goals will relate to the long-term goals (if it is not obvious),
- an identification of the key external factors that could significantly affect achievement of the goals,
- a description of the core analysis used to establish or revise goals,

- a section that identifies the civic engagement strategy used to involve stakeholders and communities in the development of the strategic plan, and
- a list of those who developed the plan.

Because information in park strategic plans is used to compile Servicewide achievements, these plans must contain similar information.

2.3.3.1 Relationship between the Strategic Plan and the General Management Plan

The park's strategic plan will be consistent the Department of the Interior's strategic plan and with the general management plan, building on the foundation document. Parks that lack a current general management plan will work from their existing plans or an updated foundation document. A strategic plan is focused on a shorter time frame than a general management plan; targets more measurable results; and does not usually require the comprehensive resource analysis, consultation, and compliance required for a general management plan.

Should a park decide, through its strategic planning process, that a major shift in direction or emphasis is needed, the strategic plan will identify the need for a new general management plan, or a GMP amendment. Strategic plans may also identify the need for more detailed program management or implementation plans.

2.3.4 Implementation Planning

Implementation planning will focus on how to implement activities and projects needed to achieve the desired conditions identified in the general management plan and other planning documents. Implementation plans may deal with complex, technical, and sometimes controversial issues that often require a level of detail and thorough analysis beyond that appropriate for other planning documents.

Implementation plans may concentrate on individual projects or components of the general management plan, and may specify the techniques, disciplines, equipment, infrastructure, schedule, and funding necessary to accomplish outcomes.

Implementation plan details may vary widely, and may direct a finite project (such as reintroducing an extirpated species or developing a trail) or a continuous activity (such as maintaining a historic structure). Examples of implementation plan details include management plans for specific species and habitats, site designs, off-road-vehicle management plans, and interpretive media plans. Details will generally be deferred until the activity or project under consideration has attained sufficient priority to indicate that action will be taken within the next two to five years, and will then be included in an annual work plan. This will help ensure that decisions about how to best achieve a certain goal are relevant, timely, and based on current data.

Technical specialty teams under the direction of the program leader in the park (usually a division chief) or in the regional office will develop implementation plans, and the park superintendent will approve the plans.

Development of an implementation plan may overlap other planning efforts, if appropriate for the purposes of planning efficiency or public involvement. However, the decisions made for the general management plan will precede—and direct—more detailed decisions regarding projects and activities to accomplish goals. Major actions or commitments aimed at changing resource conditions or visitor use in a park, and major new development or rehabilitation, must be consistent with an approved general management plan. Even if they are conducted simultaneously, the general management plan and an implementation plan will be contained in separate documents.

2.3.4.1 Environmental Analysis

Any decisions calling for actions having the potential to significantly affect the environment or be controversial will require a formal analysis of alternatives, in compliance with the National Environmental Policy Act and related legislation, including the National Historic Preservation Act. Because many issues involving environmental quality and cultural resources will be resolved through implementation plans rather than general management plans; implementation plans will often tier off the general management plan's NEPA and NHPA section 106 processes.

(See Park Management 1.4; Chapter 3: Land Protection; Chapter 4: Natural Resource Management; Chapter 5: Cultural Resource Management; Chapter 6: Wilderness Stewardship; Chapter 8: Use of the Parks; Chapter 9: Park Facilities; Chapter 10: Commercial Visitor Services. Also see Director's Orders #2: Park Planning, and #12: Conservation Planning and Environmental Impact Analysis)

2.3.4.2 Annual Performance Planning and Reporting

Each park will prepare annual performance plans, articulating annual goals for each fiscal year, and annual performance reports, describing the progress made in meeting the annual goals. The development of the annual performance plan and report will be synchronized with NPS budget development.

CHAPTER 3: LAND PROTECTION

LAND PROTECTION
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CHAPTER 3: LAND PROTECTION

[Cover page summary statement.] The National Park Service will use all available authorities to protect lands and resources within units of the national park system, and will seek to acquire as promptly as possible nonfederal lands and interests in land that have been identified and approved for acquisition, consistent with Departmental land transaction and appraisal policies. When lands within a park unit's authorized boundaries are not federally owned, the Service will cooperate with federal agencies; tribal, state, and local governments; nonprofit organizations; and property owners to provide appropriate protection measures and to protect property rights. Cooperation with these entities will also be pursued, and other available land protection tools may be employed when threats to park resources originate outside boundaries.

3.1 General

A number of park units have nonfederally owned lands within their authorized boundaries. When nonfederal lands exist within park boundaries, acquisition of those lands and/or interests in those lands may be the best way to protect and manage natural and cultural resources or provide for public enjoyment. When acquisition is necessary and appropriate, the Service will acquire those lands and/or interests as promptly as possible consistent with Departmental land transaction and appraisal policies. Practical, cost-effective alternatives to fee-simple acquisition will be considered and pursued by the Service to advance protection and management goals.

The boundaries of most park units are not based strictly on ecological processes or other resource protection principles, and park units are increasingly subject to impacts from external sources. Examples include air and water pollution and the loss of scenic vistas, natural quiet, and wildlife habitat. To fulfill NPS protection responsibilities, strategies and actions beyond park boundaries may be necessary. External threats may be addressed by using available tools, such as gateway community planning and partnership arrangements; NPS educational programs; and participation in the planning processes of federal agencies and tribal, state, and local governments.

3.2 Land Protection Methods

The Service may employ a variety of different methods, as appropriate, for protecting park resources. These methods will be considered in the land protection planning process for each unit. Examples include

- cooperative approaches, such as cooperative agreements, participation in regional consortia, local planning and zoning processes, or other measures that do not involve federal acquisition of any interest in real property,

- acquisition of less-than-fee real property interests, such as easements or rights-of-way, and
- acquisition of fee-simple real property interest, possibly with arrangements for some rights to be reserved.

Fee-simple ownership (all of the rights associated with real property) whether exclusively by the Service or in partnership with others provides the greatest ability to protect and manage resources and provide for public use and enjoyment. Less-than-fee interests (some of the rights associated with real property) may in many instances be the most practicable and acceptable way to protect and manage resources. Less-than-fee interests do, however, require a federal commitment to monitor and enforce the Service's interest in the affected property. Acquisition of less-than-fee interests may be most appropriate in instances in which the Service needs only a specific interest in land, or in which it only needs to modify uses of the land in order to protect resources or values but full fee ownership is not required or possible.

Acquisition of fee-simple interests is an important and effective land protection method for lands within unit boundaries. The Service may employ, as appropriate, a broad strategy to protect land and resources, including innovative techniques, partnerships, participation in the planning and decision-making processes of other federal agencies, and vigilance at the regional and local levels of government, where nonfederal land use decisions are generally made.

Some park units created by Congress have been specifically authorized to continue historical or traditional activities such as farming, ranching, or low-density residential uses. Congress may also restrict the method of acquisition or prohibit acquisition without owner consent. In all cases, the Service will acquire the lands and/or interests in land only by the method or methods authorized.

When nonfederal land is identified for acquisition, the Service will make every reasonable effort to reach an agreement with the owner on the purchase price. All appraisals must conform to Departmental appraisal policies. If an agreement cannot be reached, the Service will take further steps in accordance with authorities and congressional directions that apply to the unit in question. Service policy is to acquire lands and interests in lands from willing sellers, and condemnation is generally considered only as a last resort. However, acquisition by condemnation is sometimes necessary to establish just compensation, to clear a title, or to prevent imminent damage or unacceptable threats to park resources and values.

(See Condemnation 3.8)

3.3 Land Protection Plans

Planning for the protection of park lands will be integrated into the planning process for park management. Land protection plans (LPPs) should be prepared to determine and publicly document all nonfederal lands within a park unit, the minimum interest in land

that needs to be in public ownership, and the relative priority for acquiring that interest. These plans will be prepared for each unit of the national park system containing nonfederal land or interests in land within its authorized boundary. A thorough review of a park's authorizing statutes and complete legislative history will be conducted as part of the land protection planning process.

Land acquisition priorities will be guided by a park unit's land protection plan. Superintendents will ensure that land protection plans are developed, and periodically reviewed and updated as necessary, to identify what land or interests in land would facilitate achieving park purposes. These purposes and the desired conditions for resources and visitor experiences are normally defined in the park's general management plan. Strategic plans define what results can be accomplished in the foreseeable future—usually a five-year period. Land protection plans will be coordinated with general management plans, strategic plans, and other plans for resource management and visitor use. Decisions about acquisition within park boundaries will consider the relationship between the park and its adjacent lands. Superintendents have the responsibility to be aware of uses or activities that are planned for lands around the park that may have impacts on park resources and opportunities for visitor enjoyment.

A land protection plan should be as simple and concise as possible; it should document (1) what lands or interests in land would advance park purposes and benefit the public through public ownership, (2) what means of protection are available to achieve park purposes as established by Congress, (3) the protection methods and funds that will be sought or applied to protect resources and to provide for visitor use and/or park facility development, and (4) acquisition priorities. Historic structures and objects on the land under consideration within the land protection plan will be evaluated for their relevance to the park mission and the scope of the park museum collection. The land protection plan will specify those structures and objects that benefit the public through public ownership, and identify the appropriate sources of funding. Personal property not identified for acquisition should be removed by the property owner before acquisition. For acquisition of water rights, see chapter 4, section 4.6.2.

When appropriate, the land protection plan may serve as a vehicle for addressing land protection issues external to a park's boundaries. When external impacts or opportunities are addressed, plans will clearly distinguish between the authorities related to land acquisition and the authorities for the Service to cooperate with other entities beyond the park boundary.

3.4 Cooperative Conservation

External threats may originate with proposed uses outside a park that may adversely impact park resources or values. Superintendents should therefore be aware of and monitor land use proposals and changes to adjacent lands, and their potential impacts. Superintendents will also encourage compatible adjacent land uses to avoid or to mitigate potential adverse effects. Superintendents will make their concerns known, and, when

appropriate, actively participate in the planning and regulatory processes of neighboring jurisdictions, including other federal, tribal, state, and local governments.

In working cooperatively with surrounding landowners and managers, a superintendent might, for example, comment on potential zoning changes for proposed development projects, or brief the public and officials about park resources and related studies that are relevant to proposed zoning or other changes. Superintendents should, whenever possible, work cooperatively and communicate their concerns as early as possible in the process in such a manner as will minimize potential conflict. Superintendents should seek advice from the appropriate NPS program managers and the Solicitor's Office when dealing with complicated external land protection issues and threats, especially those with potential Servicewide controversy or consequences.

Superintendents should be aware of and monitor state government programs and activities for managing state-owned submerged lands and resources within NPS units. When there is potential for such programs or activities to adversely impact park resources or values, superintendents will make their concerns known to appropriate state governmental officials, and encourage compatible land uses that avoid or mitigate potential adverse impacts. When federal acquisition of state-owned submerged lands and resources within NPS units is not appropriate or feasible, the Park Service will seek to enter into cooperative agreements with state governments to ensure the adequate protection of park resources and values.

In some cases—such as air or water pollution—the source of a significant threat may be far removed from the park's boundaries. In such cases, the Service will coordinate at the regional or national level in making its concerns known, and in seeking a remedy to the problem. Threats to parks from external sources should be identified and addressed in the general management plan or in other planning documents. The result will be enhanced public awareness of the far-reaching impacts of these threats, and an increased likelihood of remedial actions by those who are responsible.

(See External Threats to Park Resources and Values 1.5; Evaluating Environmental Impacts 4.1.3; Partnerships 4.1.4; Biological Resource Management 4.4; Removal of Exotic Species Already Present 4.4.4.2; Water Resource Management 4.6; Air Resource Management 4.7; Geologic Resource Management 4.8; Soundscape Management 4.9; Lightscape Management 4.10; Stewardship 5.3. Also see Director's Order #25: Land Protection, and Reference Manual 25; Director's Order #75A: Civic Engagement and Public Involvement)

3.5 Boundary Adjustments

The boundary of a national park may be modified only as authorized by law. For many parks, such statutory authority is included in the enabling legislation or subsequent legislation specifically authorizing a boundary revision. Where park specific authority is not available, the Land and Water Conservation Fund (LWCF) Act of 1965, as amended, provides an additional, but limited, authority to adjust boundaries.

The act provides for boundary adjustments that essentially fall into three distinct categories: (1) technical revisions; (2) minor revisions based upon statutorily defined criteria; and (3) revisions to include adjacent real property acquired by donation, purchased with donated funds, transferred from any other federal agency, or obtained by exchange. Adjacent real property is considered to be land located contiguous to but outside the boundary of a national park system unit.

As part of the planning process, the Park Service will identify and evaluate boundary adjustments that will facilitate achieving the purposes of the park unit. Boundary adjustments may be recommended to

- protect significant resources and values, or to enhance opportunities for public enjoyment related to park purposes,
- address operational and management issues, such as the need for access or the need for boundaries to correspond to logical boundary delineations such as topographic or other natural features or roads, or
- otherwise protect park resources that are critical to fulfilling park purposes.

If the acquisition will be made using appropriated funds, and is not merely a technical boundary revision, the criteria set forth by Congress at 16 USC 460l-9(c)(2) must be met. All recommendations for boundary changes must meet the following two criteria.

- The added lands will be feasible to administer, considering their size, configuration, and ownership, hazardous substances, costs, the views of and impacts on local communities and surrounding jurisdictions, and other factors such as the presence of exotic species.
- Other alternatives for management and resource protection are not adequate.

These criteria apply conversely to recommendations for the deletion of lands from the authorized boundaries of a park unit. For example, before recommending the deletion of land from a park boundary, a finding would have to be made that the land did not include a significant resource, value, or opportunity for public enjoyment related to the purposes of the park. Full consideration should be given to present and future park needs before a recommendation is made to delete lands from the authorized boundaries of a park unit. Actions consisting solely of deletions of land from existing park boundaries require an act of Congress.

3.6 Land Acquisition Authority

The National Park Service acquires lands or interests in land within parks when authorized to do so by an act of Congress or by presidential proclamation. Although acquisition outside authorized boundaries is generally prohibited, certain statutes provide limited systemwide authority for minor boundary changes and the acceptance of donated lands adjacent to a park's boundaries. There is no single statute authorizing land acquisition. There are, however, several laws that provide limited acquisition authority that is applicable systemwide. For most parks, acquisition authority is provided by

statutes specific to the park. The Service land acquisition process and land protection planning process will comply with all applicable legislation, congressional guidelines, executive orders, and Department of the Interior policies. For delegations of authority for land acquisition, see Director's Order #25: Land Protection.

3.7 Land Acquisition Funding

When the acquisition of lands and/or interests in lands within a park boundary is necessary, the Park Service will consider acquisition by: purchase with appropriated or donated funds; exchange; donation; bargain sale; transfer or withdrawal from public domain; or in limited circumstances condemnation. Funding for land acquisition within the national park system is derived primarily from the Land and Water Conservation Fund (LWCF). LWCF monies are restricted to uses associated with the acquisition of land and/or interests in land within the authorized boundaries of NPS units. As outlined in Department of the Interior policy, the federal portion of LWCF monies will be used to acquire the lands, waters, and interests therein necessary to achieve the Service's natural, cultural, wildlife, and recreation management objectives. To implement this policy, the fund will be used in accordance with management objectives for each park unit based on the NPS mission and congressional mandates, and with an analysis of long-range goals for resource protection, safe public access, and park management. As further required by Departmental policy, the Park Service will, to the extent consistent with statutory authorities,

- use to the maximum extent practical, cost-effective alternatives to the direct federal purchase of privately owned lands, and, when acquisition is necessary, acquire or retain only the minimum interests determined by park officials to be necessary to meet management objectives,
- cooperate with landowners, other federal agencies, tribal, state, and local governments, and the private sector to manage land for public use or protect it for resource conservation, and
- formulate, or revise as necessary, land protection plans.

3.8 Condemnation

As a general principle, and consistent with Congressional direction, condemnation is the least desirable tool for the Service to use for land acquisition.

It is the Service's goal to acquire lands or interests in lands through a cooperative negotiation process with a willing seller. Under certain circumstances, however, condemnation may be necessary. "Friendly" condemnations with willing sellers may be appropriate to ensure that the United States acquires clear title to the property in question, or to enable a court to determine the fair market value to be paid for the property. If there is no willing seller, and it is determined that other acquisition means will not be successful, consistent with any restrictions applicable to that park unit, the Service, with the approval of the Director and other approvals as required (e.g., by the Department of

the Interior or Congress) may pursue condemnation proceedings to acquire the property or interests therein.

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CHAPTER 4: NATURAL RESOURCE MANAGEMENT

[wording for introductory page:] The National Park Service will preserve the natural resources, processes, systems, and associated values of units of the national park system in an unimpaired condition, strive to perpetuate their inherent integrity, and provide present and future generations with the opportunity to enjoy them.

The National Park Service will strive to understand, maintain, restore, and protect the inherent integrity of the natural resources, processes, systems, and associated values of the parks, as well as the opportunity to enjoy them. The Park Service recognizes that natural processes and species are dynamic and will continue to evolve. The natural resources, processes, systems, and values that the Service conserves are described generally in the 1916 NPS Organic Act and in the enabling legislation or presidential proclamation establishing each park. They are described in greater detail in management plans specific to each park. Natural resources, processes, systems, and values found in parks include

- physical resources such as water, air, soils, sound, topographic features, geologic features, and paleontological resources
- physical processes such as weather, erosion, cave formation, and wildland fire
- biological resources such as native plant and animal communities
- biological processes such as photosynthesis, plant and animal community succession, pollination, evolution, population dynamics, and predator/prey relationships
- ecosystems
- associated characteristics such as scenic views, clear skies and natural soundscapes

In this chapter, natural resources, processes, systems, and values are all included in the term “natural resources.” The term “natural condition” is used here to describe the condition of resources that would occur in the absence of human dominance over the landscape but not necessarily the absence of humans.

The Service manages the natural resources of parks to maintain them in an unimpaired condition for present and future generations in accordance with NPS-specific statutes, including the NPS Organic Act and the National Parks Omnibus Management Act of 1998; general environmental laws such as the Clean Air Act, the Clean Water Act, the Endangered Species Act, the National Environmental Policy Act, and the Wilderness Act; executive orders; and applicable regulations.

Activities that take place outside park boundaries and that are not managed by the Service sometimes have profound effects on the Service’s ability to protect natural resources inside parks. The Service will act to protect natural resources from impacts caused by external activities and to identify and achieve broad natural resource goals by working

cooperatively with federal, state, and local agencies; Native American authorities; user groups; adjacent landowners; and others. This, and fostering both formal and informal lines of communication, will help the Service better achieve park management objectives and the conservation of park natural resources.

(See Park Management 1.4; External Threats and Opportunities 1.5; Partnerships 4.1.4)

4.1 General Management Concepts

As explained in chapter 1 of these *Management Policies*, preserving park resources and values unimpaired is the overarching responsibility of NPS managers. The Service cannot conduct or allow activities in parks that would impact park resources and values to a level that would constitute impairment. To comply with this mandate, park managers must determine in writing whether proposed activities in parks would impair natural resources. Park managers must also take action to ensure that ongoing NPS activities do not cause the impairment of park natural resources. In cases of uncertainty as to the impacts of activities on park natural resources, the Service will protect the natural resources and will strive to reduce such uncertainty by facilitating and building a science-based understanding of park resources and the nature and extent of the impacts involved.

Natural resources will be managed to preserve fundamental physical and biological processes, as well as individual species, features, and plant and animal communities. The Park Service will not attempt to solely preserve individual species (except threatened or endangered species) or individual natural processes. Rather, it will try to maintain all the components and processes of natural park ecosystems, including the naturally dynamic abundance, diversity, and genetic and ecological integrity of the plant and animal species native to those ecosystems. Just as all components of a natural system will be recognized as important, natural change will also be recognized as an integral part of the functioning of natural systems. By preserving these natural components and processes in their natural condition, the Service will prevent resource degradation, and therefore avoid any subsequent need for resource restoration. In managing parks to preserve naturally evolving ecosystems, and in accordance with requirements of the National Parks Omnibus Management Act of 1998, the Service will use the findings of science and the analyses of scientifically trained resource specialists in decision making.

Park units with significant natural resources range in size from a few to millions of acres, and from urban to remote settings. As integral parts of a national park *system*, these park units individually and cumulatively contribute to America's natural heritage and provide the places where that heritage can be better understood and enjoyed.

Science has demonstrated that few, if any, park units can fully realize or maintain their physical and biological integrity if managed as biogeographic islands. Instead, they must be managed in the context of their larger ecosystems. The ecosystem contexts for some species and processes may be relatively small, while for others they are vast. In any case, superintendents face the challenge of placing each of the resources they protect in their

appropriate ecosystem context and then working with all involved, interested, and affected parties to advance their conservation and avoid adverse impacts on these resources.

Superintendents must be mindful of the setting in which they undertake the protection of park resources. The practicability of achieving a virtually natural soundscape may be quite reasonable at a park unit in a remote setting, but the same may not be true at a popular roadside viewpoint in the same park unit, or at a park unit in a more urban locale. Similarly, the restoration and maintenance of natural fire regimes can advance more rapidly and on a larger landscape scale in wilderness areas, where considerations for public safety and the protection of private property and physical developments can usually be readily addressed, than it can in more developed and highly visited locations where the same considerations can be extremely complicated. The goal of protecting natural resources and values while providing for their enjoyment remains the same in all cases except to the extent that Congress has directly and specifically provided otherwise. However, the degree to which it can practicably be achieved will vary, reflecting factors such as size, existing conditions, surrounding land uses, availability of resources, and management priorities. The Park Service will determine the degree of practicability for each park through the planning process.

The Service will not intervene in natural biological or physical processes, except

- when directed by Congress,
- in emergencies in which human life and property are at stake,
- to restore, where practicable, natural ecosystem functioning that has been disrupted by past or ongoing human activities,
- when necessary to provide for appropriate visitor enjoyment so long as the intervention does not lead to unacceptable adverse impacts, or
- when a park plan has identified the intervention as necessary to protect other park resources or facilities.

Any such intervention will be kept to the minimum necessary to achieve the stated management objectives.

Natural systems in the national park system, and the human influences upon them, will be monitored to detect change. The Park Service will use the results of monitoring and research to understand the detected change. Appropriate management actions will be developed when a change could result in unacceptable adverse impacts to resources.

Biological or physical processes altered in the past by human activities may need to be actively managed to restore them to a natural condition or to maintain the closest approximation of the natural condition in situations in which a truly natural system is no longer attainable. Prescribed burning and the control of ungulates when predators have been extirpated are two examples where active management may be necessary. The extent and degree of management actions taken to protect or restore park ecosystems or their components will be based on clearly articulated and well-supported management objectives and the best scientific information available.

In some situations, an area may be closed to visitor use to protect the natural resources (for example, during an animal breeding season) or for reasons of public safety (for example, during a wildland fire). Such closures may be accomplished under the superintendent's discretionary authority, and will comply with applicable regulations (36 *Code of Federal Regulations* 1.5 and 1.7 or 36 CFR 1.5 and 1.7).

(See The Prohibition on Impairment of Park Resources and Values 1.4.4; General Management Planning 2.3.1; Facility Planning and Design 9.1.1)

4.1.1 Planning for Natural Resource Management

Each park with a significant natural resource base will prepare and periodically update a long-range (with at least one to two decades in view) comprehensive strategy for natural resource management. This long-range strategy will describe the comprehensive program of activities needed to achieve the desired future conditions for the park's natural resources. It will integrate the best available science, and will prescribe activities such as inventories, research, monitoring, restoration, mitigation, protection, education, and management of resource uses. The strategy will also describe the natural-resource-related activities needed to achieve desired future conditions for cultural resources (such as historic landscapes) and visitor enjoyment.

Similarly, planning for park operations, development, and management activities that might affect natural resources will be guided by high-quality, scientifically acceptable information, data, and impact assessment. Where existing information is inadequate, the collection of new information and data may be required prior to decision making. Long-term research or monitoring may also be necessary to correctly understand the effects of management actions on natural resources whose function and significance are not clearly understood.

(See Decision- making Requirements to Avoid Impairments 1.4.7; General Management Planning 2.3.1; Land Protection Plans 3.3; Cultural Landscapes 5.3.5.2; Chapter 8: Use of the Parks; NPS- conducted or NPS–sponsored Inventory, Monitoring, and Research Studies 4.2.1; Chapter 9: Park Facilities)

4.1.2 Natural Resource Information

Information about natural resources that is collected and developed will be maintained in perpetuity. All forms of information collected through inventorying, monitoring, research, assessment, traditional knowledge, and management actions will be managed to professional and NPS archival and library standards.

Most information about park natural resources will be made broadly available to park employees, the scientific community, and the public. Pursuant to provisions of the National Parks Omnibus Management Act, the Park Service will withhold information about the nature and specific location of sensitive park natural resources—specifically mineral, paleontological, endangered, threatened, rare, or commercially valuable resources—unless the Service determines, in writing, that disclosure of the information would further the

purposes of the park, would not create an unreasonable risk of harm, theft, or destruction of resources, and would be consistent with other applicable laws.

Under the Freedom of Information Act (FOIA), the Park Service may be able to withhold sensitive natural resource data and information used in ongoing law enforcement investigations or subject to national security clearance classification. The Service may be able to withhold data provided through interim project reporting, pending the completion of relevant projects and the receipt of final project reports, if the release of information will cause foreseeable harm to the interests of the Park Service. The conditions under which data will be withheld should be specified in approved scientific research and collecting permits and associated research proposals. Information that is made available to the public (that is, not withheld under the Freedom of Information Act or other laws) will remain searchable and accessible under the professional and NPS archival and library standards.

(See Information Confidentiality 1.7.1.3; Confidentiality 5.2.3. Also see Director's Order #66: FOIA and Protected Resource Information; Museum Handbook 24-Part II)

4.1.3 Evaluating Impacts on Natural Resources

Planning, environmental evaluation, and public involvement regarding management actions that may affect the natural resources of the national park system are essential for carrying out the Service's responsibilities to present and future generations. The Service will ensure that the environmental costs and benefits of proposed operations, development, and resource management are fully and openly evaluated before taking actions that may impact the natural resources of the parks. This evaluation must include appropriate participation by the public; the application of scholarly, scientific, and technical information in the planning, evaluation, and decision-making processes; the use of NPS knowledge and expertise through interdisciplinary teams and processes; and the incorporation of mitigation measures, pollution prevention techniques, and other principles of sustainable park management.

Every environmental assessment and environmental impact statement produced by the Service will include an analysis of whether the impacts of a proposed activity constitute impairment of park natural resources and values. Every finding of no significant impact, record of decision, and National Historic Preservation Act Section 106 memorandum of agreement signed by the Park Service will contain a discrete certification that the impacts of the proposed activity will not impair park natural resources and values.

(See Park Management 1.4; Implementation Planning 2.3.3; NPS-conducted or -sponsored Inventory, Monitoring, and Research Studies 4.2.1. Also see Director's Order #12: Conservation Planning and Environmental Impact Analysis)

4.1.4 Partnerships

The Service will pursue opportunities to improve natural resource management within parks and across administrative boundaries through cooperation, communication, and consultation with public agencies, appropriate Native American representatives, and private landowners. The Service recognizes that cooperation with other land managers can

accomplish ecosystem stability and other resource management objectives when the best efforts of a single manager might fail. Therefore, the Service will develop agreements, consistent with federal law, Departmental, and NPS policies with federal, tribal, state, and local governments and organizations, and private landowners, when appropriate, to coordinate plant, animal, water, and other natural resource management activities in ways that maintain and protect, not compromise, park resources and values. Such cooperation may include park restoration activities, research on park natural resources, and the management of species harvested in parks. Such cooperation also may involve coordinating management activities in two or more separate areas, integrating management practices to reduce conflicts, coordinating research, sharing data and expertise, exchanging native biological resources for species management or ecosystem restoration purposes, establishing native wildlife corridors, and providing essential habitats adjacent to, or across, park boundaries.

In addition, to minimize the impacts of influences originating outside parks, the Park Service will seek the cooperation of others in controlling noise and artificial lighting, maintaining water quality and quantity, eliminating toxic substances, preserving scenic views, improving air quality, preserving wetlands, protecting threatened or endangered species, eliminating exotic species, managing the use of pesticides, protecting shoreline processes, managing fires, managing boundary influences, and in using other means of conserving and protecting natural resources.

(See Cooperative Conservation Beyond Park Boundaries 1.5; Partnerships 1.9; Addressing Threats from External Sources 3.4; Agreements 5.2.2. Also see Director's Order #75A: Civic Engagement and Public Involvement)

4.1.5 Restoration of Natural Systems

The Service will reestablish natural functions and processes in unnaturally disturbed components of natural systems in parks when practicable unless otherwise directed by Congress. Landscapes disturbed by natural phenomena, such as landslides, earthquakes, floods, hurricanes, tornadoes, and fires, will be allowed to recover naturally unless manipulation is necessary to protect other park resources, developments, or visitor safety. Potential impacts to natural systems resulting from human disturbances include the introduction of exotic species; the contamination of air, water, and soil; changes to hydrologic patterns and sediment transport; the acceleration of erosion and sedimentation; and the disruption of natural processes. When practicable the Park Service will seek to return human-disturbed areas to the natural conditions and processes characteristic of the ecological zone in which the damaged resources are situated. The Service will use the best available technology, within available resources, to restore the biological and physical components of these systems, accelerating both their recovery and the recovery of landscape and biological community structure and function. Efforts may include, for example,

- removal of exotic species
- removal of contaminants and non-historic structures or facilities

- restoration of abandoned mineral lands, abandoned or unauthorized roads, areas overgrazed by domestic animals, or disrupted natural waterways and/or shoreline processes
- restoration of areas disturbed by NPS administrative, management, or development activities (such as hazard tree removal, construction, or sand and gravel extraction) or by public use
- restoration of natural soundscapes
- restoration of native plants and animals

When park development is damaged or destroyed and replacement is necessary, the development will be replaced or relocated to promote the restoration of natural resources and processes whenever practicable. If possible, these developments will be relocated in areas less prone to future damage.

(See Decision- making Requirements to Avoid Impairments 1.4.7; Restoration of Native Plant and Animal Species 4.4.2.2; Management of Natural Landscapes 4.4.2.4; Siting Facilities to Avoid Natural Hazards 9.1.1.6. Also see Director's Order #18: Wildland fire Management)

4.1.6 Compensation for Injuries to Natural Resources

The Park Service will take all steps necessary to protect and restore natural resources and the environmental benefits they provide when actions of another party cause the destruction or loss of, or injury to, park resources or values.

Pursuant to the National Park System Resource Protection Act, the Service will

- determine the injury caused to natural resources, assess all appropriate damages, and monitor damages
- seek to recover all appropriate costs associated with responses to such actions, and the costs of assessing resource damages, including the direct costs of response, restoration, and monitoring activities
- use all sums recovered in compensation for resource injuries to restore, replace, or acquire the equivalent of the resources that were the subject of the action

(See Compensation for Damages 5.3.1.3. Also see Director's Order #14 Resource Damage Assessment and Restoration)

4.2 Studies and Collections

The Service will encourage appropriately reviewed natural resource studies whenever such studies are consistent with applicable laws and policies. These studies support the NPS mission by providing the Service, the scientific community, and the public with an understanding of park resources, processes, values, and uses that will be cumulative and constantly refined. This approach will provide a scientific and scholarly basis for park planning, development, operations, management, education, and interpretive activities.

The term "studies," as used here, means short- or long-term scientific or scholarly investigations or educational activities that may involve natural resource surveys, inventories, monitoring, and research, including data and specimen collection. Studies include projects conducted by researchers and scholars in universities, foundations and other institutions, tribal colleges and organizations, other federal and state agencies, and NPS staff. The data and information acquired through studies conducted in parks will be made publicly available, consistent with section 4.1.2.

The Park Service will promote cooperative relationships with educational and scientific institutions and qualified individuals offering expertise that can assist the Service in obtaining information, and when the opportunity for research and study in the parks offers the cooperators a significant benefit to their programs. NPS facilities and assistance may be made available to qualified cooperators who are conducting NPS-authorized studies.

Studies in parks will be preceded by (1) an approved scope of work, proposal, or other detailed written description of the work to be performed; and (2) a written statement of environmental and cultural resource compliance appropriate to the proposed methodology and study site. All studies in parks will employ nondestructive methods to the maximum extent feasible with respect to resource conservation, research methodology, and the scientific and management value of the information and collections to be obtained. Although studies involving physical impacts on park resources or the removal of objects or specimens may be permitted, studies and collecting activities that will lead to the impairment of park resources and values are prohibited.

Scientific natural resource collecting activities are governed by 36 CFR 2.5. A very limited number of other types of natural resource collecting are governed by 36 CFR 2.1. In most cases, only small quantities may be collected. The repeated collection of materials to ensure a continuing source of supply for research or propagation is prohibited, unless the proposed activity clearly requires repeated collection, as might be the case with a monitoring or park restoration program and when these activities will not lead to unacceptable adverse impacts on park resources and values.

(See Decision-making Requirements to Avoid Impairments 1.4.7; Managing Information 1.7.1; Research 5.1; Resource Access and Use 5.3.5.3.1; Collecting Natural Products 8.8; Consumptive Uses 8.9; Social Science Studies 8.11. Also see Director's Order #74: Studies and Collecting; Director's Order #78: Social Science)

4.2.1 NPS-conducted or -sponsored Inventory, Monitoring, and Research Studies

The Park Service will

- identify, acquire, and interpret needed inventory, monitoring, and research, including applicable traditional knowledge, to obtain information and data that will help park managers accomplish park management objectives provided for in law and planning documents

- define, assemble, and synthesize comprehensive baseline inventory data describing the natural resources under its stewardship, and identify the processes that influence those resources
- use qualitative and quantitative techniques to monitor key aspects of resources and processes at regular intervals
- analyze the resulting information to detect or predict changes, including interrelationships with visitor carrying capacities, that may require management intervention, and to provide reference points for comparison with other environments and time frames
- use the resulting information to maintain—and, where practicable, restore—the integrity of natural systems

The Service may support studies to (among other things)

- ensure a systematic, current, and fully adequate park information base
- provide a sound basis for policy, guidelines, and management actions
- develop effective strategies, methods, and technologies to restore disturbed resources, and to predict, avoid, or minimize adverse impacts on natural and cultural resources, and on visitors and related activities
- ensure that plans and actions reflect contemporary knowledge about the natural and cultural context of special natural areas, cultural landscapes, and natural resources having traditional cultural meaning and value to associated human groups
- determine the causes and potential resolution of natural resource management problems
- understand the ceremonial and traditional resource management practices of Native American tribes, subsistence uses by rural Alaska residents, and traditional uses by groups with demonstrated ties to particular natural resources of parks
- further understand park ecosystems and related human social systems, including visitors and gateway communities, and document their components, condition, and significance
- ensure that the interpretation of the natural resources and issues of parks reflects current standards of scholarship relating to the history, cultural context, science, and condition of the resources

Superintendents may authorize NPS staff to carry out routine inventory, monitoring, study, and related duties without requiring an NPS scientific research and collecting permit. With or without an NPS permit, NPS staff will comply appropriately with professional standards and with general and park-specific research and collecting permit conditions. All research and data and specimen collection conducted by NPS employees will be appropriately documented and carried out in accordance with all laws, regulations, policies, and professional standards pertaining to survey, inventory, monitoring, and research. NPS staff will be expected to make their findings available to the public, such as by publication in professional journals or presentation in interpretive programs.

Park inventory, monitoring, and research needs and specific research objectives will be identified in the appropriate management plans for each park, or in park, regional, or Servicewide program plans.

(See Decision-making Requirements to Avoid Impairments 1.4.7; Natural Resource Information 4.1.2; Restoration of Natural Systems 4.1.5; Weather and Climate 4.7.2; Miscellaneous Management Facilities 9.4.5)

4.2.2 Independent Studies

Non-NPS studies conducted in parks are not required to address specifically identified NPS management issues or information needs. However, these studies, including data and specimen collection, require an NPS scientific research and collecting permit. The studies must conform to NPS policies and guidelines regarding the collection and publication of data, the conduct of studies, wilderness restrictions, and park-specific requirements identified in the terms and conditions of the permit. Projects will be administered and conducted only by fully qualified personnel, and will conform to current standards of scholarship. Service scientific research and collecting permits may include requirements that permittees provide for parks, within agreed-upon time frames, copies of appropriate field notes, cataloging and other data, information about the data, progress reports, interim and final reports, and publications derived from the permitted activities.

(See Independent Research 5.1.2)

4.2.3 Natural Resource Collections

Natural resource collections include nonliving and living specimens. Guidance for collecting and managing specimens and associated field records can be found in 36 CFR 2.5 and NPS guidance documents, including the museum handbook. Nonliving specimens and their associated field records are managed as museum collections. Living collections will be managed in accordance with the provisions of a park's management plan, the Animal Welfare Act, and other appropriate requirements.

Field data, objects, specimens, and features obtained for preservation during inventory, monitoring, research, and study projects, together with associated records and reports, will be managed over the long term within the Park Service's museum collection program. Specimens that are not authorized for consumptive analysis will be labeled and cataloged into an appropriate cataloging system in accordance with applicable regulations (36 CFR 2.5).

(See Paleontological Resources and Their Contexts 4.8.2.1; Collecting Natural Products 8.8; Consumptive Uses 8.9; Natural and Cultural Studies, Research, and Collection Activities 8.10; Social Science Studies 8.11. Also see Director's Order #24: Museum Management)

4.2.4 Collection Associated with the Development of Commercial Products

Extractive use of park resources for commercial purposes is prohibited except when specifically authorized by law or in the exercise of valid existing rights.

Research, including the collection of nonliving or living material or parts thereof, that is intended to support investigations that may lead to the development of commercial products is an authorized activity that currently is not being implemented. Such research and collecting may be permitted only in limited circumstances and managed under appropriate federal authority. Should a decision be made to implement this authority, permits for such research and collecting will be issued only after the applicant has signed a benefit sharing agreement—such as a cooperative research and development agreement—to provide equitable benefit sharing to the park research and resource management effort. Should any process be implemented to permit research and collecting associated with development of commercial products and to require entering into a benefit sharing agreement, it will be done in accordance with policy guidance contained in Director's Order #77-6, and following completion of appropriate NEPA compliance.

(Also see Director's Order #74: Studies and Collecting; and Director's Order #77-6: Cooperative Research and Development Agreements)

4.3 Special Designations

The Park Service recognizes that special designation labels apply to parts or all of some parks to highlight the additional management considerations that those designated areas warrant. These labels include Research Natural Area, Experimental Research Area, Wilderness Area, National Wild and Scenic River, National Natural Landmark, Biosphere Reserve, and World Heritage Site. These designations do not reduce the Service's authority for managing the parks, although in some cases they may create additional management requirements or considerations.

4.3.1 Research Natural Areas

Research Natural Areas contain prime examples of natural resources and processes, including significant genetic resources, that have value for long-term observational studies or as control areas for manipulative research taking place outside the parks. Superintendents recommend areas of parks to their regional director, who is authorized to designate them as Research Natural Areas when such a designation does not unacceptably impact the values and purposes of the park. Superintendents cooperate with other federal land managers in identifying park sites for designation, and in planning research and educational activities for this interagency program.

Activities in Research Natural Areas generally will be restricted to nonmanipulative research, education, and other activities that will not detract from an area's research values.

4.3.2 Experimental Research Areas

Experimental Research Areas are specific tracts that are set aside and managed for approved manipulative research. Manipulative research is defined as research in which conscious alteration of existing conditions is part of the experiment. The limited situations that may warrant establishment of Experimental Research Areas are identified in the *Natural Resources Reference Manual 77*. Superintendents recommend areas of the park to their regional director, who is authorized to designate them as Experimental Research

Areas when such a designation does not unacceptably impact the values and purposes of the park.

4.3.3 Wilderness Areas

See chapter 6.

4.3.4 National Wild and Scenic Rivers System

Parks containing one or more river segments listed in the national rivers inventory maintained by the National Park Service, or that have characteristics that might make them eligible for the National Wild and Scenic Rivers System, will comply with section 5(d)(1) of the Wild and Scenic Rivers Act, which instructs each federal agency to assess whether those rivers are suitable for inclusion in the system. Such assessments, and any resulting management requirements, may be incorporated into a park's general management plan or other management plan. No management actions will be taken that could adversely affect the values that qualify a river for inclusion in the National Wild and Scenic Rivers System.

(See Wild and Scenic Rivers 2.3.10. Also see Wild and Scenic Rivers Act)

4.3.5 National Natural Landmarks

Park sites that are among the best examples of a type of biotic community or geological feature in its physiographic province may be nominated to the Secretary of the Interior for inclusion in the National Registry of Natural Landmarks. As the agency responsible for maintaining the registry, the Park Service has developed criteria for eligibility (36 CFR Part 62).

4.3.6 Biosphere Reserves

Biosphere Reserves are sites that are part of a worldwide network of natural reserves recognized for their roles in conserving genetic resources; facilitating long-term research and monitoring; and encouraging education, training, and the demonstration of sustainable resource use. A Biosphere Reserve is usually representative of a biogeographic province.

With the approval of the NPS Director, parks may be nominated for recognition as Biosphere Reserves, or as constituents of Biosphere Reserves. Specific guidance for recognition is provided by the United States Man and Biosphere (MAB) program based on the general guidance of the United Nations Education, Scientific, and Cultural Organization. Working within the MAB program, the Service may assist in determining the suitability and feasibility of including parks in Biosphere Reserves, may participate in research and educational activities, and may furnish information on its Biosphere Reserves for inclusion in domestic and international information systems when such a designation does not unacceptably impact the values and purposes of the park.

The designation of park lands as Biosphere Reserves, or as constituents of Biosphere Reserves, does not alter the purposes for which the parks were established, change the management requirements, or reduce NPS jurisdiction over parks. To the extent practicable, superintendents of parks that are recognized as Biosphere Reserves will incorporate biosphere reserve objectives that are consistent with statutes, regulations and

also incorporate these policies into general management plans, implementation plans, action plans, and park interpretive programs. Superintendents will pursue opportunities to use the biosphere reserve designation as a framework for local, regional, and international cooperation when such a designation does not unacceptably impact the values and purposes of the park.

4.3.7 World Heritage Sites

Parks containing natural features believed to possess outstanding universal value to humanity may qualify for placement on the World Heritage List under criteria described in the World Heritage Committee Operational Guidelines and in accordance with the World Heritage Convention. Before they can be nominated, all such properties must be assessed according to World Heritage criteria, and before the United States can submit a nomination to the World Heritage Committee, the site must first be included on the U.S. Tentative List of Potential Future World Heritage Nominations.

Any park superintendent who believes that part or all of the park they manage should be considered for inscription on the World Heritage List must consult with the NPS Office of International Affairs, the NPS Director, and the Department before proceeding. U.S. recommendations are approved by an interagency panel chaired by the Assistant Secretary for Fish and Wildlife and Parks, based on criteria promulgated by the World Heritage Committee. These criteria and the rules for U.S. participation in the Convention Concerning the World Cultural and Natural Heritage are published in 36 CFR Part 73.

Once an area is designated a world heritage site, the Park Service will recognize the designation in public information and interpretive programs. Where appropriate, park superintendents should use the park's World Heritage status as a platform to promote sustainable tourism. Designation as a World Heritage Site will not alter the purposes for which the park was established, change the management requirements, reduce NPS jurisdiction over the park, or otherwise cause unacceptable impacts to park values and purposes.

(See World Heritage List Designation 5.1.3.2.3)

4.4 Biological Resource Management

4.4.1 General Principles for Managing Biological Resources

The National Park Service will maintain as parts of the natural ecosystems of parks all native plants and animals. The term “plants and animals” refers to all of the commonly recognized kingdoms of living things and includes such groups as flowering plants, ferns, mosses, lichens, algae, fungi, bacteria, mammals, birds, reptiles, amphibians, fishes, insects, worms, crustaceans, and microscopic plants or animals. The Service will strive to achieve this maintenance by

- preserving and restoring the natural abundances, diversities, dynamics, distributions, habitats, and behaviors of native plant and animal populations and the communities and ecosystems in which they occur,

- restoring native plant and animal populations in parks when they have been extirpated by past human-caused actions, and
- minimizing or mitigating human impacts on native plants, animals, populations, communities, and ecosystems, and the processes that sustain them.

4.4.1.1 Plant and Animal Population Management Principles

The individual plants and animals found within parks are genetically parts of species populations that may extend across both park and non-park lands. As local populations within a group of populations naturally fluctuate in size, they become vulnerable to extirpation during periods when their numbers are low. The periodic disappearance of local populations is common in some species, and the regional persistence of these species depends upon the natural recolonization of suitable habitat by individuals from the remaining local populations. Thus, providing for the persistence of a species in a park may require maintaining a number of local populations, often both within and outside the park.

In addition, some populations of vertebrate and invertebrate animals, such as bats, ungulates, warblers, marine turtles, frogs, salmon, whales, and butterflies, migrate at regular intervals into and out of parks. For these migratory populations, the parks provide only one of the several major habitats they need, and survival of the species in parks also depends on the existence and quality of habitats outside the parks. The Service will adopt park resource preservation, development, and use management strategies intended to maintain the natural population fluctuations and processes that influence the dynamics of individual plant and animal populations, groups of plant and animal populations, and migratory animal populations in parks.

In addition to maintaining all native plant and animal species and their habitats inside parks, the Service will work with other land managers to encourage the conservation of the populations and habitats of these species outside parks whenever possible. To meet its commitments for maintaining native species in parks, the Service will cooperate with states, tribal governments, the U. S. Fish and Wildlife Service, and the NOAA Fisheries, as appropriate, to

- participate in local and regional scientific and planning efforts, identify ranges of populations of native plants and animals, and develop cooperative strategies for maintaining or restoring these populations in the parks,
- suggest mutually beneficial harvest regulations for
  - lands and waters outside the parks for populations that extend across park boundaries, such as resident deer or fishes
  - for short-distance seasonal migrant populations, such as elk or fishes
  - or for long-distance migrant populations, such as salmon,
- develop data, through monitoring, for use in plant and animal management programs (such as local land management decision making for assessing resident plant and animal population trends, and in international management negotiations for such far-ranging seasonal migrants as geese, whales, and marine turtles),

- present information about species life cycles, ranges, and population dynamics in park interpretive programs for use in increasing public awareness of management needs for all species, both resident and migrant, that occur in parks, and
- prevent the introduction of exotic species into units of the national park system, and, where reasonable, practicable, and consistent with park priorities, remove populations of these species that have already become established in parks

4.4.1.2 Genetic Resource Management Principles

The Park Service will strive to protect the full range of genetic types (genotypes) of native plant and animal populations in the parks by perpetuating natural processes and minimizing human interference with evolving genetic diversity.

The restoration of native plants and animals will be accomplished using organisms taken from populations as closely related genetically and ecologically as possible to park populations, preferably from similar habitats in adjacent or local areas. Deviations from this general policy may be made where the management goal is to increase the variability of the park gene pool to mitigate unnatural loss of genetic variability. Actions to transplant organisms for purposes of restoring genetic variability through gene flow between native breeding populations will be preceded by an assessment of the genetic compatibility of the populations.

The need to maintain appropriate levels of genetic diversity will guide decisions on what actions to take to manage isolated populations of species or to enhance the recovery of populations of rare, threatened, or endangered species. All resource management actions involving planting or relocating species, subspecies, or varieties will be guided by knowledge of local adaptations, ranges, and habitat requirements, and detailed knowledge of site ecological histories.

When native plants or animals are removed for any reason—such as hunting, fishing, pest management, or culling to reduce unnatural population conditions—the Service will maintain the appropriate levels of natural genetic diversity.

(See Restoration of Native Plant and Animal Species 4.4.2.2; Restoration of Natural Systems 4.1.5)

4.4.1.3 Definition of Native and Exotic Species

"Native species" are defined as all species that have occurred or now occur as a result of natural processes on lands designated as units of the national park system. Native species in a place are evolving in concert with each other. "Exotic species" are those species that occupy or could occupy park lands directly or indirectly as the result of deliberate or accidental introduction. Because an exotic species did not evolve in concert with species native to the place, the exotic species is not a natural component of the ecosystem at that place. Exotic species are also commonly referred to as, or include, nonnative, alien, invasive, or noxious invasive species. Genetically modified organisms exist solely due to human activities and therefore are managed as exotic species in parks.

4.4.2 Management of Native Plants and Animals

Whenever possible, natural processes will be relied upon to maintain native plant and animal species, and to influence natural fluctuations in populations of these species. The Park Service may intervene to manage individuals or populations of native species only when such intervention will not cause unacceptable impacts on the populations of the species or on other components and processes of the ecosystems that support them, and when at least one of the following conditions exists:

- Management is necessary
    - because a population occurs in an unnaturally high or low concentration as a result of human influences (such as loss of seasonal habitat, the extirpation of predators, or the creation of highly productive habitat through agriculture or urban landscapes) and it is not possible to mitigate the effects of the human influences,
    - to protect specific cultural resources of parks,
    - to accommodate intensive development in portions of parks appropriate for, and dedicated to, such development,
    - to protect rare, threatened, or endangered species,
    - to protect human health as advised by the U. S. Public Health Service (which includes the Centers for Disease Control and the NPS Public Health Service Program),
    - to protect property in cases in which it is not possible to change the pattern of human activities,
    - because failure to manage would result in more harmful impacts to park resources, or
    - to maintain human safety in cases in which it is not possible to change the pattern of human activities.
- Or, removal of individuals or parts thereof
    - is part of an NPS research project described in an approved management plan, or is part of research being conducted by others who have been issued a scientific research and collecting permit,
    - is done to provide plants or animals for restoring native populations in parks or cooperating areas without diminishing the viability of the park populations from which the individuals are taken, or
    - meets specific park management objectives.

In planning and implementing plant and animal population management actions, the Park Service will follow established planning procedures, including provisions for public review and comment. The Service will consult, as appropriate, with other federal land-management agencies, the U. S. Fish and Wildlife Service, the NOAA Fisheries, state wildlife management agencies, other appropriate state agencies, tribal governments, and others. Such consultation will address (1) the management of selected animal populations, (2) research involving the taking of animal species of management interest to these

agencies, and (3) cooperative studies and plans dealing with the public hunting and fishing of animal populations that occur across park boundaries. The Service's consultation, cooperation, and communication concerning fish and wildlife management will be consistent with Departmental policy articulated at 43 CFR Part 24. This Departmental policy recognizes the broad authorities and responsibilities of federal and state agencies with regard to the management of the nation's fish and wildlife resources, and promotes cooperative management relationships among these agencies. In particular, the policy calls on the Service to consult with state agencies on certain fish and wildlife management actions, and encourages the execution of memoranda of understanding as appropriate to ensure the conduct of programs that meet mutual objectives.

The Park Service will assess the results of managing plant and animal populations by conducting follow-up monitoring or other studies to determine the impacts of the management methods on non-targeted, as well as targeted, components of the ecosystem.

4.4.2.1 NPS Actions That Remove Native Plants and Animals

Whenever the Park Service removes native plants or animals, manages native plant or animal populations to reduce their sizes, or allows others to remove native plants or animals for an authorized purpose, the Service will seek to ensure that such removals will not cause unacceptable impacts to native resources, natural processes, or other park resources. Whenever the Service identifies a possible need for reducing the size of a park's native plant or animal population, the Service will use scientifically valid resource information obtained through consultation with technical experts, literature review, inventory, monitoring, or research to evaluate the identified need for population management, and to document it in the appropriate park management plan.

In addition, the Park Service will manage such removals to prevent them from interfering broadly with

- natural habitats, natural abundances, and natural distributions of native species and natural processes
- rare, threatened, and endangered plant or animal species or their critical habitats
- scientific study, interpretation, environmental education, appreciation of wildlife, or other public benefits
- opportunities to restore depressed populations of native species
- breeding or spawning grounds of native species

Where the need to reduce animal populations may be due to persistent human/animal conflicts, the Park Service will determine whether or not it can eliminate or mitigate the conflicts by modifying or curtailing the conflicting visitor use or other human activities. Where visitor use or other human activities cannot be modified or curtailed, the Service may directly reduce the animal population by using several animal population management techniques, either separately or together. These techniques include relocation, public hunting on lands outside the park, public hunting on lands inside the park when authorized in the establishing legislation, habitat management, predator restoration, reproductive intervention, and destruction of animals by NPS personnel or their authorized agents.

Where animal populations are reduced, destroyed animals may be left in natural areas of the park to decompose or be consumed by other organisms if there is no risk of disease transmission or other health and sanitary concerns associated with decomposition. Live animals or carcasses may be removed from parks according to the provisions of applicable laws, agreements, and regulations, including the granting of preference to Native Americans.

(See Pest Management 4.4.5. Also see Director's Order #18: Wildland Fire Management; and #60B)

4.4.2.2 Restoration of Native Plant and Animal Species

The Park Service will strive to restore extirpated native plant and animal species to parks whenever all of the following criteria are met.

- Adequate habitat to support the species either exists or can reasonably be restored in the park, and if necessary also on adjacent public lands and waters, and, once a natural population level is achieved, the population can be self- perpetuating.
- The species does not, based on an effective management plan, pose a serious threat to the safety of people in parks, park resources, or persons or property outside park boundaries.
- The genetic type used in restoration most nearly approximates the extirpated genetic type.
- The species disappeared, or was substantially diminished, as a direct or indirect result of human-induced change to the species population or to the ecosystem.
- The impacts on park management including the opportunities for enjoyment of park resources and values have been carefully considered.

Programs to restore animal species may include confining animals in small field enclosures during restoration efforts, but only until the animals have become accustomed to the new area, or they have become sufficiently established to minimize threats from predators, poaching, disease, or other factors. Programs to restore animal species may also include confining animals in cages for captive breeding to increase the number of offspring for release to the wild or to manage the population's gene pool. Programs to restore plant species may include propagating plants in greenhouses, gardens, or other confined areas to develop propagation materials (propagules) for restoration efforts or to manage a population's gene pool.

(See Restoration of Natural Systems 4.1.5)

4.4.2.3 Management of Threatened or Endangered Plants and Animals

The Park Service will survey for, protect, and strive to recover all species, native to national park system units, that are listed under the Endangered Species Act. The Service will fully meet its obligations under the NPS Organic Act and the Endangered Species Act to both proactively conserve listed species and prevent detrimental effects on these species. To meet these obligations, the Service will undertake the following actions.

- Cooperate with both the U. S. Fish and Wildlife Service and the NOAA Fisheries to ensure that NPS actions comply with the Endangered Species Act. It is particularly important that this cooperation includes the full range of activities associated with the Endangered Species Act, including consultation, conferencing, informal discussions, and securing all necessary scientific and/or recovery permits.
  - Whenever there is a disagreement about the science or effectiveness of a proposed action on behalf of the U.S. Fish and Wildlife Service, the Assistant Secretary for Fish and Wildlife and Parks will be the final authority.
  - Whenever there is a disagreement about the science or effectiveness of a proposed action by the NOAA Fisheries, the issue will be discussed at appropriate levels at the Departments of Commerce and Interior and, if necessary, referred to the Council on Environmental Quality.
- Undertake active management programs to inventory, monitor, restore, and maintain listed species' habitats, control detrimental nonnative species, manage detrimental visitor access, and reestablish extirpated populations as necessary to maintain the species and the habitats upon which they depend.
- Manage designated critical habitat and recovery areas to maintain and enhance their value for the recovery of threatened and endangered species.
- Cooperate with other agencies to ensure that the delineation of critical habitat, and/or recovery areas on park-managed lands provides needed conservation benefits to the total recovery efforts being conducted by all the participating agencies.
- Participate in the recovery planning process, including the provision of members on recovery teams and recovery implementation teams where appropriate.
- Cooperate with other agencies, states, and private entities to promote candidate conservation agreements aimed at precluding the need to list species.
- Conduct actions and allocate funding to address endangered, threatened, proposed, and candidate species.

The National Park Service will inventory, monitor, and manage state and locally listed species in a manner similar to its treatment of federally listed species, to the greatest extent possible. In addition, the Service will inventory other native species that are of special management concern to parks (such as rare, declining, sensitive, or unique species and their habitats) and will manage them to maintain their natural distribution and abundance.

The Service will determine all management actions for the protection and perpetuation of federal, state, or locally listed species through the park management planning process, and will include consultation with lead federal and state agencies as appropriate.

4.4.2.4 Management of Natural Landscapes

Natural landscapes disturbed by natural phenomena, such as landslides, earthquakes, floods, hurricanes, tornadoes, and fires, will be allowed to recover naturally unless manipulation is necessary to mitigate for excessive disturbance caused by past human effects, to preserve cultural and historic resources as appropriate based on park planning documents, or to protect park developments or the safety of people using those developments. Landscape and vegetation conditions altered by human activity may be

manipulated where the park management plan provides for restoring the lands to a natural condition. Management activities to restore human-altered landscapes may include, but are not restricted to

- removing constructed features, restoring natural topographic gradients, and revegetating with native park species on acquired inholdings and on sites from which previous development is being removed,
- restoring natural processes and conditions to areas disturbed by human activities such as fire suppression,
- rehabilitating areas disturbed by visitor use or by the removal of hazard trees, and
- maintaining open areas and meadows in situations in which they were formerly maintained by natural processes that now are altered by human activities.

Landscape revegetation efforts will use seeds, cuttings, or transplants representing species and gene pools native to the ecological portion of the park in which the restoration project is occurring. Where a natural area has become so degraded that restoration with gene pools native to the park has proven unsuccessful, improved varieties or closely related native species may be used.

Landscape restoration efforts will use geological materials and soils obtained in accordance with geological and soil resource management policies. Landscape restoration efforts may use, on a temporary basis, appropriate soil fertilizers or other soil amendments so long as that use does not unacceptably alter the physical, chemical, or biological characteristics of the soil and biological community, and does not degrade surface or groundwaters.

(See Restoration of Natural Systems 4.1.5; Cultural Landscapes 5.3.5.2)

4.4.2.5 Maintenance of Altered Plant Communities

In altered plant communities managed for a specified purpose, plantings will consist of species that are native to the park or that are historically appropriate for the period or event commemorated. Communities altered to maintain habitat for threatened or endangered species may only use native plants, and the manipulation of existing plants will be carried out in a manner designed to enhance the recovery of the threatened or endangered species, or the recovery of the natural functioning of the plant and animal community of which the endangered species is a natural part. Use of exotic plants must conform to exotic species policy. Use of nonnatural plantings in altered communities may be permitted under any of the following conditions.

- In localized, specific areas, screen plantings may be used to protect against the undesirable impacts of adjacent land uses, provided that the plantings do not result in the invasion of exotic species.
- Where necessary to preserve and protect the desired condition of specific cultural and historic resources and landscapes, plants and plant communities generally will be managed to reflect the character of the landscape that prevailed during the historic period. Efforts may be made to extend the lives of specimen trees dating

from the historic period being commemorated. An individual tree or shrub known to be of historic value that is diseased beyond recovery and has become hazardous will be removed and may be replaced. While specimen trees or shrubs that need to be perpetuated are still healthy, their own progeny will be propagated from seeds or through vegetative reproduction, such as cuttings.

- To ensure that NPS actions comply with the Endangered Species Act, the Park Service will cooperate with both the U.S. Fish and Wildlife Service and NOAA Fisheries. It is particularly important that this cooperation includes the full range of activities associated with the Endangered Species Act, including consultation, conferencing, informal discussions, and securing of all necessary scientific and/or recovery permits.
  - Whenever there is a disagreement about the science or effectiveness of a proposed action on behalf of the U.S. Fish and Wildlife Service, the Assistant Secretary for Fish and Wildlife and Parks will be the final authority.
  - Whenever there is a disagreement about the science or effectiveness of a proposed action by the NOAA Fisheries, the issue will be discussed at appropriate levels at the Departments of Commerce and Interior and, if necessary, referred to the Council on Environmental Quality.
- Where cultivated crop plants may be needed for livestock or agricultural uses that are allowed as part of the cultural landscape, authorized by federal law, or retained as a property right.
- Where needed for intensive development areas. Such plantings will use native or historic species and materials to the maximum extent possible. Certain native species may be fostered for aesthetic, interpretive, or educational purposes.

Exotic species may not be used to vegetate vista clearings in otherwise natural vegetation.

Limited, recurring use of soil fertilizers or other soil amendments may be allowed only as needed to maintain the desired condition of the altered plant community, and only where such use does not unacceptably alter the physical, chemical, or biological characteristics of the soil and biological community, and does not degrade surface or groundwaters.

(See Management of Threatened or Endangered Plants and Animals 4.4.2.3, Management of Exotic Species 4.4.4; Cultural Landscapes 5.3.5.2)

4.4.3 Harvest of Plants and Animals by the Public

Public harvesting of designated species of plants and animals, or their components, may be allowed in park units when

- hunting, trapping, subsistence use, or other harvesting is specifically authorized by statute or regulation and not subsequently prohibited by regulation,
- harvest of certain plant parts or unoccupied seashells for personal consumption or use is specifically authorized by the superintendent in accordance with 36 CFR 2. 1(c)(1),
- recreational fishing is not specifically prohibited, or
- commercial fishing is specifically authorized by statute or regulation.

Where harvesting is a discretionary activity, the Service will allow harvesting only when the monitoring requirement contained in section 4.4.2 and the criteria in section 4.4.2.1, above, have been met, and the Service has determined that the harvesting will not unacceptably impact park resources or natural processes, including the natural distributions, densities, age-class distributions, and behavior of

- harvested species,
- native species that the harvested species use for any purpose, or
- native species that use the harvested species for any purpose.

The Service will manage harvesting programs, and any associated habitat management programs intended to restore and maintain habitats supporting harvested plant or animal populations, to conform with applicable federal and state regulations and in consultation and cooperation, as appropriate, with individual states or tribal governments.

Habitat manipulation for harvested species may include the restoration of a disturbed area to its natural condition so it can become self-perpetuating, but will not include the artificial manipulation of habitat to increase the numbers of a harvested species above its natural range in population levels.

The Service may encourage the intensive harvesting of exotic species in certain situations when needed to meet park management objectives.

In some situations, the Service may stock native or exotic animals for recreational harvesting purposes, but only when

- the stocking is of fish into constructed large reservoirs or other significantly altered large water bodies and the purpose is to provide for recreational fishing, or
- such stocking is in an area that has continually been stocked by a government agency (in these situations, stocking only of the same species may be continued), or
- congressional intent for stocking is expressed in statute or a House or Senate report accompanying a statute.

The Service will not stock waters that are naturally barren of harvested aquatic species.

4.4.4 Management of Exotic Species

Exotic species will not be allowed to displace native species if displacement can be prevented.

4.4.4.1 Introduction or Maintenance of Exotic Species

In general, new exotic species will not be introduced into parks. In rare situations, an exotic species may be introduced or maintained to meet specific, identified management needs when all feasible and prudent measures to minimize the risk of harm have been taken, and

- it is a closely related race, subspecies, or hybrid of an extirpated native species, or

- it is an improved variety of a native species in situations in which the natural variety cannot survive current, human-altered environmental conditions, or
- used to control another, already-established exotic species, or made this a bullet
- it is needed to meet the desired condition of a historic resource, but only where it is noninvasive, is prevented from being invasive by such means as cultivating (for plants) or tethering, herding, or pasturing (for animals). In such cases, the exotic species used must be known to be historically significant, to have existed in the park during the park's period of historical significance, to be a contributing element to a cultural landscape, or to have been commonly used in the local area at that time, or
- it is an agricultural crop used to maintain the character of a cultural landscape, or
- it is necessary to provide for intensive visitor use in developed areas, and both of the following conditions exist:
  - available native species will not meet park management objectives, and
  - the exotic species is managed so it will not spread or become a pest on park or adjacent lands,

  or
- it is a sterile, noninvasive plant that is used temporarily for erosion control, or
- it is directed by law or expressed legislative intent.

Domestic livestock such as cattle, sheep, goats, horses, mules, burros, reindeer, and llamas are exotic species that are maintained in some parks for (1) purposes of commercial herding, pasturing, grazing, or trailing, (2) for recreational use, or (3) administrative use for maintaining the historic scene or supporting park operations. The policies applicable to the grazing of commercial domestic livestock are discussed in chapter 8, section 8.6.8. The Service will phase out the commercial grazing of livestock whenever possible, and will manage recreational and administrative uses of livestock to prevent those uses from unacceptably impacting park resources.

4.4.4.2 Removal of Exotic Species Already Present

All exotic plant and animal species not maintained to meet an identified park purpose will be managed—up to and including eradication—if (1) control is prudent and feasible, and (2) the exotic species

- interferes with natural processes and the perpetuation of natural features, native species or natural habitats
- disrupts the genetic integrity of native species
- disrupts the accurate presentation of a cultural landscape
- damages cultural resources
- significantly hampers the management of park or adjacent lands
- poses a public health hazard as advised by the U. S. Public Health Service (which includes the Centers for Disease Control and the NPS Public Health Program)
- creates a hazard to public safety

High priority will be given to managing exotic species that have, or potentially could have, a substantial impact on park resources, and that can reasonably be expected to be

successfully controllable. Lower priority will be given to exotic species that have almost no impact on park resources or that probably cannot be successfully controlled.

The decision to initiate management should be based on a determination that the species is exotic. For species determined to be exotic and where management appears to be feasible and effective, superintendents should (1) evaluate the species' current or potential impact on park resources; (2) develop and implement exotic species management plans according to established planning procedures; (3) consult, as appropriate, with federal, tribal state, and local agencies; and (4) invite public review and comment, where appropriate. Programs to manage exotic species will be designed to avoid causing significant damage to native species, natural ecological communities, natural ecological processes, cultural resources, and human health and safety.

(Also see Executive Order # 13112 (Invasive Species))

4.4.5 Pest Management

All park employees, concessioners, contractors, permittees, licensees, and visitors on all lands managed or regulated by the National Park Service will comply with NPS pest management policies.

4.4.5.1 Pests

Pests are living organisms that interfere with the purposes or management objectives of a specific site within a park, or that jeopardize human health or safety. Decisions concerning whether or not to manage a pest or pest population will be influenced by whether the pest is an exotic or a native species. Exotic pests will be managed according to both the policies in this section (4.4.5) and the exotic species policies in section 4.4.4. Native pests will be allowed to function unimpeded, except as noted below. Many fungi, insects, rodents, disease organisms, and other organisms that may be perceived as pests are, in fact, native organisms existing under natural conditions and are natural elements of the ecosystem. Also, native pests that were evident in pesticide-free times are traditional elements in park cultural settings.

The Service may control native pests to

- conserve threatened, rare, or endangered species, or unique specimens or communities
- preserve, maintain, or restore the historical integrity of cultural resources
- conserve and protect plants, animals, and facilities in developed areas
- prevent outbreaks of a pest from invading uninfested areas outside the park
- manage a human health hazard when advised to do so by the U. S. Public Health Service (which includes the Centers for Disease Control and the NPS Public Health Program), or to otherwise protect against a significant threat to human safety

4.4.5.2 Integrated Pest Management Program

The Service conducts an integrated pest management (IPM) program to reduce risks to the public, park resources, and the environment from pests and pest-related management

strategies. Integrated pest management is a decision-making process that coordinates knowledge of pest biology, the environment, and available technology to prevent unacceptable levels of pest damage, by cost-effective means, while posing the least possible risk to people, resources, and the environment.

The Service, and each park unit, will use an IPM approach to address pest issues. Proposed pest management activities must be conducted according to the IPM process prescribed in Director's Order #77–7: Integrated Pest Management. Pest issues will be reviewed on a case-by-case basis. Controversial issues, or those that have potential to negatively impact the environment, must be addressed through established planning procedures and be included in an approved park management or IPM plan. IPM procedures will be used to determine when to implement pest management actions, and which combination of strategies will be most effective for each pest situation.

Under the Service's IPM program, all pesticide use on lands managed or regulated by the Service, whether that use was authorized or unauthorized, must be reported annually.

4.4.5.3 Pesticide Use

A pesticide, as defined by the Federal Insecticide, Fungicide and Rodenticide Act, is any substance or mixture that is used in any manner to destroy, repel, or control the growth of any viral, microbial, plant, or animal pest. Except as identified in the next paragraph, all prospective users of pesticides in parks must submit pesticide use requests, which will be reviewed on a case-by-case basis, taking into account environmental effects, cost, and staffing, and other relevant considerations. The decision to incorporate a chemical, biological, or bioengineered pesticide into a management strategy will be based on a determination by a designated IPM specialist that it is necessary and that all other available options are either not acceptable or not feasible.

Insect repellents, bear deterrent sprays, and insecticides applied to persons or to livestock must conform to NPS policies and approval procedures, except pesticides used under the following conditions do not require approval:

- cleansers and disinfectants used in restrooms and restaurants
- personal insect repellents, insecticides, and bear deterrent sprays that employees or park visitors personally obtain and use to meet personal needs
- insect repellents and insecticides applied to personally owned pets and pack and saddle stock

4.4.5.4 Biological Control Agents and Bio-engineered Products

The application or release of any biocontrol agent or bioengineered product relating to pest management activities must be reviewed by designated IPM specialists in accordance with Director's Order #77-7, and conform to the exotic species policies in section 4.4.4.

4.4.5.5 Pesticide Purchase and Storage

Pesticides must not be stockpiled. No pesticides may be purchased unless they are authorized and expected to be used within one year from the date of purchase. Pesticide

storage, transport, and disposal will comply with procedures established by (1) the Environmental Protection Agency; (2) the individual states in which parks are located; and (3) Director's Order #30A: Hazardous and Solid Waste Management, Director's Order #77-1: Wetland Protection, and Director's Order 77-7.

(See Planning for Natural Resource Management 4.1.1; Genetic Resource Management Principles 4.4.1.2; Management of Exotic Species 4.4.4)

4.5 Fire Management

Wildland fire may contribute to or hinder the achievement of park management objectives. Naturally ignited wildland fire is a process that is part of many of the natural systems that are being sustained in parks. However, fires that do not meet management objectives often cause the destruction of park natural resources. Therefore, park fire management programs will be designed to meet park resource management objectives while ensuring that firefighter and public safety are not compromised. Each park with vegetation capable of burning will prepare a fire management plan and will address the need for adequate funding and staffing to support its fire management program consistent with federal law and Departmental fire management policies. The plan will be designed to guide a program that responds to the park's natural and cultural resource objectives; provides for safety considerations for park visitors, employees, neighbors, and developed facilities; and addresses potential impacts on park resources and public and private property adjacent to the park. The fire management plan will include guidance on programmatic post-fire stabilization and rehabilitation strategies commensurate with potential impacts. Environmental and cultural resource compliance documentation developed in support of the plan will consider the effects on air quality, water quality, health and safety, and natural and cultural resource management objectives. Preparation of the plan and supporting documents will include consultation and collaboration with adjacent communities, interest groups, state and federal agencies, and tribal governments, and cooperative agency status will be granted if requested by eligible adjacent communities, state and federal agencies, and tribal governments.-

All fires burning in natural or landscaped vegetation in parks will be classified as either *wildfires*, *prescribed fires*, or *wildland fire use*. All wildfires will be effectively managed through application of the appropriate strategic and tactical management options consistent with federal law and Departmental fire management policies. These options will be selected after comprehensive consideration of the resource values to be protected, firefighter and public safety, costs, availability of firefighting resources, weather conditions, and the type and amount of fuel load.

Prescribed fires are those fires ignited by park managers to achieve resource management and fuel treatment objectives. Wildland fire use is the application of the appropriate management response to naturally ignited wildland fires to accomplish specific resource management objectives in predefined areas outlined in approved fire management plans. Both prescribed fire activities and wildland fire use will include monitoring programs that

record fire behavior, smoke behavior, fire decisions, and fire effects to provide information on whether specific objectives are met.

All parks will use a systematic decision-making process in compliance with Departmental policy to determine the most appropriate management strategies for wildland fire use, and for any prescribed fires that are no longer meeting resource management objectives. Management strategies will be consistent with federal law and Departmental fire management policies. Parks lacking an approved fire management plan may not use resource benefits as a primary consideration influencing the selection of a suppression strategy, but they must consider the resource impacts of suppression alternatives in their decisions. Until a plan is approved, parks must immediately suppress all wildland fires, taking into consideration park resources and values to be protected, firefighter and public safety, costs, availability of firefighting resources, weather conditions, the type and amount of fuel load, and post-fire resource stabilization and rehabilitation needs. Parks will use methods to suppress wildland fires that minimize impacts of the fire and suppression action, and are commensurate with effective control, firefighter and public safety, and resource values to be protected.

Suppression activities conducted within wilderness will be consistent with the "minimum requirement" concept identified in chapter 6 and Director's Order #41: Wilderness Stewardship.

(See General Management Concepts 4.1; Partnerships 4.1.4; Restoration of Natural Systems 4.1.5; Air Resource Management 4.7; Fire Detection, Suppression, and Post- fire Rehabilitation and Protection 5.3.1.2; Fire Management 6.3.9; Visitor Safety 8.2.5.1; Structural Fire Protection and Suppression 9.1.8. Also see Director's Order #18: Wildland Fire Management)

4.6 Water Resource Management

4.6.1 Protection of Surface Waters and Groundwaters

The Service will manage to perpetuate surface waters and groundwaters as integral components of park aquatic and terrestrial ecosystems.

4.6.2 Water Rights

Water for the preservation and management of the national park system will be obtained and used in accordance with legal authorities. The Service will consider all available authorities on a case-by-case basis and will pursue those that are the most appropriate to protect water-related resources in parks. While preserving its legal remedies, the Service will work cooperatively with state water administrators to protect park resources, while respecting all other legal uses of water. The Service will use the principles of cooperation, consultation, and communication in the conservation of water resources during negotiations that seek the resolution of conflicts among multiple water claimants. Water essential for NPS needs will be purchased if it is not otherwise available. NPS consumptive use of water will be efficient and frugal, especially in water-scarce areas.

In most instances, all rights to the use of water diverted from or used on federal lands within the national park system by the United States or its concessioners, lessors, or permittees will be perfected in the name of the United States subject to existing rights.

Park waters— either surface waters or groundwater—may be withdrawn for consumptive use only when such withdrawal is absolutely necessary for the use and management of the park. All park water withdrawn for domestic or administrative uses will be returned to the park watershed system once it has been treated to a degree that ensures that there will be no impairment of park resources.

The Service may enter into contracts providing for the sale or lease of water to persons, and states (and their political subdivisions) that provide public accommodations or services for park visitors outside the park, but within the immediate vicinity of a park, and that have no reasonable alternative sources of water. The Service will authorize such contracts only if the water transfer does not jeopardize or unduly interfere with the natural or cultural resources of the park and the government's costs are fully recovered. The Service will generally authorize only short-term, truly emergency, sales or leases of water. The Service will follow the requirements and procedures of Director's Orders #35A and #35B when considering the sale or lease of park water.

(See Decision- making Requirements to Avoid Impairments 1.4.7; External Threats to Park Resources and Values 1.5; Management of Native Plants and Animals 4.4.2)

4.6.3 Water Quality

The pollution of surface waters and groundwaters by both point and nonpoint sources may impair the natural functioning of aquatic and terrestrial ecosystems and diminish the utility of park waters for visitor use and enjoyment. The Service will determine the quality of park surface and groundwater resources and avoid, whenever possible, the pollution of park waters from any source. The Service will

- work with appropriate governmental bodies to obtain the highest possible standards available under the Clean Water Act for the protection for park waters
- take all necessary actions to maintain or restore the quality of surface waters and groundwaters within the parks consistent with the Clean Water Act and all other applicable federal, state, and local laws and regulations
- enter into agreements with other agencies and governing bodies, as appropriate, to secure their cooperation in maintaining or restoring the quality of park water resources

(See Pest Management 4.4.5; Soil Resource Management 4.8.2.4; Backcountry Use 8.2.2.4; Mineral Exploration and Development 8.7; Grazing by Domestic and Feral Livestock 8.6.8; Water Supply Systems 9.1.5.1; Wastewater Treatment Systems 9.1.5.2; Waste Management and Contaminant Issues 9.1.6; Facilities for Water Recreation 9.3.4.2. Also see Director's Order #83: Public Health Programs)

4.6.4 Floodplains

In managing floodplains on park lands, the National Park Service will (1) manage for the preservation of floodplain values; (2) minimize potentially hazardous conditions associated with flooding; and (3) comply with the NPS Organic Act and all other federal laws and executive orders related to the management of activities in flood-prone areas, including Executive Order 11988: Floodplain Management, the National Environmental Policy Act, applicable provisions of the Clean Water Act, and the Rivers and Harbors Appropriation Act of 1899. Specifically, the Service will

- protect, preserve, and when practicable restore the natural resources and functions of floodplains
- avoid the long- and short-term environmental effects associated with the occupancy and modification of floodplains
- avoid direct and indirect support of floodplain development and actions that could adversely impact the natural resources and functions of floodplains or increase flood risks

When it is not practicable to locate or relocate development or activities to a site outside and not affecting the floodplain, the Service will

- prepare and approve a statement of findings, in accordance with procedures described in Director's Order 77-2: Floodplain Management
- use nonstructural measures as much as practicable to reduce hazards to human life and property while minimizing the impact on the natural resources of floodplains
- ensure that structures and facilities are designed to be consistent with the intent of the standards and criteria of the National Flood Insurance Program (44 CFR Part 60)

(See Siting Facilities to Avoid Natural Hazards 9.1.1.6)

4.6.5 Wetlands

The Service will manage wetlands in compliance with NPS mandates and the requirements of Executive Order 11990: Wetland Protection, the Clean Water Act, the Rivers and Harbors Appropriation Act of 1899, and the procedures described in Director's Order 77-1: Wetland Protection. The Service will (1) provide leadership and take action to prevent the destruction, loss, or degradation of wetlands; (2) preserve and enhance the natural and beneficial values of wetlands; and (3) avoid direct and indirect support of new construction in wetlands unless there are no practicable alternatives and the proposed action includes all practicable measures to minimize harm to wetlands.

The Service will implement a "no net loss of wetlands" policy. In addition, the Service will strive to achieve a longer-term goal of increasing wetlands across the national park system through restoration of previously degraded or destroyed wetlands, consistent with federal statutes, policies, and Executive Order 11990.

When natural wetland characteristics or functions have been degraded or lost due to previous or ongoing human actions, the Service will, to the extent practicable, restore them to natural conditions.

The Service will conduct or obtain parkwide wetland inventories to help ensure proper planning with respect to the management and protection of wetland resources. Additional, more detailed wetland inventories will be conducted in areas proposed for development or otherwise susceptible to degradation or loss due to human activities.

When practicable, the Service will not simply preserve, but will seek to enhance, natural wetland values by using them for educational, recreational, scientific, and similar purposes that do not disrupt natural wetland functions.

For proposed new development or other new activities, plans, or programs that are either located in wetlands, or otherwise have the potential for direct or indirect adverse impacts on wetlands, the Service will employ the following sequence:

- Avoid adverse wetland impacts to the extent practicable.
- Minimize impacts that cannot be avoided.
- Compensate for remaining unavoidable adverse wetland impacts by restoring wetlands that have been previously destroyed or degraded.

Compensation for wetland impacts or losses will require that at least 1 acre of wetlands of similar quality and function be restored (which is preferred) or created for each acre destroyed or degraded.

Actions proposed by the Park Service that have the potential to cause adverse impacts on wetlands must be addressed in an environmental assessment or an environmental impact statement. If the preferred alternative will result in adverse impacts on wetlands, a statement of findings must be prepared and approved in accordance with Director's Order #77-1.

(See Decision-making Requirements to Avoid Impairments 1.4.7; Siting Facilities to Avoid Natural Hazards 9.1.1.6)

4.6.6 Watershed and Stream Processes

The Park Service will to the extent possible manage watersheds as complete hydrologic systems, and will minimize unnatural disturbance to the natural upland processes that deliver water, sediment, and woody debris to streams. These processes include runoff, erosion, and disturbance to vegetation and soil caused by fire, insects, meteorological events, and mass movements. The Service will manage streams to protect stream processes that create habitat features such as floodplains, riparian systems, woody debris accumulations, terraces, gravel bars, riffles, and pools. Stream processes include flooding, stream migration, and associated erosion and deposition.

The Service will achieve the protection of watershed and stream features primarily by avoiding impacts to watershed and riparian vegetation, and by allowing natural fluvial processes to proceed unimpeded. When conflicts between infrastructure (such as bridges and pipeline crossings) and stream processes are unavoidable, NPS managers will first consider relocating or redesigning facilities, rather than manipulating streams. Where stream manipulation is unavoidable, managers will use techniques that are visually nonobtrusive and that protect natural processes to the greatest extent practicable.

(See Floodplains 4.6.4; Shorelines and Barrier Islands; 4.8.1.1; Facility Planning and Design 9.1.1. Also see "Unified Federal Policy for a Watershed Approach to Federal Land and Resource Management," 65 FR 62566, October 18, 2000)

4.7 Air Resource Management

4.7.1 Air Quality

The National Park Service has a responsibility to protect air quality under both the 1916 Organic Act and the Clean Air Act (CAA). Accordingly, the Service will seek to perpetuate the best possible air quality in parks to protect (1) natural resources and systems; (2) cultural resources; and (3) public enjoyment, human health, and scenic vistas. Vegetation, visibility, water quality, wildlife, historic and prehistoric structures and objects, cultural landscapes, and other elements of a park environment may be sensitive to air pollution. Such air-pollution-sensitive resources are referred to as "air quality-related values." The Service will assume an aggressive role in promoting and pursuing measures to protect these values from the adverse impacts of air pollution. In cases of doubt as to the impacts of existing or potential air pollution on park resources, the Service will err on the side of protecting air quality and related values for future generations.

Superintendents will take actions consistent with their affirmative responsibilities under the Clean Air Act to protect air-quality-related values in Class I areas. Class I areas are national parks over 6,000 acres and national wilderness areas over 5,000 acres that were in existence on August 7, 1977. The act establishes a national goal of preventing any future, and remedying any existing, human-made visibility impairment in Class I areas. The Service supports that goal, and will work cooperatively with the Environmental Protection Agency and state and tribal regulatory agencies within the requirements of the Clean Air Act to help achieve this national goal.

The Clean Air Act also recognizes the importance of integral vistas, which are those views perceived from within Class I areas of a specific landmark or panorama outside the boundary of the Class I area. Integral vistas have been identified by the Park Service and are listed in *Natural Resources Reference Manual 77*. There are no regulations requiring special protection of these integral vistas, but the Service will strive to protect these park-related resources through cooperative means.

Although the Clean Air Act gives the highest level of air quality protection to Class I areas, it provides many opportunities for the Service to participate in the development of

pollution control programs to preserve, protect, and enhance the air quality of all units of the national park system. Regardless of Class I designation, the Service will take advantage of these opportunities and work cooperatively to achieve the CAA goals. Air resource management requirements will be integrated into NPS operations and planning, and all air pollution sources within parks—including prescribed fire, wildland fire use management, and visitor use activities—will comply with all federal, state, and local air quality regulations and permitting requirements. Superintendents will make reasonable efforts to notify visitors and employees when air pollution concentrations within an area exceed the national or state air quality standards established to protect public health. Furthermore, because the current and future quality of park air resources depends heavily on the actions of others, the Service will acquire the information needed to effectively and cooperatively participate in decision making that affects park air quality. The Service will

- inventory the air quality-related values associated with each park
- monitor and document the condition of air quality and related values
- evaluate air pollution impacts, and identify causes
- minimize air quality pollution emissions associated with park operations, including the use of prescribed fire and wildland fire use and visitor use activities
- ensure healthful indoor air quality in NPS facilities

External programs needed to remedy existing and prevent future adverse impacts on park resources and values from human-caused air pollution will be pursued by the Service's cooperation and participation in the development of federal, state, and local air pollution control plans and regulations. Permit applications for major new air pollution sources will be reviewed, and potential impacts will be assessed. If the Service determines that any such new source might cause or contribute to an adverse impact on air-quality-related values, the Service will work cooperatively with the permitting authority to secure technological solutions or other measures to eliminate the adverse impact. If these efforts do not succeed, then the Service will recommend that the Assistant Secretary for Fish and Wildlife and Parks, who serves as the federal land manager for park units under the Clean Air Act, recommend to the permitting authority that the construction permit be denied or modified to eliminate the adverse impact. The public understanding of air quality issues and the positive role and efforts of the Service toward improving the air quality in parks will be promoted through educational and interpretive programs.

(See External Threats and Opportunities 1.5; Fire Management 4.5; Environmental Monitoring and Control 5.3.1.4; Resource Issue Interpretation and Education 7.5.3; Visitor Safety and Emergency Response 8.2.5; Energy Management 9.1.7)

4.7.2 Weather and Climate

Parks containing significant natural resources will gather and maintain baseline climatological data for perpetual reference.

Because any human activities that modify weather have the potential to alter the natural conditions in parks, the Service will not conduct intentional weather modification activities, and will through cooperation, consultation and communication seek to prevent

intentional weather modification activities conducted by others that affect park weather, climate, and resources.

(See NPS- conducted or NPS- sponsored Inventory, Monitoring, and Research Studies 4.2.1; Miscellaneous Management Facilities 9.4.5)

4.8 Geologic Resource Management

The Service will preserve and protect geologic resources as integral components of park natural systems. As used here, the term "geologic resources" includes both geologic features and geologic processes. The Service will (1) assess the impacts of natural processes and human activities on geologic resources; (2) maintain and when practicable, restore the integrity of existing geologic resources; (3) integrate geologic resource management into NPS operations and planning; and (4) interpret geologic resources for park visitors.

4.8.1 Protection of Geologic Processes

The Service will to the greatest extent possible allow natural geologic processes to proceed unimpeded. Geologic processes are the natural, physical, and chemical forces that act within natural systems, as well as upon human developments, across a broad spectrum of space and time. Such processes include, but are not limited to, exfoliation, erosion and sedimentation, glaciation, karst processes, shoreline processes, and seismic and volcanic activity. Geologic processes will be addressed during planning and other management activities in an effort to reduce hazards that can threaten the safety of park visitors and staff and the long-term viability of the park infrastructure.

Intervention in natural geologic processes will be permitted only when

- directed by Congress,
- necessary in emergencies that threaten human life and property,
- there is no other feasible way to protect natural resources, park facilities, or historic properties, or
- intervention is necessary to restore impacted conditions and processes, such as restoring habitat for threatened or endangered species.

4.8.1.1 Shorelines and Barrier Islands

Natural shoreline processes (such as erosion, deposition, dune formation, overwash, inlet formation, and shoreline migration) will be allowed to continue without interference.

Where unnatural activities or structures have altered the nature or rate of natural shoreline processes, and especially when the park shoreline is part of a larger system, the Service will, in consultation with appropriate state and federal agencies, investigate alternatives for mitigating the effects of such activities or structures and for restoring a more natural condition. The Service will comply with the provisions of Executive Order 11988: Floodplain Management and state coastal zone management plans prepared under the Coastal Zone Management Act of 1972.

Any shoreline manipulation measures proposed to protect cultural resources may be approved only after an analysis of the degree to which such measures would impact natural resources and processes, so that an informed decision can be made through an assessment of alternatives.

Where erosion control is required by law, or where present developments must be protected to achieve park management objectives, including high density visitor use, the Service will use the most effective method feasible to achieve a naturally appearing result, while minimizing impacts outside the target area.

New developments will not be placed in areas subject to wave erosion or active shoreline processes unless (1) the development is required by law; or (2) the development is essential to meet the park's purposes, as defined by its establishing act or proclamation, and

- no practicable alternative locations are available
- the development will be reasonably assured of surviving during its planned life span, without the need for shoreline control measures
- steps will be taken to minimize safety hazards and harm to property and natural resources

(See Floodplains 4.6.4; Cultural Resources Chapter 5; Siting Facilities to Avoid Natural Hazards 9.1.1.6. Also see Director's Order #77-2: Floodplain Management)

4.8.1.2 Karst

The Service will manage karst terrain to maintain the inherent integrity of its water quality, spring flow, drainage patterns, and caves. Karst processes (the processes by which water dissolves soluble rock such as limestone) create areas typified by sinkholes, underground streams, caves, and springs.

Local and regional hydrological systems resulting from karst processes can be directly influenced by surface land use practices. If existing or proposed developments do or will significantly alter or adversely impact karst processes, these impacts will be mitigated. Where practicable, these developments will be placed where they will not have an effect on the karst system.

4.8.1.3 Geologic Hazards

Naturally occurring geologic processes, which the Park Service is charged to preserve unimpaired, can be hazardous to humans and park infrastructure. These include earthquakes, volcanic eruptions, mudflows, landslides, floods, shoreline processes, tsunamis, and avalanches. The Service will work closely with specialists at the U. S. Geological Survey and elsewhere, and with local, state, federal, and tribal disaster management officials, to devise effective geologic hazard identification and management strategies. Although the magnitude and timing of future geologic hazards are difficult to forecast, park managers will strive to understand future hazards and, once the hazards are understood, minimize their potential impact on visitors, staff, and developed areas. Before

interfering with natural processes that are potentially hazardous, superintendents will consider alternatives, such as developing an early warning system, relocating facilities, or closing an area to visitors. The Service will try to avoid placing new visitor and other facilities in geologically hazardous areas. Superintendents will examine the feasibility of phasing out, relocating, or providing alternative facilities for park developments subject to hazardous processes, consistent with other sections of these management policies.

(See Siting Facilities to Avoid Natural Hazards 9.1.1.6)

4.8.2 Management of Geologic Features

The Service will protect geologic features from unacceptable adverse impacts, while allowing natural processes to continue. The term "geologic features" describes the products and physical components of geologic processes. Examples of geologic features in parks include rocks, soils, and minerals; geysers and hot springs in geothermal systems; cave and karst systems; canyons and arches in erosional landscapes; sand dunes, moraines, and terraces in depositional landscapes; dramatic or unusual rock outcrops and formations; and paleontological and paleoecological resources such as fossilized plants or animals or their traces.

4.8.2.1 Paleontological Resources and Their Contexts

Paleontological resources, including both organic and mineralized remains in body or trace form, will be protected, preserved, and managed for public education, interpretation, and scientific research. The Service will study and manage paleontological resources in their paleoecological context (that is, in terms of the geologic data associated with a particular fossil that provides information about the ancient environment).

Superintendents will establish programs to inventory paleontological resources and systematically monitor for newly exposed fossils, especially in areas of rapid erosion. Scientifically significant resources will be protected by collection or by on-site protection and stabilization. The Service will encourage and help the academic community to conduct paleontological field research in accordance with the terms of a scientific research and collecting permit. Fossil localities and associated geologic data will be adequately documented when specimens are collected. Paleontological resources found in an archeological context are also subject to the policies for archeological resources. Paleontological specimens that are to be retained permanently are subject to the policies for museum objects.

The Service will take appropriate action to prevent damage to and unauthorized collection of fossils. To protect paleontological resources from harm, theft, or destruction, the Service will ensure, when necessary, that information about the nature and specific location of these resources remains confidential, in accordance with the National Parks Omnibus Management Act of 1998.

Parks will only exchange fossil specimens with other museums and public institutions dedicated to the preservation and interpretation of natural heritage and qualified to manage museum collections. Fossils to be deaccessioned in an exchange must fall outside of the

park's scope of collection statement. Exchanges must follow deaccession procedures in the NPS *Museum Handbook*, Part II, chapter 6.

The sale of original paleontological specimens is prohibited in parks.

The Service generally will avoid purchasing fossil specimens. Casts or replicas should be acquired instead. A park may purchase fossil specimens for the park museum collection only after making a written determination that

- the specimens are scientifically significant, and are accompanied by detailed locality data and pertinent contextual data,
- the specimens were legally removed from their site of origin, and all transfers of ownership have been legal,
- the preparation of the specimens meets professional standards,
- the alternatives for making these specimens available to science and the public are unlikely, and
- acquisition is consistent with the park's enabling legislation and "Scope of Collection Statement," and will ensure the specimens' availability in perpetuity for public education and scientific research.

All NPS construction projects in areas with potential paleontological resources must be preceded by a preconstruction surface assessment prior to disturbance. For any occurrences noted, or when the site may yield paleontological resources, the site will be avoided, or the resources will, if necessary, be collected and properly cared for before the initiation of the construction disturbance. Areas with potential paleontological resources must also be monitored during construction projects.

(See Natural Resource Information 4.1.2; Studies and Collections 4.2; Independent Research 5.1.2; Artifacts and Specimens 10.2.4.5. Also see 36 CFR 2.5)

4.8.2.2 Caves

As used here, the term "caves" includes karst, such as limestone and gypsum caves, and non-karst caves, such as lava tubes, littoral caves, and talus caves. The Service will manage caves in accordance with approved cave management plans to perpetuate the natural systems associated with the caves, such as karst and other drainage patterns, air flows, mineral deposition, and plant and animal communities. Wilderness and cultural resources and values will also be protected.

No developments or uses, including those that allow for general public entry, such as pathways, lighting, and elevator shafts, will be allowed in, above, or adjacent to caves until it can be demonstrated that they will not unacceptably impact natural cave resources and conditions, including subsurface water movements, and that access will not result in unacceptable risks to public safety. Developments already in place above caves will be removed if they are impairing or threatening to impair natural conditions or resources.

Parks will strive to close caves or portions of caves to public use, or to manage such use, when such actions are required for the protection of cave resources or for human safety. Some caves or portions of caves may be managed exclusively for research, with access limited to permitted research personnel. All recreational use of undeveloped caves will be governed by a permit system. "Significant" caves will be identified using the criteria established in the 43 CFR Part 37 regulations for the Federal Cave Resources Protection Act of 1988 (FCRPA). As further established by the act, specific locations of significant cave entrances may be kept confidential and exempted from Freedom of Information Act requests.

(See Decision- making Requirements to Avoid Impairments 1.4.7; Information Confidentiality 1.7.3; Caves 6.3.11.2)

4.8.2.3 Geothermal and Hydrothermal Resources

Thermal resources, also known as geothermal or hydrothermal systems, are comprised of a subsurface heat source, heat conduit rock formations, and air and/or water that circulates through the formations and may discharge at the surface, creating features such as geysers, hot springs, mudpots, fumaroles, unique/rare mineral precipitates and formations, and hydrophilic biotic communities. Thermal resources in units of the national park system will be protected, preserved, and managed as a critical component of the units' natural resource systems, and for public education, interpretation, and scientific research.

Superintendents will strive to maintain the natural integrity of thermal systems, including the movement of air and/or water through the heated rock, cold water recharge, the proximity of the hot and warm water to the heat source, and the hydrostatic pressure and elevated temperature.

Superintendents will work to prevent unacceptable adverse impacts caused by the development of thermal resources. Such impacts include the loss of surface thermal features, land subsidence, an increase in seismic activity, the release of noxious gases, noise and surface disturbance from drilling or power plant construction, and the release of polluted water or brines. Because thermal systems may extend well beyond park boundaries, the Service will work through cooperative consultation and communication with tribes, federal agencies, states, and local governments to delineate the full extent of thermal resources, and to protect those that occur within parks. In protecting park thermal resources, superintendents should consider authorities available under the Geothermal Steam Act of 1970, as amended; state water rights; and mineral leasing laws.

As required by the Geothermal Steam Act, the Service will maintain a list of significant thermal features within park units. The criteria and procedures for designating significant thermal resources within parks are specified within the Geothermal Steam Act Amendments of 1988. In cooperation with the U. S. Geological Survey, the Park Service will conduct a monitoring program for the designated significant thermal features.

4.8.2.4 Soil Resource Management

The Service will actively seek to understand and preserve the soil resources of parks, and to prevent, to the extent possible, the unnatural erosion, physical removal, or contamination of the soil, or its contamination of other resources. Parks will obtain adequate soil surveys for the management of park resources. All soil surveys will follow National Cooperative Soil Survey Standards. Products will include soil maps, determinations of the physical and chemical characteristics of soils, and the interpretations needed to guide resource management and development decisions.

Management action will be taken by superintendents to prevent—or if that is not possible, to minimize—adverse, potentially irreversible impacts on soils. Soil conservation and soil amendment practices may be implemented to reduce impacts. Importation of off-site soil or soil amendments may be used to restore damaged sites. Off-site soil normally will be salvaged soil, not soil removed from pristine sites, unless the use of pristine site soil can be achieved without causing any overall resource impairment. Before using any off-site materials, parks must develop a prescription, and select the materials that will be needed to restore the physical, chemical, and biological characteristics of original native soils without introducing any exotic species.

When soil excavation is an unavoidable part of an approved facility development project, the Service will minimize soil excavation, erosion, and off-site soil migration during and after the development activity.

When use of a soil fertilizer or other soil amendment is an unavoidable part of restoring a natural landscape or maintaining an altered plant community, the use will be guided by a written prescription. The prescription will be designed to ensure that such use of soil fertilizer or soil amendment does not unacceptably alter the physical, chemical, or biological characteristics of the soil, biological community, or surface or groundwaters.

(See Evaluating Environmental Impacts 4.1.3; Natural Re source Collections 4.2.3; Floodplains 4.6.4; Wetlands 4.6.5; Facility Planning and Design 9.1.1)

4.9 Soundscape Management

The natural soundscape of a park is the aggregate of all the natural sounds that occur in that park, together with the physical capacity for transmitting natural sounds. Natural sounds occur within and beyond the range of sounds that humans can perceive, and can be transmitted through air, water, or solid materials. Since sound is a physical phenomenon, the soundscape of a park can be objectively quantified by direct recordings, measurements, or both. Some natural sounds in the natural soundscape are also part of the biological or other physical resource components of the park. Examples of such natural sounds include

- sounds produced by birds, frogs, or katydids to define territories or aid in attracting mates
- sounds produced by bats or porpoises to locate prey or navigate
- sounds received by mice or deer to detect and avoid predators or other danger

- sounds produced by physical processes, such as wind in the trees, claps of thunder, or falling water

The Service will restore degraded soundscapes to the natural condition wherever practicable, and will protect natural soundscapes from degradation due to unacceptable noise. Whether or not a particular sound reaches a level where it would be characterized as "noise" depends on various factors including source, magnitude, intensity, frequency, and duration. Because noise can impact both park resources and visitor experiences, noise management is an integral component of overall park management. With respect to park visitors, what constitutes unacceptable noise will depend on visitor sensitivities and expectations.

Using appropriate management planning, superintendents will identify what level of noise is consistent with the park's enabling legislation or proclamation and the management objectives of the park. What is an acceptable noise level will vary throughout any given park and among parks, being generally greater in developed areas and generally less in undeveloped areas and similarly, generally greater in urban areas and less in rural or remote areas. The Service, through cooperation, consultation, and communication, will take action to prevent or minimize all noise that, through frequency, magnitude, or duration, unacceptably impacts the natural soundscape or other park resources or values.

(See Use of Motorized Equipment 8.2.3; Overflights and Aviation Uses 8.4)

4.10 Lightscape Management

The Service will preserve, to the greatest extent practicable, the natural lightscapes of parks, which are natural resources and values enjoyed by many visitors. The absence of light in caves and at the bottom of deep bodies of water influences biological processes and the evolution of species, such as the blind cave cricket. The phosphorescence of waves on dark nights helps hatchling sea turtles orient to the ocean. The stars, planets, and earth's moon that are visible during clear nights influence humans and many other species of animals, such as birds that navigate by the stars or prey animals that reduce their activities during moonlit nights.

Since improper outdoor lighting can impede the view and visitor enjoyment of a natural dark night sky, and recognizing the roles that light and dark periods and darkness play in natural resource processes, the Service will protect natural darkness and other components of the natural lightscape in parks. To prevent the loss of dark conditions and of natural night skies, the Service will minimize light pollution from park facilities, and also seek the cooperation of park visitors, neighbors, and local government agencies to prevent or minimize the intrusion of artificial light into the night scene of park units. The Service will not use artificial lighting in areas such as sea turtle nesting locations, where the presence of the artificial lighting will disrupt dark-dependent natural biological resource components of a park.

The Service will

- restrict the use of artificial lighting in parks to those areas where security, basic human safety, and specific cultural resource requirements must be met
- use minimal impact lighting techniques
- shield the use of artificial lighting where necessary to prevent the disruption of the night sky, natural cave processes, physiological processes of living organisms, and similar natural processes

The decision about whether or not to install artificial lighting in particular circumstances is left to the discretion of the superintendent, who will follow an appropriate planning process.

(See Visitor Safety and Emergency Response 8.2.5, Facility Planning and Design 9.1.1; Integration of Facilities into the Park Environment 9.1.1.2; Energy Management 9.1.7)

4.11 Chemical Information and Odors

Chemical information and odors are naturally produced and chemically based, and transmit information that is received by living organisms. Natural chemicals involved in the transmission of information are released by animals, plants, and geologic materials. Once released, these chemicals can be transmitted through air and water. Many animals can perceive these natural chemicals and modify their behaviors, such as mating, migration, feeding, predator avoidance, prey selection, and the establishment of social structures, as a response. Specific examples of relationships that involve natural chemical information and odors include, among others,

- scent posts where one animal deposits one or more chemicals by rubbing, urination, defecation, or other means, and where other animals can detect the passage of the first animal because of the odor produced by a deposited chemical
- flowers that produce odors that attract insects, birds, and other animals, with resulting cross-pollination of the flowers and reproduction of the species as the outcome
- female insects that release chemicals (pheromones) that attract males, with fertilization of the female's eggs and reproduction of the species as the outcome
- stressed trees that emit chemicals that some types of beetles use to find weakened trees, which they then successfully can colonize and use as habitat for reproducing themselves
- geologic materials (soils or bedrock) that emit characteristic chemicals that fish can sense and use as guides to find the places in streams where they hatched and where they subsequently return to breed and deposit fertilized eggs, with reproduction of the species as the outcome

The Service will preserve, to the greatest extent reasonable and practicable, the natural flow of natural chemical information and odors, by preventing or mitigating (1) the release of human-generated chemicals that can block the release, deposition, or perception of natural chemicals; and (2) unnatural actions that disrupt or commingle the pathways through which natural chemicals are dispersed.

The Service acknowledges that some of its management activities may necessarily alter the natural flow of natural chemical information and odors. The Service may, for example,

- introduce pesticides or pheromones into parks as part of an integrated pest management program
- construct and operate intensive development areas that eliminate animal scent stations and introduce unnatural chemicals
- change the vegetation and thereby change the kinds of natural plant chemicals released to the air
- move water from one drainage to another through water and sewer systems
- provide for the use of exhaust-emitting motors in the air, on land, and on water

When the Service engages in activities that disrupt the natural flow of natural chemical information or odors, it will comply with all applicable laws, regulations, and policies, and seek to minimize harm to the environment. In no case will the Service engage in an activity if it will impair park resources or values.

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CHAPTER 5: CULTURAL RESOURCE MANAGEMENT

[**Cover page summary statement.]** The National Park Service will preserve and foster appreciation of the cultural resources in its custody, and will demonstrate its respect for the peoples traditionally associated with those resources, through appropriate programs of research, planning, and stewardship.

Chapter 5: Cultural Resource Management

The National Park Service is the steward of many of America's most important cultural resources. These resources are categorized as archeological resources, cultural landscapes, ethnographic resources, historic and prehistoric structures, and museum collections. The Service's cultural resource management program involves

- research to identify, evaluate, document, register, and establish basic information about cultural resources and traditionally associated[1] peoples
- planning to ensure that management processes for making decisions and setting priorities integrate information about cultural resources, and provide for cooperation, consultation, communication, and collaboration with outside entities
- stewardship to ensure that cultural resources are preserved and protected, receive appropriate treatments (including maintenance), and are made available for public understanding and enjoyment

The cultural resource management policies of the National Park Service are derived from a suite of historic preservation, environmental, and other laws, proclamations, executive orders, and regulations. A comprehensive list can be found in the *Cultural Resource Management Handbook* issued pursuant to Director's Order #28. Taken collectively, they provide the Service with the authority and responsibility for managing cultural resources in every unit of the national park system so that those resources may be preserved unimpaired for future generations. Cultural resource management will be carried out in a manner consistent with these legislative and regulatory provisions, and with implementing policies and procedures such as the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 Federal Register 44716-740, or 48 FR 44716-*

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[1] 1 For purposes of these *Management Policies,* social/ cultural entities such as tribes, communities, and kinship units are "traditionally associated" with a particular park when

- the entity regards the park's resources as essential to its development and continued identity as a culturally distinct people; and
- the association has endured for at least two generations (40 years); and
- the association began prior to the establishment of the park.

See "Evaluation and Categorization" 5.1.3.2; and "Ethnographic Resources" in the *Cultural Resource Management Handbook.*

740), and Standards and Guide lines for Federal Agency Historic Preservation Programs Pursuant to the National Historic Preservation Act (63 FR 20497-508).

Park superintendents and appropriately qualified cultural resource professionals will work together to carry out the Service's cultural resource management program. Other NPS staff and volunteers participating in cultural resource research, planning, and stewardship activities will be supervised by fully qualified cultural resource professionals of the appropriate disciplines. Law enforcement professionals will consult with fully qualified cultural resource professionals of the appropriate disciplines when investigating cultural resource crimes.

Park superintendents and cultural resource professionals will ensure that research about and stewardship of cultural resources are carried out only after adequate planning and consultation, cooperation, and communication with interested or affected individuals, groups, and other outside entities.

(See Decision-making Requirements to Avoid Impairments 1.4.7. Also see NHPA [16 USC 470h- 4]; Secretary of the Interior's Professional Qualification Standards [48 FR 44738-44739]; Employee Training and Development Planning and Tracking Kit [1996])

5.1 Research

5.1.1 National Park Service Research

The National Park Service will conduct a vigorous interdisciplinary program of research into the cultural resources of each park. The principal goals of such research will be to

- ensure a systematic, adequate, and current information base representing the park's cultural resources and traditionally associated peoples, in support of planning, management, and operations
- ensure appropriate protection, preservation, treatment, and interpretation of cultural resources, employing the best current scholarship
- develop approaches for managing park cultural and natural resources that ensure consideration of the views held by traditionally associated peoples and others, by emphasizing the principles of civic engagement including conservation through cooperation, consultation, and communication
- collect data on subsistence and other consumptive uses of park resources to reach informed decisions
- develop appropriate technologies and methods for monitoring, protecting, preserving, conserving, and treating cultural resources

Adequate research to support informed planning and compliance with legal requirements will precede any final decisions about the treatment of cultural resources, or about park operations, development, and natural resource management activities that might affect cultural resources. Research will be periodically updated to reflect changing issues, sources, and methods. Research needs will be identified and justified in a park's approved resource management plan.

A written scope of work, research design, project agreement, proposal, or other description of work to be performed will be prepared and approved before any research is conducted. All archeological research, whether for inventory, data recovery, or other purposes, must comply with the Archaeological Resources Protection Act of 1979 (ARPA), the Antiquities Act, and the Native American Graves Protection and Repatriation Act (NAGPRA), as applicable. The National Park Service will not take or allow any action that reduces the research potential of cultural resources without first performing an appropriate level of research, consultation, and documentation. Because research involving physical intervention into cultural resources or the removal of objects or specimens is a destructive process entailing an irretrievable commitment of the resources, and affecting traditional practices associated with the resources, research in parks will employ nondestructive methods to the maximum extent feasible.

The features of sites, landscapes, and structures will be left in place unless impracticable. Field data, objects, specimens, and features of sites and structures retrieved for preservation during cultural resource research and treatment projects, together with associated records and reports, will be managed within the park museum collection stored in NPS or non-NPS repositories, as appropriate, including repositories maintained by partners.

Research conducted by NPS personnel, contractors, and cooperative researchers will be subjected to peer review both inside and outside the Service to ensure that it meets professional standards, reflects current scholarship, and adheres to the principles of conduct for the appropriate discipline. The data and knowledge acquired through research will be recorded on permanent and durable (long-lived) media, documented in the appropriate Servicewide databases, and placed permanently in park museum and library collections and park files. This information will be made widely available and be incorporated, as appropriate, into park planning documents, exhibits, and interpretive programs. As appropriate, information will be shared with proper state and tribal historic preservation offices and certified local governments.

Certain research data may be withheld from public disclosure to protect sensitive or confidential information about archeological, historic, or other NPS resources when doing so would be consistent with the Freedom of Information Act. In many circumstances, this will allow the Park Service to withhold information about ethnographic resources.

(See Park Planning Processes 2.3; Studies and Collections 4.2; Confidentiality 5.2.3; Research 7.5.4; Native American Use 8.5. Also see 36 CFR Parts 79 and 800; 43 CFR Parts 3, 7, and 10; NHPA; Secretary of the Interior's Standards and Guidelines for Preservation Planning [48 FR 44716-720]; Secretary of the Interior's Standards and Guidelines for Historical Documentation [48 FR 44728-730]; Director's Order #28: Cultural Resource Management; Cultural Resource Management Handbook 28)

5.1.2 Independent Research

The National Park Service will encourage and support relationships with individuals and organizations qualified to perform research, and encourage them to direct their research

toward park management objectives and the broader contexts within which park resources exist. The Park Service will encourage independent researchers to follow the Secretary of the Interior's standards and guidelines and those of the Service to the fullest extent possible, and will require that the views of traditionally associated peoples be fully considered.

Research that includes taking plants, fish, wildlife, rocks, or minerals must comply with the permit requirements of 36 CFR 2.5. Permits that would allow cultural resources to be physically disturbed, or allow objects or specimens to be collected, will be issued only when there is compelling evidence that the proposed research is essential to significant research concerns, and that the purpose of the research can be reasonably achieved only by using park resources. As appropriate, permits may require researchers to provide for the long-term preservation and management of any recovered objects and specimens and for their cataloging, together with any associated records, in the NPS museum cataloging system. Independent researchers will be authorized to conduct archeological research on park lands only through the issuance of an ARPA or Antiquities Act permit by the appropriate NPS regional director. This permitting authority cannot be further delegated. As appropriate, parks will also issue other necessary permits, such as a special use permit. Archeological research conducted by independent researchers must comply with the Native American Graves Protection and Repatriation Act when applicable.

NPS facilities, collections, and assistance will be made available to qualified scholars conducting NPS-authorized research, as long as park operations are not substantially impeded or park resources adversely impacted thereby.

(See Independent Studies 4.2.2; Consultation 5.2.1; Natural and Cultural Studies, Research, and Collection Activities 8.10. Also see 43 CFR Parts 3, 7, and 10)

5.1.3 Identification and Evaluation of Resources

The Park Service will conduct surveys to identify and evaluate the cultural resources of each park, assessing resources within their larger cultural, chronological, and geographic contexts. The resulting inventories will provide the substantive data required for (1) nominating resources to the National Register of Historic Places; (2) general park planning and specific proposals for preserving, protecting, conserving, and treating cultural resources; (3) land acquisition, development, and maintenance activities; (4) interpretation, education, and natural and cultural resource management activities; and (5) compliance with legal requirements.

5.1.3.1 Inventories

The Service will (1) maintain and expand the following inventories about cultural resources in units of the national park system, (2) enter information into appropriate related databases, and (3) develop an integrated information system. The inventories include the following:

- archeological sites inventory for historic and prehistoric archeological resources and the related Archeological Sites Management Information System (ASMIS) database, or its successor
- cultural landscapes inventory of historic designed landscapes, historic vernacular landscapes, ethnographic landscapes, and historic sites, and the related Cultural Landscapes Inventory (CLI) database, or its successor
- Ethnographic Resources Inventory (ERI) of places, including sites, structures, objects, landscapes, and natural resources with traditional cultural meaning and value to associated peoples and other resource users, or its successor
- List of Classified Structures (LCS), encompassing historic and prehistoric structures
- National Catalog of Museum Objects, encompassing all cultural objects, archival and manuscript materials, and natural history specimens in NPS collections and the related automated version, the Automated National Catalog System (ANCS+), or its successor

(See Park Planning Processes 2.3; Confidentiality 5.2.3. Also see Secretary of the Interior's Standards and Guidelines for Identification [48 FR 44720-723]; Director's Order #28; Cultural Resource Management Handbook 36 CFR Part 79)

5.1.3.2 Evaluation and Categorization

Cultural resources will be professionally evaluated and categorized to assist in management decisions about their treatment and use. Cultural resources will be evaluated for significance using National Register Criteria for Evaluation (36 CFR 60.4), and those meeting the criteria will be nominated for listing. Museum collections are inappropriate for listing and will not be evaluated using these criteria. Some collections in their original structures can be included as contributing elements to a listed structure. As appropriate, cultural resources will be categorized using other management categories established by the National Park Service and listed in the *Cultural Resource Management Handbook*. Cultural resource professionals will evaluate cultural resources in consultation with the appropriate state and tribal historic preservation officers. Ethnographically meaningful cultural and natural resources, including traditional cultural properties, will be identified and evaluated in consultation with peoples having traditional associations to park resources. Examples of traditionally associated peoples include Acadians, African Americans, Hispanic Americans, and Native Americans. (For editorial convenience, in these *Management Policies* the term "Native Americans" includes American Indians, Alaska Natives, native peoples of the Caribbean, native Hawaiians, and other native Pacific islanders.) Some ethnographically meaningful resources do not meet National Register Criteria for Evaluation, but will be inventoried in consultation with traditionally associated peoples and considered in management decisions about treatment and use.

(See Consultation 5.2.1. Also see Secretary of the Interior's Standards and Guidelines for Evaluation [48 FR 44723-726])

5.1.3.2.1 National Register Nomination

Park resources that appear to meet the criteria for the National Register of Historic Places will be nominated—either individually, as components of historic districts, or within multiple property nominations—for listing by the Keeper of the National Register. National historic sites, national historical parks, and other parks significant primarily for their cultural resources are entered automatically in the National Register upon establishment. However, nomination forms will be prepared and submitted to document the qualifying and contributing features of such parks and other National Register-eligible resources within them.

(Also see 36 CFR Parts 60 and 63; Secretary of the Interior's Standards and Guidelines for Registration [48 FR 44726-728]; National Register Bulletins 16A and 16B [Guidelines for Completing National Register of Historic Places Forms])

5.1.3.2.2 National Historic Landmark Designation

Historic and cultural units of the national park system are nationally significant by virtue of their authorizing legislation or presidential proclamation. National historic landmark designations are appropriate for park cultural resources that meet national historic landmark criteria if the national significance of those resources is not adequately recognized in the park's enabling legislation or presidential proclamation. Cultural parks may warrant landmark designation as parts of larger areas encompassing resources associated with their primary themes. Modified National Register forms will be prepared and submitted to nominate such resources for landmark designation by the Secretary of the Interior.

(Also see 36 CFR Part 65)

5.1.3.2.3 Nominations for World Heritage List Designation

Parks containing cultural features believed to possess outstanding universal value to humanity may qualify for placement on the World Heritage List under criteria described in the World Heritage Committee Operational Guidelines and in accordance with the World Heritage Convention. Before they can be nominated, all such properties must be assessed according to World Heritage criteria, and before the United States can submit a nomination to the World Heritage Committee, the site must first be included on the U.S. Tentative List of Potential Future World Heritage Nominations.

Any park superintendent who believes that part or all of the park they manage should be considered for inscription on the World Heritage List must consult with the NPS Office of International Affairs, the NPS Director, and the Department before proceeding. U.S. proposed nominations are approved by an interagency panel chaired by the Assistant Secretary for Fish and Wildlife and Parks, based on criteria promulgated by the World Heritage Committee. These criteria and the rules for U.S. participation in the Convention Concerning the World Cultural and Natural Heritage are published in 36 CFR Part 73.

Once an area is designated a world heritage site, the Park Service will recognize the designation in public information and interpretive programs. Where appropriate, park superintendents should use the park's World Heritage status as a platform to promote sustainable tourism. Designation as a World Heritage Site will not alter the purposes for

which the park was established, change the management requirements, reduce NPS jurisdiction over the park, or otherwise cause unacceptable impacts to park values and purposes.

(See World Heritage Sites 4.3.7. Also see 36 CFR Part 73)

5.2 Planning

Effective park stewardship requires informed decision making about a park's cultural resources. This is best accomplished through a comprehensive planning process. Effective planning is based on an understanding of what a park's cultural resources are, and why those resources are significant. To gain this understanding, the Park Service must obtain baseline data on the nature and types of cultural resources and their (1) distribution; (2) condition; (3) significance; and (4) local, regional, and national contexts. Cultural resource planning, and the resource evaluation process that is part of it, will include consultation with cultural resource specialists and scholars having relevant expertise; traditionally associated peoples; and other stakeholders. Current scholarship and needs for research are considered in this process, along with the park's legislative history and other relevant information.

Planning decisions will follow analysis of how proposals might affect the values that make resources significant, and the consideration of alternatives that might avoid or mitigate potential adverse effects. Planning will always seek to avoid unacceptable harm to cultural resources and consider the values of traditionally associated groups. To ensure that approaches and alternatives for resource preservation and conservation have been identified and considered, planning processes that could affect cultural resources must include cultural resource specialists, traditionally associated peoples, and others, and provide them with appropriate notification about opportunities to become involved.

The general management planning process will include goals and strategies for research on, consultation about, and stewardship of cultural resources, and for research on and consultation with traditionally associated and other peoples. Planning for park operations, development, and natural resource management activities will integrate relevant concerns and program needs for identifying, evaluating, monitoring, protecting, preserving, conserving, and treating cultural resources.

Superintendents will ensure full consideration of the park's cultural resources and values in all proposals for operations, development, and natural resource programs, including the management of wilderness areas. When proposed undertakings may adversely affect national historic sites, national battlefields, and other predominantly cultural units of the national park system that were established in recognition of their national historical significance, superintendents will provide opportunities for the same level of review and consideration by the Advisory Council on Historic Preservation and the Secretary of the Interior that the Advisory Council's regulations require for undertakings that may adversely affect national historic landmarks (36 CFR 800.10).

Each park will prepare and periodically update cultural resource components of the park's management plans. Resource plans will define any program activities needed to identify, evaluate, manage, monitor, protect, preserve, conserve, and treat the park's cultural resources, as well as provide for their enjoyment and understanding by the public.

(See Decision-making Requirements to Avoid Impairments 1.4.7; Strategic Planning 2.3.2; Implementation Planning 2.3.3. Also see Executive Order 13007; Secretary of the Interior's Standards and Guidelines for Federal Agency Historic Preservation Programs Pursuant to the National Historic Preservation Act [63 FR 20496-508]; Secretary of the Interior's Standards and Guidelines for Preservation Planning [48 FR 44716-720]; Secretary of the Interior's Standards for the Treatment of Historic Properties)

5.2.1 Consultation

The National Park Service is committed to the open and meaningful exchange of knowledge and ideas to enhance (1) the public's understanding of park resources and values and the policies and plans that affect them, and (2) the Service's ability to plan and manage the parks by learning from others. Open exchange requires that the Park Service employ ways to reach out to and consult with all those who have an interest in the parks.

Each park superintendent will communicate, cooperate, and consult with outside parties having an interest in the park's cultural resources or in proposed NPS actions that might affect those resources, and provide them with opportunities to learn about and comment on those resources and planned actions. Consultation may be formal, as when it is required pursuant to the Native American Graves Protection and Repatriation Act or Section 106 of the National Historic Preservation Act, or it may be informal when there is not a specific statutory requirement. Consultation will be initiated, as appropriate, with tribal, state, and local governments; state and tribal historic preservation officers; the Advisory Council on Historic Preservation; other interested federal agencies; traditionally associated peoples; present-day park neighbors; and other interested groups.

Consultations on proposed NPS actions will take place as soon as practical, and in an appropriate forum that ensures, to the maximum extent possible, effective cooperation, consultation, and communication and the identification of mutually acceptable alternatives. The Service will establish and maintain continuing relationships with outside parties to facilitate future collaboration, formal consultations, and the ongoing informal exchange of views and information on cultural resource matters.

Because national parks embody resources and values of interest to a national audience, efforts to reach out and consult must be national in scope. However, the Service will be especially mindful of consulting with traditionally associated peoples whose cultural systems or ways of life have an association with park resources and values that predates establishment of the park. Traditionally associated peoples may include park neighbors, traditional residents, and former residents who remain attached to the park area despite having relocated. In addition, there are other individuals and groups with strong connections to the land through experiencing a significant life event within or near a park

unit. The Service must also be sensitive to and carefully consider the views of those who have these powerful associations.

In particular, it is essential to consult traditionally associated peoples about

- proposed research on, and stewardship of, cultural and natural resources with ethnographic meaning for the groups
- development of park planning and interpretive documents that may affect resources traditionally associated with the groups
- proposed research that entails collaborative study of the groups
- identification, treatment, use, and determination of affiliation of objects subject to the Native American Graves Protection and Repatriation Act
- repatriation of Native American cultural items or human remains based on requests by affiliated groups in accordance with the Native American Graves Protection and Repatriation Act
- planned excavations and proposed responses to inadvertent discoveries of cultural resources that may be culturally affiliated with the groups
- other proposed NPS actions that may affect the treatment and use of and access to cultural and natural resources with known or potential cultural meaning for the groups
- designation of National Register, National Historic Landmark and World Heritage Sites

Consultation with federally recognized American Indian tribes will be on a government-to-government basis. The Service will notify appropriate tribal authorities (such as tribal historic preservation officers) about proposed actions when first conceived, and by subsequently consulting their appointed representatives whenever proposed actions may affect tribal interests, practices, and traditional resources (such as places of religious value).

When engaging in the consultation process, group meetings are encouraged for the purpose of exchanging information and obtaining individual viewpoints to facilitate the development or modification of proposed NPS actions. The Park Service will give appropriate consideration to concensus advice presented to it when those recommendations have been developed independent of the Park Service. The Service may not obtain advice from a group that it creates, controls, or manages unless the group is chartered pursuant to the Federal Advisory Committee Act (FACA). This act does not apply to intergovernmental meetings held exclusively between NPS officials and elected officials of state, local, or tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities when the meetings relate to intergovernmental responsibilities or administration.

(See Ethnographic Resources 5.3.5.3. Also see ARPA; NAGPRA; NEPA; NHPA [16 USC 470f]; 36 CFR Part 800; 40 CFR Parts 1500-1508; 41 CFR Part 101;, 43 CFR Parts 7 and 10; Executive Memorandum on Government-to-Government Relations with Native American Tribal Governments; Executive Order 13007; Executive Order 13175; 512

Department of the Interior Manual [DM] 2; Director's Order #71: Relationships with Indian Tribes; NPS Guide to the Federal Advisory Committee Act. Also see Director's Order #75A: Civic Engagement and Public Involvement.)

5.2.2 Agreements

The National Park Service will seek to establish mutually beneficial agreements with interested groups to facilitate collaborative research, consultation, park planning, training, and cooperative management approaches with respect to park cultural resources and culturally important natural resources. The NPS goal is to allow traditionally associated peoples to exercise traditional cultural practices in parks to the extent allowable by law, and consistent with the criteria listed in section 8.2. To the extent this goal can be legally reached through agreements, park superintendents should do so.

When parks have cultural resources owned or managed by others, agreements will clarify how the resources are to be managed. Agreements will provide ways for periodically reviewing their effectiveness and making mutually agreed-upon modifications, and for avoiding and resolving disagreements and disputes. All agreements will conform to the requirements of Director's Order #20: Agreements.

(See Decision-making Requirements to Avoid Impairments 1.4.7; Partnerships 1.9; Partnerships 4.1.4; Park Structures Owned or Managed by Others 5.3.5.4.8; Submerged Cultural Resources 5.3.5.1.7; Native American Use 8.5; Consumptive Uses 8.9. Also see Executive Order 13007; 36 CFR 2.1)

5.2.3 Confidentiality

Sensitive or confidential information is sometimes acquired during consultations and during other research, planning, and stewardship activities. Under certain circumstances, and to the extent permitted by law, information about the specific location, character, nature, ownership, or acquisition of cultural resources on park lands will be withheld from public disclosure. If a question arises about withholding information, and disclosure could result in a significant invasion of privacy or a risk of harm to a cultural resource, the Service will consult the provisions of ARPA (16 USC 470hh); the National Parks Omnibus Management Act (16 USC 5937); and NHPA (16 USC 470w-3) before making a decision.

Under some conditions, the Service may be required by law to disclose confidential information acquired during consultations, public meetings, and other research, planning, and stewardship activities, or in association with the acquisition of resources, including museum collections. Before these activities occur, NPS staff and authorized researchers will make every effort to inform affected parties that, while the information they provide will not be shared voluntarily, confidentiality cannot be guaranteed.

To the extent permitted by law, the Service will withhold from public disclosure (1) information provided by individuals who wish the information to remain confidential, and (2) the identities of individuals who wish to remain anonymous and who are protected from release by exemption under the Freedom of Information Act. In each instance, the

Service will document its decision to disseminate or withhold sensitive or confidential information from public disclosure.

More detailed guidance on sensitive and confidential information can be found in Director's Order #66: The Freedom of Information Act and the Protection of Exempted Information; and the *Museum Handbook*, Part III.

(See Managing Information 1.7. Also see 43 CFR Part 2; 43 CFR 7.18; Privacy Act)

5.3 Stewardship

5.3.1 Protection and Conserving of Cultural Resources

The National Park Service will employ the most effective concepts, techniques, and equipment to protect cultural resources against theft, fire, vandalism, overuse, deterioration, environmental impacts, and other threats, without compromising the integrity of the resources.

5.3.1.1 Emergency Management

Measures to protect or rescue cultural resources in the event of an emergency, disaster, or fire will be developed as part of a park's emergency operations and fire management planning processes. Designated personnel will be trained to respond to all emergencies in a manner that maximizes visitor and employee safety and the protection of resources and property.

(See Emergency Preparedness and Emergency Operations 8.2.5.2. Also see 36 CFR Part 78)

5.3.1.2 Fire Detection, Suppression, and Post-fire Rehabilitation and Protection

The Park Service will take action to prevent or minimize the impact of wildland, prescribed, and structural fires on cultural resources, including the impact of suppression and rehabilitation activities.

In the conservation of historic structures and museum and library collections, every attempt will be made to comply with national building and fire codes. When these cannot be met without significantly impairing a structure's integrity and character, the management and use of the structure will be modified to minimize potential hazards rather than modifying the structure itself.

Subject to the previous paragraph, when warranted by the significance of a historic structure or a museum or library collection, adequate and appropriate fire detection, warning, and suppression systems will be installed. Pre-fire plans will be developed for historic structures and buildings housing museum or library collections to identify the floor plan, utilities, hazards, and areas and objects requiring special protection. This information will be kept current and made available to local and park fire personnel.

Park and local fire personnel will be advised of the locations and characteristics of cultural resources threatened by fire, and of any priorities for protecting them during any planned or unplanned fire incident. At parks with cultural resources, park fire personnel will receive cultural resource protection training. At parks that have wildland or structural fire risks, cultural resource management specialists will receive fire prevention and emergency response training. Cultural resources management specialists who assist with wildland fire programs will be certified for incident management positions commensurate with their individual responsibilities.

Smoking will not be permitted in spaces housing museum or library collections, or in historic structures (except those used as residences in which smoking is permitted by the park superintendent).

(See Fire Management 4.5; Fire Management 6.3.9; Structural Fire Protection and Suppression 9.1.8. Also see Director's Order #18: Wildland Fire Management; Director's Order #58, and Reference Manual 58: Structural Fires)

5.3.1.3 Compensation for Damages

The National Park System Resource Protection Act authorizes the Service to take all necessary and appropriate steps to recover costs and damages from any person who destroys, causes the loss of, or injures any resource of the national park system. When such incidents involve cultural resources, the Service will

- prevent or minimize the destruction or loss of, or injury to, the cultural resource, or abate or minimize the imminent risk of such destruction, loss, or injury
- assess and monitor damage to the cultural resource
- recover any and all costs associated with the restoration or replacement of the cultural resource, or with the acquisition of an equivalent resource
- recover the value of any significant loss of use of the cultural resource pending its restoration or replacement or the acquisition of an equivalent, or the value of the cultural resource in the event it cannot be restored or replaced
- recover any and all costs incurred in responding to, assessing, and/or monitoring damage to the cultural resource

(See Compensation for Injuries to Natural Resources 4.1.6)

5.3.1.4 Environmental Monitoring and Control

When necessary to preserve a historic structure or a museum collection, appropriate measures will be taken to control relative humidity, temperature, light, and air quality. When museum collections are housed in a historic structure, the needs of both the collection and the structure will be identified and evaluated, weighing relative rarity and significance, before environmental control measures are introduced. The environmental conditions of all areas housing museum collections will be regularly monitored, according to a schedule specific to each condition, to determine whether appropriate levels of relative humidity, temperature, and light are being maintained.

(See Air Quality 4.7.1. Also see Director's Order #24: Museum Management)

5.3.1.5 Pest Management

The Service will follow an integrated pest management approach in addressing pest problems (including invasive vegetation) related to cultural resources. Pest occurrences will be dealt with on a case-by-case basis. Available pest management methods, as described in Director's Order #77-7, will be reviewed to determine the most effective and lowest risk management strategy.

(See Pest Management 4.4.5)

5.3.1.6 User Capacity

Cultural resources will be managed to protect them and to ensure their appropriate use. Before setting any user capacities the superintendent will (1) review the park's purpose; (2) analyze existing visitor use of and related impacts to the park's cultural resources and traditional resource users; (3) prescribe indicators and specific standards for acceptable and sustainable visitor use; and (4) identify ways to address and monitor unacceptable impacts resulting from overuse. Studies to gather basic data and make recommendations on setting, enforcing, and monitoring user capacities for cultural resources will be conducted in collaboration with cultural resource specialists representing the appropriate disciplines as well as affected partners, communities, and tribes.

(See User Carrying Capacity 8.2.1)

5.3.2 Physical Access for Persons with Disabilities

The National Park Service will provide persons with disabilities the highest feasible level of physical access to historic properties that is reasonable and is consistent with the preservation of each property's significant historical features and applicable law. Access modifications for persons with disabilities will be designed and installed to least affect the features of a property that contribute to its significance. Modifications to some features may be acceptable in providing access, once a review of options for the highest level of access has been completed. However, if it is determined that modification of particular features would impair a property's integrity and character in terms of the Advisory Council's regulations at 36 CFR 800. 9, such modifications will not be made. To the extent possible, modifications for access will benefit the greatest number of visitors, staff, and the public, and will be integrated with or in proximity to the primary path of travel for entrances and from parking areas. In situations where access modifications cannot be made, alternative methods of achieving program access will be adopted.

(See Access to Interpretive and Educational Opportunities 7.5.1; Accessibility for Persons with Disabilities 8.2.4; Accessibility for Persons with Disabilities 9.1.2; Accessibility of Commercial Services 10.2.6.2. Also see Director's Order #42: Accessibility for Visitors with Disabilities)

5.3.3 Historic Property Leases and Cooperative Agreements

The National Park Service may lease or permit the use of a historic property through a lease or cooperative agreement if such lease or cooperative agreement will ensure the property's preservation. Proposed uses must not unduly limit public appreciation of the property; interfere with visitor use and enjoyment of the park; or preclude use of the property for park administration, employee residences, or other management purposes judged more appropriate or cost-effective.

Cooperative agreements to maintain, repair, rehabilitate, restore, or build upon a historic property can be entered into with state, local, and tribal governments; other public entities; educational institutions; and private nonprofit organizations.

If a lease or cooperative agreement requires or allows the lessee or cooperator to maintain, repair, rehabilitate, restore, or build upon the property, it will require the work be done in accordance with applicable Secretary of the Interior's standards and guidelines and other NPS policies, guidelines, and standards.

(See 8.12: Leasing and Cooperative Agreements. Also see NHPA [16 USC 470h-3]; 16 USC 460l- 22(a); Omnibus Consolidated Appropriations Act, 1997 [16 USC 1g]; 36 CFR Part 18)

5.3.4 Stewardship of Human Remains and Burials

Marked and unmarked prehistoric and historic burial areas and graves will be identified, evaluated, and protected. Every effort will be made to avoid impacting burial areas and graves when planning park development and managing park operations. Such burial areas and graves will not knowingly be disturbed or archeologically investigated unless threatened with destruction.

The Service will consult with American Indian tribes, other Native American groups, and other individuals and groups linked by demonstrable ties of kinship or culture to potentially identifiable human remains when such remains may be disturbed or are inadvertently encountered on park lands. Re-interment at the same park may be permitted, and may include remains that may have been removed from lands now within the park.

Native American human remains and photographs of such remains will not be exhibited. Drawings, renderings, or casts of such remains may be exhibited with the consent of culturally affiliated Indian tribes and native Hawaiian organizations. The exhibit of non-Native American human remains, or photographs, drawings, renderings, or casts of such remains, is allowed in consultation with traditionally associated peoples. The Service may allow access to, and study, publication, and destructive analysis of, human remains, but must consult with traditionally associated peoples and consider their opinions and concerns before making decisions on appropriate actions. In addition, such use of human remains will occur only with an approved research proposal that describes why the information cannot be obtained through other sources or analysis, and why the research is important to the field of study and the general public.

(See Cultural Resources 6.3.8; Consultation 7.5.5; Cemeteries and Burials 8.6.10. Also see ARPA; NAGPRA; 36 CFR Part 79; 43 CFR Part 10)

5.3.5 Treatment of Cultural Resources

The Service will provide for the long-term conservation of, public access to, and appreciation of, the features, materials, and qualities contributing to the significance of cultural resources. With some differences by type, cultural resources are subject to several basic treatments, including (1) preservation in their existing states; (2) rehabilitation to serve contemporary uses, consistent with their integrity and character; and (3) restoration to earlier appearances by the removal of later additions and replacement of missing elements. Decisions regarding which treatments will best ensure the conservation and public enjoyment of particular cultural resources will be reached through the planning and compliance process, taking into account

- the nature and significance of a resource, and its condition and interpretive value
- the research potential of the resource
- the level of intervention required by treatment alternatives
- the availability of data, and the terms of any binding restrictions
- the concerns of traditionally associated peoples and other interested individuals and groups

Except for emergencies that threaten irreparable loss without immediate action, no treatment project will be undertaken unless supported by an approved planning document. appropriate to the proposed action.

The preservation of cultural resources in their existing states will always receive first consideration. Treatments entailing greater intervention will not proceed without the consideration of interpretive alternatives. The appearance and condition of resources before treatment, and changes made during treatment, will be documented. Such documentation will be shared with any appropriate state or tribal historic preservation office or certified local government, and added to the park museum cataloging system. Pending treatment decisions reached through the planning process, all resources will be protected and preserved in their existing states.

As a basic principle, anything of historical appearance that the National Park Service presents to the public in a park will be either an authentic survival from the past, or an accurate representation of what once existed there. Reconstructions and reproductions will be clearly identified as such.

The Service will holistically approach the treatment of related cultural resources in a park. All cultural resource and natural resource values will be considered in defining specific treatment and management goals. Research will be coordinated and sequenced so that decisions are not made in isolation. Each proposed action will be evaluated to ensure consistency or compatibility in the overall treatment of park resources. The relative importance and relationship of all values will be weighed to identify potential conflicts between and among resource preservation goals, park management and operation goals,

and park user goals. Conflicts will be considered and resolved through the planning process, which will include any consultation required by 16 USC 470f.

Although each resource type is most closely associated with a particular discipline, an interdisciplinary approach is commonly needed to properly define specific treatment and management goals for cultural resources. Policies applicable to the various resource types follow.

(See Park Management 1.4; Park Planning Processes 2.3; Planning 5.2; Cultural Resources 6.3.8. Also see NEPA; Secretary of the Interior's Standards for the Treatment of Historic Properties)

5.3.5.1 Archeological Resources

Archeological resources will be managed in situ, unless the removal of artifacts or physical disturbance is justified by research, consultation, preservation, protection, or interpretive requirements. Preservation treatments will include proactive measures that protect resources from vandalism and looting, and maintain or improve their condition by limiting damage due to natural and human agents. Data recovery actions will be taken only in the context of planning, consultation, and appropriate decision making. Preservation treatments and data recovery activities will be conducted within the scope of an approved research design. Archeological research will use nondestructive methods of testing and analysis wherever possible. The Park Service will incorporate information about archeological resources into interpretive, educational, and preservation programs. Artifacts and specimens recovered from archeological resources, along with associated records and reports, will be maintained together in the park museum collection.

(Also see 36 CFR Part 79; Secretary of the Interior's Standards and Guidelines for Archeological Documentation [48 FR 44734-737]; Museum Handbook)

5.3.5.1.1 Preservation

Archeological resources will be maintained and preserved in a stable condition to prevent degradation and loss. The condition of archeological resources will be documented, regularly monitored, and evaluated against initial baseline data. Parks are encouraged to enlist concerned local citizens in site stewardship programs to patrol and monitor the condition of archeological resources. The preservation of archeological components of cultural landscapes, structures, and ruins are also subject to the treatment policies for cultural landscapes, historic and prehistoric structures, and historic and prehistoric ruins.

5.3.5.1.2 Stabilization

Archeological resources subject to erosion, slumping, subsidence, or other natural deterioration will be stabilized using the least intrusive and destructive methods. The methods used will protect natural resources and processes to the maximum extent feasible. Stabilization will occur only after sufficient research demonstrates the likely success of the proposed stabilizing action, and after existing conditions are documented.

5.3.5.1.3 Rehabilitation, Restoration, and Reconstruction

These terms are normally related to the treatment of historic structures and cultural landscapes. The Service will not normally undertake the rehabilitation, restoration, or reconstruction of archeological resources or features. Archeological studies undertaken in conjunction with the rehabilitation or restoration of cultural landscapes, structures, or ruins, or with the reconstruction of obliterated cultural landscapes or missing structures, will be guided by the treatment policies for archeological resources, as well as those for the other associated resource types.

5.3.5.1.4 Protection

Archeological resources will be protected against agents of destruction and deterioration whenever practicable.

Archeological resources subject to vandalism and looting will be periodically monitored, and if reasonable, practicable, and appropriate, fencing, warning signs, remote-sensing alarms, and other protective measures will be installed. Training and public education programs will be developed to make park staff and the public aware of the value of the park's archeological resources, and the penalties for destroying them. For public safety reasons, local citizens who are monitoring resources under site stewardship programs will be instructed to report incidents of vandalism and looting to law enforcement personnel for response.

(See Volunteers in Parks 7.6.1; Shared Responsibilities 8.3.3)

5.3.5.1.5 Archeological Data Recovery

Archeological data recovery is permitted if justified by research or interpretation needs. Significant archeological data that would otherwise be lost as a result of resource treatment projects or uncontrollable degradation or destruction will be recovered in accordance with appropriate research proposals and preserved in park museum collections. Data will be recovered to mitigate the loss of significant archeological data due to park development, but only after the following:

- the redesign, relocation, and cancellation of the proposed development have all been considered and ruled out as infeasible through the planning process,
- the park development has been approved, and
- the project has provided for data recovery, cataloging, and the initial preservation of recovered collections.

(See Planning 5.2)

5.3.5.1.6 Earthworks

Appropriate and, when feasible, native vegetation will be maintained when necessary to prevent the erosion of prehistoric and historic earthworks, even when the historic condition might have been bare earth. Because earthwork restorations and reconstructions can obliterate surviving remains and are often difficult to maintain, other means of representing and interpreting the original earthworks will receive first consideration.

(See Management of Native Plants and Animals 4.4.2; Management of Exotic Species 4.4.4)

5.3.5.1.7 Submerged Cultural Resources

Historic shipwrecks and other submerged cultural resources will be protected, to the extent permitted by law, in the same manner as terrestrial archeological resources. Protection activities involve inventory, evaluation, monitoring, interpretation, and establishing partnerships to provide for the management of historic shipwrecks and other submerged cultural resources in units of the national park system. The Park Service will not allow treasure hunting or commercial salvage activities at or around historic shipwrecks or other submerged cultural resources located within park boundaries unless legally obligated to do so. Parks may provide recreational diving access to submerged cultural resources that are not susceptible to damage or the removal of artifacts. The Service will ensure that the activities of others in park waters do not adversely affect submerged cultural resources or the surrounding natural environment. The Service will consult with the owners of nonabandoned historic shipwrecks, and enter into written agreements with them to clarify how the shipwrecks will be managed by the Park Service. Shipwrecks owned by a state government pursuant to the Abandoned Shipwreck Act of 1987 will be managed in accordance with the Abandoned Shipwreck Act Guidelines (55 FR 50116-145, 55 FR 51528, and 56 FR 7875).

(See Recreational Activities 8.2.2. Also see 36 CFR Part 2; 485 DM 27; Director's Order #4: Diving Management)

5.3.5.2 Cultural Landscapes

The treatment of a cultural landscape will preserve significant physical attributes, biotic systems, and uses when those uses contribute to historical significance. Treatment decisions will be based on a cultural landscape's historical significance over time, existing conditions, and use. Treatment decisions will consider both the natural and built characteristics and features of a landscape, the dynamics inherent in natural processes and continued use, and the concerns of traditionally associated peoples.

The treatment implemented will be based on sound preservation practices to enable long-term preservation of a resource's historic features, qualities, and materials. There are three types of treatment for extant cultural landscapes—preservation, rehabilitation, and restoration.

(See Decision-making to Avoid Impairments 1.4.7. Also see Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes)

5.3.5.2.1 Preservation

A cultural landscape will be preserved in its present condition if that condition allows for satisfactory protection, maintenance, use, and interpretation; or another treatment is warranted but cannot be accomplished until some future time.

5.3.5.2.2 Rehabilitation

A cultural landscape may be rehabilitated for contemporary use if

- it cannot adequately serve an appropriate use in its present condition, and
- rehabilitation will retain its essential features, and will not alter its integrity and character or conflict with approved park management objectives.

5.3.5.2.3 Restoration

A cultural landscape may be restored to an earlier appearance if

- all changes after the proposed restoration period have been professionally evaluated, and the significance of those changes has been fully considered,
- restoration is essential to public understanding of the park's cultural associations,
- sufficient data about that landscape's earlier appearance exist to enable its accurate restoration, and
- the disturbance or loss of significant archeological resources is minimized and mitigated by data recovery.

5.3.5.2.4 Reconstruction of Obliterated Landscapes

No matter how well conceived or executed, reconstructions are contemporary interpretations of the past rather than authentic survivals from it. The National Park Service will not reconstruct an obliterated cultural landscape unless

- there is no alternative that would accomplish the park's interpretive mission,
- sufficient data exist to enable its accurate reconstruction based on the duplication of historic features substantiated by documentary or physical evidence rather than on conjectural designs or features from other landscapes,
- reconstruction will occur in the original location,
- the disturbance or loss of significant archeological resources is minimized and mitigated by data recovery, and
- reconstruction is approved by the NPS Director.

A landscape will not be reconstructed to appear damaged or ruined. General representations of typical landscapes will not be attempted.

5.3.5.2.5 Biotic Cultural Resources

Biotic cultural resources, which include plant and animal communities associated with the significance of a cultural landscape, will be duly considered in treatment and management. The cultural resource and natural resource components of the park's resource management plan will jointly identify acceptable plans for the management and treatment of biotic cultural resources. The treatment and management of biotic cultural resources will anticipate and plan for the natural and human-induced processes of change. The degree to which change contributes to or compromises the historic character of a cultural landscape, and the way in which natural cycles influence the ecological processes within a landscape, will both be understood before any major treatment is undertaken. Treatment and

management of a cultural landscape will establish acceptable parameters for change, and manage the biotic resources within those parameters.

(See Maintenance of Altered Plant Communities 4.4.2.5)

5.3.5.2.6 Land Use and Ethnographic Value

Many cultural landscapes are significant because of their historic land use and practices. When land use is a primary reason for the significance of a landscape, the objective of treatment will be to balance the perpetuation of use with the retention of the tangible evidence that represents its history. The variety and arrangement of cultural and natural features in a landscape often have sacred or other continuing importance in the ethnic histories and cultural vigor of associated peoples. These features and their past and present-day uses will be identified, and the beliefs, attitudes, practices, traditions, and values of traditionally associated peoples will be considered in any treatment decisions.

Contemporary use of a cultural landscape is appropriate if it

- does not adversely affect significant landscape characteristics and features, and
- either follows the historic use or does not impede public appreciation of it.

All uses of cultural landscapes are subject to legal requirements, policy, guidelines, and standards for natural and cultural resource preservation, public safety, and special park uses.

5.3.5.2.7 New Construction

Contemporary alterations and additions to a cultural landscape must not radically change, obscure, or destroy its significant spatial organization, materials, and features. New buildings, structures, landscape features, and utilities may be constructed in a cultural landscape if

- existing structures and improvements do not meet essential management needs,
- new construction is designed and sited to preserve the landscape's integrity and historic character, and
- the alteration, addition, or related new construction, unless associated with an approved restoration or reconstruction, is differentiated from, yet compatible with, the landscape's historic character.

New additions will meet the *Secretary of the Interior's Standards for Rehabilitation.*

5.3.5.3 Ethnographic Resources

Park ethnographic resources are the cultural and natural features of a park that are of traditional significance to traditionally associated peoples. These peoples are the contemporary park neighbors and ethnic or occupational communities that have been associated with a park for two or more generations (40 years), and whose interests in the park's resources began before the park's establishment. Living peoples of many cultural backgrounds may have a traditional association with a particular park.

Traditionally associated peoples generally differ as a group from other park visitors in that they typically assign significance to ethnographic resources—places closely linked with their own sense of purpose, existence as a community, and development as ethnically distinctive peoples. These places may be in urban or rural parks, and may support ceremonial activities or represent birthplaces of significant individuals, group origin sites, migration routes, or harvesting or collecting places. Although these places have historic attributes of great importance to the group, they may not necessarily have a direct association with the reason the park was established, or be appropriate as a topic of general public interest. Some ethnographic resources might also be traditional cultural properties. A traditional cultural property is a property that is eligible for inclusion in the National Register of Historic Places because of its association with the cultural practices or beliefs of a living community that are (1) rooted in that community's history, and (2) important in maintaining the continuing cultural identity of the community.

The Service's primary interest in these places stems from its responsibilities under

- the NPS Organic Act — to conserve the natural and historic objects within parks unimpaired for the enjoyment of future generations
- the National Historic Preservation Act (NHPA) — to preserve, conserve, and encourage the continuation of the diverse traditional prehistoric, historic, ethnic, and folk cultural traditions that underlie and are a living expression of our American heritage
- the American Indian Religious Freedom Act (AIRFA) — to protect and preserve for American Indians access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites
- the Archaeological Resources Protection Act (ARPA) — to secure, for the present and future benefit of the American people, the protection of archeological resources and sites that are on public lands
- the National Environmental Policy Act (NEPA) — to preserve important historic, cultural, and natural aspects of our national heritage
- Executive Order 13007 — to (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites

The Service must therefore be respectful of these ethnographic resources, and carefully consider the effects that NPS actions may have on them. When religious issues are evident, the Service must also consider constraints imposed on federal agency actions by the First and Fourteenth Amendments to the U.S. Constitution.

The National Park Service will adopt a comprehensive approach that considers parks and traditionally associated and other peoples as interrelated members of an ecosystem. As an aid to appreciating the diverse human heritage and associated resources that characterize the national park system, the Service will identify the present-day peoples whose cultural practices and identities were, and often still are, closely associated with each park's cultural and natural resources.

The Alaska National Interest Lands Conservation Act recognizes the importance of maintaining the Alaska Native cultures and rural lifestyles, and contains several provisions that authorize activities by the Park Service that would assist in the cultural preservation of Alaska Native communities and rural lifestyles. For many rural Alaskans, the land and the way of life are inseparable. The Service will explore opportunities in Alaska to forge a mutually beneficial relationship between Alaska Natives, rural residents, and the Park Service. In Alaska and elsewhere, the Service will try to strengthen the ability of traditional and indigenous peoples to perpetuate their culture and to enrich the parks with traditional knowledge and a deeper sense of place.

Ethnographic information will be collected through collaborative research that recognizes the sensitive nature of such information. Cultural anthropologists/ethnographers will document the meanings that traditionally associated groups assign to traditional natural and cultural resources and the landscapes they form. The park's ethnography file will include this information, as well as data on the traditional management practices and knowledge systems that affect resource uses and the short- and long-term effects of use on the resources.

(See Confidentiality 5.2.3. Also see Director's Order #29: Ethnography Program)

5.3.5.3.1 Resource Access and Use

Consistent with the requirements of the Organic Act, NHPA, AIRFA, ARPA, NEPA, and Executive Order 13007 cited in section 5.3.5.3 above, the Service will strive to allow American Indians and other traditionally associated peoples access to, and use of, ethnographic resources. Continued access to and use of ethnographic resources is often essential to the survival of family, community, or regional cultural systems, including patterns of belief and sociocultural and religious life. However, the Service may not allow access and use if it would violate the criteria listed in section 8.1.

The Service generally supports traditional access and use, and is considering policy and regulatory revisions that will clarify when reasonable accommodations can be made under NPS authorities to allow greater access and use. Park superintendents may reasonably control the times when, and the places where, specific groups may have exclusive access to particular areas of a park.

With regard to consumptive use of park resources, current NPS policy is reflected in regulations published at 36 CFR 2.1. These regulations allow superintendents to designate certain fruits, berries, nuts, or unoccupied seashells that may be gathered by hand for personal use or consumption if it will not adversely affect park wildlife or the reproductive potential of a plant species, or otherwise adversely affect park resources. The regulations do not authorize the taking, use, or possession of fish, wildlife, or plants for ceremonial or religious purposes, except where specifically authorized by federal statute or treaty rights, or where hunting, trapping, or fishing are otherwise allowed. These regulations are currently under review, and NPS policy is evolving in this area.

Regulations addressing traditional subsistence uses that are authorized in Alaska by the Alaska National Interest Lands Conservation Act are published at 36 CFR Part 13. Some park-specific enabling acts (e.g., Big Cypress National Preserve and Kaloka-Honokohau National Historical Park) allow subsistence or other traditional uses of park resources.

(See Native American Use 8.5; Special Park Uses 8.6; Collecting Natural Products 8.8; Consumptive Uses 8.9)

5.3.5.3.2 Sacred Sites

The National Park Service acknowledges that American Indian tribes, including native Alaskans, treat specific places containing certain natural and cultural resources as sacred places having established religious meaning, and as locales of private ceremonial activities. Consistent with Executive Order 13007, the Service will, to the extent practicable, accommodate access to and ceremonial use of Indian sacred sites by religious practitioners from recognized American Indian and Alaskan Native tribes, and avoid adversely affecting the physical integrity of such sacred sites.

In consultation with the appropriate groups, the Service will develop a record about such places, and identify any treatments preferred by the groups. This information will alert superintendents and planners to the potential presence of sensitive areas, and will be kept confidential to the extent permitted by law. The Service will collaborate with affected groups to prepare mutually agreeable strategies for providing access to ordinarily gated or otherwise inaccessible locales, and for enhancing the likelihood of privacy during religious ceremonies. Any strategies must comply with constitutional and other legal requirements. To the extent feasible and allowable by law, accommodations will also be made for access to and the use of sacred places when interest is expressed by other traditionally associated peoples, especially native Hawaiians and other Pacific islanders, and by American Indian peoples and others who often have a long-standing connection and identity with a particular park or resource.

Various ethnic groups, local groups with recently developed ties to resources in neighboring parks, and visitors to family and national cemeteries and national memorials also might use park resources for traditional or individual religious ceremonies. Mutually acceptable agreements may be negotiated with known groups to provide access to and the use of such places, consistent with constitutional and other legal constraints.

(See Confidentiality 5.2.3; Resource Access and Use 5.3.5.3.1; Native American Use 8.5; First Amendment Activities 8.6.3. Also see Director's Orders #66: The Freedom of Information Act and the Protection of Exempted Information, and #71B: Sacred Sites; NHPA [16 USC 470w-3]; Executive Order 13007; 512 DM 3)

5.3.5.3.3 Research

The Service will maintain a program of professional cultural anthropological/ethnographic research that is designed to provide NPS managers with information about relationships between park resources and associated peoples. Research will be undertaken in cooperation with associated peoples in an interdisciplinary manner whenever reasonable, especially in

studies of natural resource use and ethnographic landscapes. Research findings will be used to inform planning, cultural, and natural resource management decision-making, as well as for interpretation and to help managers meet responsibilities to associated peoples and other stakeholders in the outcomes of NPS decisions. Information required for an ethnographic resource inventory will be drawn from ethnographic research reports to the fullest extent possible.

Collaborative research dealing with recent or contemporary cultural systems and the resources of park-associated peoples will involve the groups in the design and implementation of the research and the review of research findings to the fullest possible extent. The Service will provide individuals or groups involved with or directly affected by the research with copies or summaries of the reports, as appropriate.

(See Park Planning Processes 2.3; Studies and Collections 4.2; Consultation 7.5.5; Native American Use 8.5. Also see Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes)

5.3.5.4 Historic and Prehistoric Structures

The treatment of historic and prehistoric structures will be based on sound preservation practice to enable the long-term preservation of a structure's historic features, materials, and qualities. There are three types of treatment for extant structures—preservation, rehabilitation, and restoration.

(Also see Secretary of the Interior's Standards for the Treatment of Historic Properties)

5.3.5.4.1 Preservation

A structure will be preserved in its present condition if

- that condition allows for satisfactory protection, maintenance, use, and interpretation, or
- another treatment is warranted but cannot be accomplished until some future time.

5.3.5.4.2 Rehabilitation

A historic structure may be rehabilitated (rehabilitation does not apply to prehistoric structures) for contemporary use if

- it cannot adequately serve an appropriate use in its present condition, and
- rehabilitation will retain its essential features and will not alter its integrity and character or conflict with approved park management objectives.

5.3.5.4.3 Restoration

A structure may be restored to an earlier appearance if

- all changes after the proposed restoration period have been professionally evaluated, and the significance of those changes has been fully considered,
- restoration is essential to public understanding of the park's cultural associations,

- sufficient data about that structure's earlier appearance exist to enable its accurate restoration, and
- the disturbance or loss of significant archeological resources is minimized and mitigated by data recovery.

5.3.5.4.4 Reconstruction of Missing Structures

No matter how well conceived or executed, reconstructions are contemporary interpretations of the past rather than authentic survivals from it. The National Park Service will not reconstruct a missing structure unless

- there is no alternative that would accomplish the park's interpretive mission,
- sufficient data exist to enable its accurate reconstruction based on the duplication of historic features substantiated by documentary or physical evidence rather than on conjectural designs or features from other structures,
- reconstruction will occur in the original location, and the disturbance or loss of significant archeological resources is minimized and mitigated by data recovery, and
- reconstruction is approved by the NPS Director.

A structure will not be reconstructed to appear damaged or ruined. Generalized representations of typical structures will not be attempted.

(See Environmental Monitoring and Control 5.3.1.4; Physical Access for Persons with Disabilities 5.3.2; Historic and Prehistoric Ruins 5.3.5.4.10)

5.3.5.4.5 Movement of Historic Structures

Proposals for moving historic structures will consider the effects of movement on the structures, their present environments, their proposed environments, and the archeological research value of the structures and their sites. No historic structure will be moved if its preservation would be adversely affected, or until the appropriate recovery of significant archeological data has occurred. Prehistoric structures will not be moved.

A nationally significant historic structure may be moved only if

- it cannot practically be conserved on its present site, or
- the move constitutes a return to a previous historic location, and the previous move and present location are not important to the structure's significance.

A historic structure of less-than-national significance may be moved if

- it cannot practically be preserved on its present site, or
- its present location is not important to its significance, and its relocation is essential to public understanding of the park's cultural associations.

In moving a historic structure, every effort will be made to reestablish its historic orientation, immediate setting, and general relationship to its environment.

The Service will not acquire historic structures for relocation to parks.

5.3.5.4.6 New Construction

In preference to new construction, every reasonable consideration will be given to using historic structures for park purposes compatible with their preservation and public appreciation. Additions may be made to historic structures when essential to their continued use, and when new construction will not destroy historic materials, features, and spatial relationships that characterize the structure. Structural additions will harmonize in size, scale, proportion, and materials with, but be readily distinguishable from, the older work, and will not intrude upon the historic scene. New additions will meet the *Secretary of the Interior's Standards for Rehabilitation*.

In those areas of parks managed for the preservation, protection, and interpretation of cultural resources and their settings, new structures, landscape features, and utilities will be constructed only if:

- existing structures and improvements do not meet essential park management needs, and
- new construction is designed and sited to preserve the integrity and character of the area.

Unless associated with an approved restoration or reconstruction, all alterations, additions, or related new construction will be differentiated from yet compatible with the historic character of the structure.

(See Rehabilitation 5.3.5.4.2; Use of Historic Structures 5.3.5.4.7; Adaptive Use 9.1.1.4. Also see Executive Order 13006; NHPA)

5.3.5.4.7 Use of Historic Structures

The National Historic Preservation Act (NHPA) (16 USC 470h-2(a)(1)) and Executive Order 13006 require each federal agency—prior to acquiring, constructing, or leasing buildings—to use, to the maximum extent feasible, historic properties available to it whenever operationally appropriate and economically prudent. The NHPA also requires each agency to implement alternatives for the adaptive use of historic properties it owns if that will help ensure the properties' preservation. Therefore, compatible uses for structures will be found whenever possible. This policy will help prevent the accelerated deterioration of historic structures due to neglect and vandalism. Unused significant historic structures should be stabilized and protected through appropriate measures, such as "mothballing," until long-term decisions are made through the planning process.

All uses of historic structures are subject to preservation and public safety requirements. No administrative or public use will be permitted that would threaten the stability or character of a structure, the museum objects within it, or the safety of its users, or that would entail alterations significantly compromising its integrity.

(See Fire Detection, Suppression, and Post-fire Rehabilitation and Protection 5.3.1.2; Physical Access for Persons with Disabilities 5.3.2; Adaptive Use 9.1.1.3; Energy Management 9.1.7; Historic Structures 9.4.3.3)

5.3.5.4.8 Park Structures Owned or Managed by Others

Park structures and related property owned or managed by others will be managed in accordance with NPS policies, guidelines, and standards to the extent permitted by the Service's interest. This includes structures and property owned but not occupied by the Service, and structures and property owned by others in which the Service has a less-than-fee interest or plays a major management or preservation role. Interests acquired or retained by the Service will enable the application of this policy.

(See Land Protection Plans 3.3; Historic Property Leases and Cooperative Agreements 5.3.3; Historic Properties 10.2.2.3)

5.3.5.4.9 Damaged or Destroyed Historic Structures

Historic structures damaged or destroyed by fire, storm, earthquake, war, or any other accident may be preserved as ruins; be removed; or be rehabilitated, restored, or reconstructed in accordance with these policies.

5.3.5.4.10 Historic and Prehistoric Ruins

The stabilization of historic and prehistoric ruins will be preceded by studies leading to the recovery of any data that would be affected by stabilization work. Ruins and related features on unexcavated archeological sites will be stabilized only to the extent necessary to preserve research values or to arrest structural deterioration, recognizing that it is preferable to preserve archeological sites in situ than to excavate them. Archeological ruins to be exhibited will not be excavated until consultation has occurred with traditionally associated peoples and adequate provisions are made for data recovery and stabilization. Structures will not be deliberately reduced to ruins, and missing structures will not be reconstructed to appear damaged or ruined.

5.3.5.5 Museum Collections

The Service will collect, protect, preserve, provide access to, and use objects, specimens, and archival and manuscript collections (henceforth referred to collectively as "collections," or individually as "items") in the disciplines of archeology, ethnography, history, biology, geology, and paleontology to aid understanding among park visitors, and to advance knowledge in the humanities and sciences. As appropriate, the Service will consult with culturally affiliated or traditionally associated peoples before treating or reproducing items in NPS collections that are subject to the Native American Graves Protection and Repatriation Act.

(Also see Museum Handbook)

5.3.5.5.1 Preservation

An item in a museum collection will be preserved in its present condition through ongoing preventive care if

- that condition is satisfactory for exhibit or research, or
- another treatment is warranted but it cannot be accomplished until some future time.

An item will be stabilized if

- preventive measures are insufficient to reduce deterioration to a tolerable level, or
- the item is so fragile that it will be endangered under any circumstances.

Active conservation treatment (intervention) will be minimized to reduce the possibility of compromising the item's integrity. All active treatment will be documented.

5.3.5.5.2 Restoration

An item in a museum collection may be restored to an earlier appearance if

- restoration is required for exhibit or research purposes,
- sufficient data about that item's earlier appearance exist to enable its accurate restoration, and
- restoration will not modify that item's known original character.

Restoration will be accomplished using the techniques and materials that least modify the item and in such a manner that the materials can be removed at a later time with minimal adverse effect. Restored areas will be distinguishable from original material and be documented. Restoration will take into account the possible importance of preserving signs of wear, damage, and former maintenance, as well as other historical and scientific evidence.

5.3.5.5.3 Reproduction

Items needed for interpretive and educational presentations will be reproduced for such use when the originals are (1) unavailable, or (2) would be subject to undue deterioration or loss, or (3) are otherwise inappropriate for exhibit. If an object is inappropriate for exhibit because of its religious or spiritual significance to a traditionally associated people, it will be reproduced only after consultation with such people.

5.3.5.5.4 Acquisition, Management, and Disposition

Collections and related documentation essential to achieving the purposes and objectives of parks will be acquired and maintained in accordance with approved scope of collection statements for each park. When museum objects, specimens, or archival documents become available and fall within a park's approved scope of collection statement, every reasonable effort will be made to acquire them if they can be managed and made accessible according to Service standards.

Archeological objects systematically collected within a park, and natural history specimens systematically collected within a park for exhibit or permanent retention, will be managed as part of the park's museum collection. The management and care of museum collections

will be addressed at all appropriate levels of planning. Requisite levels of care will be established through the interdisciplinary efforts of qualified professionals.

Museum collections will be acquired and disposed of in conformance with legal authorizations and current NPS procedures. The National Park Service will acquire only collections having legal and ethical pedigrees. Each park will maintain complete and current accession records to establish the basis for legal custody of the collections in its possession, including intellectual property rights when acquired. Each park will prepare museum catalog records to record basic property management data and other documentary information about the park's museum collection. Collections will be inventoried in accordance with current procedures. Archeological, cultural landscape, ethnographic, historic and prehistoric structure, historic furnishings, natural resource, and other projects that generate collections for parks will provide for cataloging and initial preservation of those collections in the project budget.

The Service may cooperate with qualified entities in the management, use, and exhibition of museum collections, and may loan items to or borrow items from such entities for approved purposes. The Service may de-accession items using means authorized in the Museum Act and the Native American Graves Protection and Repatriation Act.

Interested persons will be permitted to inspect and study NPS museum collections and records in accordance with standards for the preservation and use of collections, and subject to laws and policies regarding the confidentiality of resource data. At cost, copies of documents may be provided.

(See Natural Resource Collections 4.2.3; Confidentiality 5.2.3; Fire Detection, Suppression, and Post-fire Rehabilitation and Protection 5.3.1.2; Environmental Monitoring and Control 5.3.1.4; Consultation 7.5.5; Special Park Uses 8.6; Museum Collections Management Facilities 9.4.2. Also see 16 USC 18f; 43 USC 1460; 36 CFR Part 79; 43 CFR Part 10; and Museum Handbook)

5.3.5.5.5 Historic Furnishings

When historic furnishings are present in their original arrangement in a historic structure, every effort will be made to preserve them as an entity. Such historic furnishings will not be moved or replaced unless required for their protection or repair, or unless the structure is designated for another use in an approved planning document. The original arrangement of historic furnishings will be properly documented. A structure may be refurnished in whole or in part if

- all changes after the proposed refurnishing period have been professionally evaluated, and their significance has been fully considered,
- a planning process has demonstrated that refurnishing is essential to public understanding of the park's cultural associations, and
- sufficient evidence of the design and placement of the structure's furnishings exists to enable its accurate refurnishing without reliance on evidence from comparable structures.

Generalized representations of typical interiors will not be attempted except in exhibit contexts that make their representative nature obvious. Reproductions may be used in place of historic furnishings, but only when photographic evidence or prototypes exist to ensure the accurate re-creation of historic pieces.

(See Park Planning Processes 2.3; Nonpersonal Services 7.3.2)

5.3.5.5.6 Archives and Manuscripts

Archival and manuscript collections are museum collections, and will be preserved, conserved, arranged, cataloged, and described in finding aids. They will be maintained and used in ways that preserve the collections and their context (provenance and original order) intact while providing controlled access. With few legal exemptions, the Service will make archives and manuscripts available to researchers. Electronic documents that are to be preserved in archival and manuscript collections will be migrated so that their information remains accessible.

All documentation associated with natural and cultural resource studies and other resource management actions will be retained in the park's museum collection for use in managing park resources over time. Parks will retain notes or copies of records significant to their administrative histories when they periodically transfer their official records to federal record centers.

(See Confidentiality 5.2.3. Also see Director's Order #66: FOIA and the Protection of Exempted Information)

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Management Policies 2006

[Cover page summary statement.] The Park Service has stewardship responsibility for more designated wilderness than any other land management agency. Wilderness designation represents a national affirmation of the importance of the wilderness values and character of these lands. Wilderness stewardship seeks to maintain the untrammeled condition of wilderness, considering both the tangible and intangible aspects of wilderness character, while making it accessible for appropriate human use and enjoyment.

CHAPTER 6: WILDERNESS STEWARDSHIP

6.1 General Statement

The National Park Service will manage wilderness areas for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness. Wilderness stewardship will include the protection of these areas, the preservation of their wilderness character, and the gathering and dissemination of information regarding their use and enjoyment as wilderness. The purposes of wilderness in the national parks include the preservation of wilderness character and wilderness resources in an unimpaired condition, as well as for the public purposes of recreational, scenic, scientific, educational, conservation, and historical use consistent with that wilderness character.

The policies contained in this chapter are supplemented by Director's Order 41: Wilderness Stewardship Reference Manual and a series of technical guidance white papers developed by the NPS National Wilderness Steering Committee. Refer to those documents for more detailed information on the topics covered in this chapter.

6.2 The Wilderness Review Process

Park superintendents are responsible for completing the wilderness review process for their park or park addition when it is directed by law, requested by the Secretary, or at the Director's discretion in response to issues identified through park planning. The National Park Service will use the following wilderness review process to consider NPS areas for inclusion within the congressionally designated National Wilderness Preservation System.

6.2.1 Assessment of Wilderness Eligibility

Formerly called a suitability assessment, the eligibility assessment is an objective, factual determination of whether the park contains lands possessing wilderness character based on the criteria specified in section 2(c) of the Wilderness Act. It is the first step of the wilderness review process.

6.2.1.1 Primary Criteria for Determining Eligibility

NPS lands will be considered eligible for wilderness (1) if they are federally owned, undeveloped, and at least 5,000 acres or a sufficient size to make practicable their preservation and use in an unimpaired condition, and (2) if they possess the following characteristics (as identified in the Wilderness Act):

- the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain,
- the area is undeveloped and retains its primeval character and influence, without permanent improvements or human habitation,
- the area generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable,
- the area is protected and managed so as to preserve its natural conditions, and
- the area has outstanding opportunities for solitude or a primitive and unconfined type of recreation.

6.2.1.2 Additional Considerations in Determining Eligibility

In addition to the primary suitability criteria, there are other considerations that should be taken into account in determining eligibility.

- A wilderness area may contain significant ecological, geological, or other features of scientific, educational, scenic, or historical value, although it does not need these things to be considered eligible for wilderness designation.
- Lands that have been logged, farmed, grazed, mined, or otherwise used in ways not involving extensive development or alteration of the landscape may also be considered eligible for wilderness designation if, at the time of assessment, the effects of these activities are substantially unnoticeable and their wilderness character could be maintained or restored through appropriate management actions.
- An area will not be excluded from a determination of wilderness eligibility solely because established or proposed management practices require the use of tools, equipment, or structures, if those practices are necessary to meet the minimum requirements for the administration of the area as wilderness.
- Historic features that are primary attractions for park visitors will generally not be recommended as eligible for wilderness designation. However, an area that attracts visitors primarily for the enjoyment of solitude and unconfined recreation in a primitive setting may also contain cultural resource features and still be included in wilderness. Historic trails may serve and be maintained as part of the wilderness trail system, as identified and coordinated within an approved wilderness stewardship plan and the park's cultural resource plan. Structures of historical significance need not be deleted from wilderness area proposals. A recommendation may be made to include a historic structure in wilderness if (1) the structure would be only a minor feature of the total wilderness proposal, and (2) the structure will remain in its historic state, without development.
- Dams within or affecting the area being studied do not make a waterway ineligible for wilderness designation. The nature and extent of impacts, and the extent to which the impacts can be mitigated, would need to be addressed in eligibility determinations.
- Overflights do not make an area ineligible for wilderness designation. The nature and extent of any overflight impacts, and the extent to which the impacts can be mitigated, would need to be addressed in eligibility determinations.

6.2.1.3 The Assessment Process

The Service will involve the public in the wilderness eligibility assessment process through notification of its intentions to conduct the assessment and publication of its determination, either as "eligible" or as "ineligible" for further wilderness study. Notification will include the issuance of news releases to local and regional newspapers, and the publication of final eligibility determination in the *Federal Register*. The established use of motorboats, motorized watercraft, oversnow vehicles, and small aircraft do not make an area ineligible for wilderness designation. The nature and extent of any impacts from these activities, and the extent to which the impacts resulting from these activities in the future can be mitigated, would need to be addressed in subsequent wilderness studies. The final determination of an area's eligibility, or ineligibility, as wilderness must be approved by the NPS Director before publication of the final eligibility determination in the *Federal Register*. For areas determined to be ineligible for wilderness designation, the wilderness preservation provisions in chapter 6 of these Management Policies are no longer applicable.

6.2.2 Wilderness Studies

Lands and waters found eligible pursuant to the wilderness eligibility assessment will be formally studied to develop the recommendation to Congress for wilderness designation. The National Park Service will continue to undertake wilderness studies on all lands that have been determined to be eligible as a result of the wilderness eligibility assessment. Also, studies will be made for lands where subsequent legislation directs that wilderness studies be completed.

Wilderness studies will be supported by appropriate documentation of compliance with the National Environmental Policy Act and the National Historic Preservation Act (16 USC 470, et seq.). The Council on Environmental Quality requires environmental impact statements for wilderness studies that will result in recommendations for designations (i.e., proposals for legislation to designate as wilderness). The analysis of alternatives will include a discussion of how the Park Service intends to manage any eligible lands in each alternative that would not be included in the final proposal.

6.2.3 Proposed Wilderness

The findings and conclusions of a formal wilderness study will be forwarded from the Director to the Department of the Interior (Office of the Assistant Secretary for Fish and Wildlife and Parks) as proposed wilderness. This Park Service proposal will identify park lands to be considered for wilderness designation. The decision record will also address management and zoning plans for any lands that were originally deemed eligible for wilderness designation.

6.2.4 Recommended Wilderness

The Secretary of the Interior is responsible for recommending to the President those lands under his/her jurisdiction that qualify for inclusion within the National Wilderness Preservation System. The Secretary performs this function through the Assistant Secretary for Fish and Wildlife and Parks by reviewing NPS proposed wilderness and either approving or revising the proposal. If approved, the final result is forwarded by the

Secretary to the President for consideration. At this point, these lands become "recommended" wilderness. The President is then responsible for transmitting recommendations with respect to wilderness designation to both houses of Congress. These recommendations must be accompanied by maps and boundary descriptions. The transmittal of the recommendation from the President to the Congress marks the conclusion of the wilderness study process, although the National Park Service will continue to track the status of the wilderness recommendation in Congress.

6.2.5 Designated Wilderness

After the President's formal transmittal of the recommendation to Congress, Congress considers the President's recommendation, and may subsequently enact the legislation needed to include the area within the National Wilderness Preservation System as "designated" wilderness.

From time to time, Congress has established potential wilderness composed of lands that do not themselves qualify for immediate designation due to temporary, nonconforming, or incompatible conditions. If so authorized by Congress, these potential wilderness areas will become designated wilderness upon the Secretary's determination, published in the *Federal Register*, that they have met the qualifications for designation by the cessation or termination of the nonconforming use. The National Park Service will assist the Department and the Congress in this process as requested.

6.3 Wilderness Resource Stewardship

6.3.1 General Policy

For the purposes of applying these policies, the term "wilderness" will include the categories of eligible, study, proposed, recommended, and congressionally designated, wilderness. Lands that were originally deemed wilderness eligible, but which were not included in the wilderness recommendation sent to Congress, will no longer be managed under the provisions of these chapter 6 policies. They will, however, be managed in accordance with the same high standards to which all other NPS lands are managed, in full accord with all other provisions of these *Management Policies*. Each of these categories, and the respective NPS management responsibilities are described by these policies and in greater detail in Director's Order #41.

In addition to managing these areas for the preservation of the physical wilderness resources, planning for these areas must ensure that the wilderness character is likewise preserved. This policy will be applied to all planning documents affecting wilderness. The National Park Service will take no action that would diminish the wilderness eligibility of an area possessing wilderness characteristics until the legislative process of wilderness designation has been completed. For wilderness eligible and study lands, no actions that would diminish the existing wilderness character and values of the area will be taken. However, in eligible and study lands, established, existing, and otherwise nonconforming uses may be allowed to continue at current levels pending completion of the wilderness study. For proposed and recommended wilderness lands, management decisions will be made in expectation of eventual wilderness designation. In

congressionally designated potential wilderness, management decisions will be in accordance with the letter and intent of Congress. To the extent intended by Congress, the National Park Service will seek to remove from potential wilderness the temporary, nonconforming conditions that preclude wilderness designation. All management decisions affecting wilderness will further apply the concept of "minimum requirement" for the administration of the area regardless of wilderness category. The level of analysis will be commensurate with the scope and complexity of the decision to be made.

6.3.2 Responsibility

NPS responsibility for carrying out wilderness stewardship mandates will be shared by the Director, regional directors, and superintendents of parks with eligible, study, proposed, recommended, congressionally designated potential, and designated wilderness. Interagency cooperation and coordination and training responsibilities for wilderness stewardship will also be carried out at the Washington, region, and park levels. Specific wilderness stewardship responsibilities will be assigned at each of these administrative levels to carry out these responsibilities effectively and to facilitate efforts establishing agency and interagency consistency in wilderness stewardship techniques.

Superintendents will provide the information needed to prepare the Annual Wilderness Report to the Director on the status of wilderness stewardship in the national park system. Based on this information, the Associate Director having National Wilderness Program oversight and responsibility will provide the Directorate with recommendations and advice to establish a system of accountability, consistency, and continuity for NPS wilderness stewardship.

6.3.3 Consistency

The National Park Service will seek to achieve consistency in wilderness stewardship objectives, techniques, and practices on both an agency and an interagency basis. Accordingly, the National Park Service will seek to maintain effective intra-agency and interagency communications, and will encourage, sponsor, and participate in intra-agency and interagency training and workshops designed to promote the sharing of ideas, concerns, and techniques related to wilderness stewardship. However, per Sec. 4(a)(3) of the Wilderness Act, the need for interagency consistency will in no way diminish any established NPS wilderness standards and values.

6.3.4 Wilderness-related Planning and Environmental Compliance

The Wilderness Act directs that these areas shall be devoted to the public purposes of conservation, recreation, scenic, scientific, educational, and historical use. Wilderness planning and compliance will be developed to assure that, where consistent with the Wilderness Act, optimum opportunities for the public to use and enjoy their wilderness areas are identified and provided, while also ensuring that future generations will have the same opportunities.

6.3.4.1 Zoning for Wilderness

Accomplishing the six public purposes of wilderness cannot always be done on the same parcel of land simultaneously. Zoning, in both spatial and temporal dimensions, to

appropriately allocate wilderness lands to accommodate all the legislated purposes may be required. When necessary, all categories of wilderness may be zoned for visitor experiences and resource conditions consistent with their wilderness values within the established management zoning system for each park. However, management zoning or other land use classifications cannot and will not diminish or reduce the maximum protection to be afforded lands with wilderness values. Transition zones adjacent to wilderness may be identified to help protect wilderness values, but no transitional or "buffer" zones are appropriate within wilderness boundaries.

6.3.4.2 Wilderness Stewardship Planning

The superintendent of each park containing wilderness resources will develop and maintain plans to guide the stewardship and use of these resources. Wilderness stewardship planning will identify desired future conditions, as well as establish indicators, standards, conditions, and thresholds above which management actions will be taken to protect wilderness character and resources.

The park's wilderness stewardship plan may be developed as a separate document or integrated within a park's general management plan or other planning documents. Wilderness stewardship planning will be supported by appropriate documentation of compliance with the National Environmental Policy Act and the National Historic Preservation Act. The plan will be developed with public involvement, and will contain specific, measurable management objectives that address the preservation and management of natural and cultural resources within wilderness as appropriate to achieve the purposes of the Wilderness Act and other legislative requirements.

(See Visitor/User Carrying Capacity 8.2.1)

6.3.4.3 Environmental Compliance

Proposals having the potential to impact wilderness resources will be evaluated in accordance with NPS procedures for implementing the National Environmental Policy Act. Those procedures include the use of categorical exclusions, environmental assessments (EAs), and/or environmental impact statements (EISs). Administrative actions impacting wilderness must be addressed in either the EA or EIS accompanying the approved wilderness stewardship plan, or as a separate environmental compliance document.

Managers contemplating the use of aircraft or other motorized equipment or mechanical transportation within wilderness must first consider impacts to the character, aesthetics, and traditions of wilderness before considering the costs and efficiency of the equipment.

In evaluating environmental impacts, the National Park Service will take into account wilderness characteristics and values, including

- the primeval character and influence of the wilderness,
- the preservation of natural conditions (including the lack of man-made noise, lights, and odors), and

- assurances that there will be outstanding opportunities for solitude, that the public will be provided with a primitive and unconfined type of recreational experience, and that wilderness will be preserved and used in an unimpaired condition.

(Also see Director's Order #12: Conservation Planning and Environmental Impact Analysis)

6.3.5 Minimum Requirement

All management decisions affecting wilderness must be consistent with the minimum requirement concept. This concept is also a documented process used to determine if activities, projects, or programs affecting wilderness resources or the visitor experience are necessary, and how to minimize impacts. The minimum requirement concept will be applied as a two-step process that determines

- whether or not the proposed management action is appropriate or necessary for administration of the area, and
- the techniques and type of equipment needed to ensure that impact to wilderness resources and character is minimized.

In accordance with this policy, superintendents will apply the minimum requirement concept in the context of wilderness stewardship planning, as well as to all other administrative practices, proposed special uses, scientific activities, and equipment use in wilderness. When determining minimum requirement, the potential disruption of wilderness character and resources will be considered before, and given significantly more weight than, economic efficiency and convenience. If a compromise of wilderness resources or character is unavoidable, only those actions that preserve wilderness character and/or have localized, short-term adverse impacts will be acceptable.

Although park managers have flexibility in identifying the method used to determine minimum requirement within the approved wilderness stewardship plan, the method used must clearly weigh the benefits and impacts of the proposal, document the decision process, and be supported by an appropriate environmental compliance document. Parks with no approved wilderness stewardship plan must develop a separate process to determine minimum requirement until the plan is finally approved. Parks will complete a minimum requirement analysis on those administrative practices and equipment uses that have the potential to impact wilderness resources or values. The minimum requirement concept cannot be used to rationalize permanent roads or inappropriate or unlawful uses in wilderness.

Administrative use of motorized equipment or mechanical transport will be authorized only

- if determined by the superintendent to be the minimum requirement needed by management to achieve the purposes of the area as wilderness, including the preservation of wilderness character and values, or

- in emergency situations (search and rescue, homeland security, law enforcement) involving the health or safety of persons actually within the area. Such management activities will be conducted in accordance with all applicable regulations, policies, and guidelines, including minimum requirement protocols as practicable.

For more detailed guidance, see Director's Order 41 and the National Wilderness Steering Committee Guidance Paper #3: "What Constitutes the Minimum Requirement in Wilderness?"

6.3.6 Scientific Activities in Wilderness

The statutory purposes of wilderness include scientific activities, and these activities are encouraged and permitted when consistent with the Service's responsibilities to preserve and manage wilderness.

6.3.6.1 General Policy

The National Park Service has a responsibility to support appropriate scientific activities in wilderness, and to use science to improve wilderness stewardship. The Service recognizes that wilderness can and should serve as an important resource for long-term research, study, and observation of ecological processes and the impact of humans on these ecosystems. The National Park Service further recognizes that appropriate scientific activities may be critical to the long-term preservation of wilderness.

Scientific activities are to be encouraged in wilderness. Even those scientific activities (including inventory, monitoring, and research) that involve a potential impact to wilderness resources or values (including access, ground disturbance, use of equipment, animal welfare, etc.) should be allowed when the benefits of what can be learned outweigh the impacts on the wilderness resources or values. However, all such activities must also be evaluated using the minimum requirement concept and include documented compliance that assesses impacts against benefits to wilderness. This process should ensure that the activity is appropriate and uses the minimum tool required to accomplish project objectives. Scientific activities involving prohibitions identified in section 4(c) of the Wilderness Act (16 USC 1133(c)) may be conducted within wilderness when the following conditions are met.

- The desired information is essential for the understanding health, management, or administration of wilderness, and the project cannot be reasonably modified to eliminate or reduce the nonconforming wilderness use(s); or if it increases scientific knowledge, even when this serves no immediate wilderness stewardship purposes, provided it does not compromise wilderness resources or character. The preservation of wilderness resources and character will be given significantly more weight than economic efficiency and/or convenience.
- NEPA compliance (including completion of documented categorical exclusions, environmental assessments/findings of no significant impact, or environmental impact statements/records of decision) and other regulatory compliance (including compliance with Section 106 of the National Historic Preservation Act (16 USC 470f)) are accomplished and documented.

- All scientific activities will be accomplished in accordance with the terms and conditions adopted at the time the research permit is approved. Later requests for exceptions to the Wilderness Act will require additional review and approval.
- The project will not significantly interfere with other wilderness purposes (recreational, scenic, educational, conservation, or historical) over a broad area or for a long period of time.
- The minimum requirement concept is applied to implementation of the project.

Research and monitoring devices (e.g., video cameras, data loggers, and meteorological stations) may be installed and operated in wilderness if (1) the desired information is essential for the administration and preservation of wilderness and cannot be obtained from a location outside of wilderness without significant loss of precision and applicability; and (2) the proposed device is the minimum requirement necessary to accomplish the research objective safely.

Park managers will work with researchers to make NPS wilderness area research a model for the use of low-impact, less intrusive techniques. New technology and techniques will be encouraged if they are less intrusive and cause less impact. The goal will be for studies in NPS wilderness to lead the way in "light on the resource" techniques.

All scientific activities, including the installation, servicing, removal, and monitoring of research devices, will apply minimum requirement concepts and be accomplished in compliance with *Management Policies*, Director's Orders, and procedures specified in the park's wilderness stewardship plan.

(See Studies and Collections 4.2; Social Science Studies 8.11)

6.3.6.2 Monitoring Wilderness Resources

In every park containing wilderness, the conditions and long term trends of wilderness resources will be monitored to identify the need for or effects of management actions. Monitoring will be conducted to identify threats and their source, both internal and external, for the purpose of mitigation if possible, and to ensure that the public purposes are being met, and that management actions and impacts on wilderness resources and character do not exceed established standards and conditions. As appropriate, wilderness monitoring programs may assess physical, biological, cultural, and social resources and impacts.

6.3.7 Natural Resources Management

The National Park Service recognizes that wilderness is a composite resource with interrelated parts. Without natural resources, especially indigenous and endemic species, a wilderness experience would not be possible. Natural resources are critical, defining elements of the wilderness resource, but need to be managed within the context of the whole ecosystem. Natural resource management plans will be integrated with and cross-reference wilderness stewardship plans. Pursuing a series of independent component projects, such as single species management in wilderness, will not necessarily accomplish the over-arching goal of wilderness stewardship. Natural resources management in

wilderness will include and be guided by a coordinated program of scientific inventory, monitoring, and research.

The principle of nondegradation will be applied to wilderness stewardship, and each wilderness area's condition will be measured and assessed against its own unimpaired standard. Natural processes will be allowed, as far as possible, to shape and control wilderness ecosystems. Management should seek to sustain natural distribution, numbers, population composition, and interaction of indigenous species. Management intervention should only be undertaken to the extent necessary to correct past impacts. If the impacts originate outside of wilderness boundaries, the park superintendent will communicate, cooperate, and consult with outside parties and seek solutions that will protect the resources.

Management actions, including restoration of extirpated native species and altered natural fire regimes, the control of invasive alien species, the management of endangered species, and the protection of air and water quality, should be attempted only when the knowledge and tools exist to accomplish clearly articulated goals.

(See Chapter 4: Natural Resource Management. Also see Director's Order #77 series on natural resources management)

6.3.8 Cultural Resources

The Wilderness Act specifies that the designation of any area of the park system as wilderness "shall in no manner lower the standards evolved for the use and preservation of" such unit of the park system under the various laws applicable to that unit (16 USC Section 1133(a)(3)). Thus, the laws pertaining to historic preservation also remain applicable within wilderness. In administering any area designated as wilderness, the responsible park managers will include appropriate consideration of the application of this "savings" clause in their analyses and ultimate decisions.

Cultural resources that have been included within wilderness will be protected and maintained according to the pertinent laws and policies governing cultural resources, using management methods consistent with preservation of wilderness character and values. These laws include the Antiquities Act of 1906 and the Historic Sites Act of 1935, as well as the subsequent historic preservation legislation, including the National Historic Preservation Act, the Archaeological Resources Protection Act, and Native American Graves Protection and Repatriation Act (NAGPRA). The American Indian Religious Freedom Act (AIRFA) reaffirms the First Amendment rights of Native Americans to access national park lands for the exercise of their traditional religious practices. The *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* projects provide direction for protection and maintenance. Cemeteries or commemorative features, such as plaques or memorials, that have been included in wilderness may be retained (including approved access to these sites), but no new cemeteries or additions to existing cemeteries may be made unless specifically authorized by federal statute, existing reservations, or retained rights. Native American human remains that were removed from wilderness areas and are subject to NAGPRA repatriation

may be re-interred at or near the site from which they were removed. Native American religious areas and other ethnographic and cultural resources will be inventoried and protected. Native Americans will be permitted access within wilderness for sacred or religious purposes consistent with the intent of the American Indian Religious Freedom Act, the Wilderness Act, and other applicable authorities provided by federal statutes and Executive orders.

(See Chapter 5: Cultural Resource Management)

6.3.9 Fire Management

Fire management activities conducted in wilderness areas will conform to the basic purposes of wilderness. The park's fire management and wilderness stewardship plans must identify and reconcile the natural and historic roles of fire in the wilderness. These plans will provide a prescription for response, if any, to natural and human-caused wildfires based on fuel load, climatic conditions, potential for damage to property or loss of life both within and adjacent to wilderness, and availability of fire suppression resources. If a fire use program is implemented, these plans will also include the prescriptions and procedures under which the program will be conducted within wilderness.

Actions taken to suppress wildfires must use the minimum requirement concept, unless (1) the on-site management officials determine that emergency conditions exist, and (2) the fire should be managed in such a way as to protect natural and cultural resources and to minimize the lasting impacts of the suppression actions. Information on developing a fire management program in wilderness is contained in Director's Order #18: Wildland Fire Management.

(See Fire Management 4.5)

6.3.10 Management Facilities

Part of the definition of wilderness as provided by the Wilderness Act is "undeveloped federal land retaining its primeval character and influence, without permanent improvements." Accordingly, the authorization of NPS administrative facilities located in wilderness will be limited to the types and minimum number essential to meet the minimum requirements for the administration of the wilderness area. A decision to construct, maintain, or remove an administrative facility will be based primarily on whether or not such a facility is required to preserve wilderness character or values, not on considerations of administrative convenience, economic effect, or convenience to the public or park staff. Maintenance or removal of historic structures will also comply with cultural resource protection and preservation policies and directives, and the concept of minimal requirement management techniques for wilderness.

6.3.10.1 Administrative Facilities

Administrative facilities (for example ranger stations and/or patrol cabins, fire lookouts, radio and/or cellular telephone antennas, radio repeater sites, associated storage or support structures, drift fences, and facilities supporting trail stock operations) may be allowed in

wilderness only if they are determined to be the minimum requirement necessary to carry out wilderness stewardship objectives and are specifically addressed within the park's wilderness stewardship plan or other appropriate planning documents. New roads will not be built in wilderness. Temporary vehicular access may be permitted only to meet the minimum requirements of emergency situations, and will be restored per an approved restoration plan as rapidly as possible. Where abandoned roads have been included within wilderness, they may be used as trails, restored to natural conditions, or managed as a cultural resource.

No permanent heliports, helipads, or airstrips will be allowed in wilderness unless specifically authorized by statute or legislation. Temporary landing facilities may be used to meet the minimum requirements of emergency situations. Site improvements determined to be essential for safety reasons during individual emergency situations may be authorized, but no site markings or improvements of any kind may be installed to support nonemergency use. In Alaska, any prohibitions or restrictions on the use of fixed-wing aircraft should follow the procedures in 43 CFR 36.11(f).

Permanent storage caches are prohibited within wilderness unless necessary for health and safety purposes or when such caches are justified and documented through a minimum requirement analysis.

6.3.10.2 Trails in Wilderness

Trails will be permitted within wilderness when they are determined to be necessary for resource protection and/or for providing for visitor use for the purposes of wilderness. The identification and inventory of the wilderness trail system will be included as an integral part of the wilderness stewardship plan or other appropriate planning document. Trails will be maintained at levels and conditions identified within the approved wilderness stewardship plan or other planning document. Trail maintenance structures (waterbars, gabions, etc.) may be provided, under minimum requirement protocols, where they are essential for resource preservation, required to meet trail design and construction standards, or where significant safety hazards exist during normal use periods. Historic and/or prehistoric trails will be administered and maintained in keeping with approved cultural resource and wilderness stewardship plan requirements.

Borrow pits are not permitted in wilderness areas, with the exception of small-quantity use of borrow material for trails, which must be in accordance with an approved wilderness stewardship plan or other applicable planning document.

6.3.10.3 Campsites and Shelters

The construction of new shelters for public use will generally not be allowed, in keeping with the values and character of wilderness. An existing shelter may be maintained or reconstructed only if the facility is necessary to achieve specific wilderness stewardship objectives as identified in the park's wilderness and cultural resources management plans. The construction, use, and occupancy of cabins and other structures in wilderness areas in Alaska are governed by applicable provisions of the Alaska National Interests Lands

Conservation Act and by NPS regulations in 36 CFR Part 13, and may be permitted only under conditions prescribed in the park's wilderness stewardship plan.

Although the development of facilities to serve visitors will generally be avoided, campsites may be designated when essential for resource protection and preservation or to meet other specific wilderness stewardship objectives. In keeping with the terms of the park's wilderness stewardship plan, campsite facilities may include a site marker, fire rings, tent sites, food-storage devices, and toilets if these are determined by the superintendent to be the minimum facilities necessary for the health and safety of wilderness users, or for the preservation of wilderness resources and values. Toilets will be placed only in locations where their presence and use will resolve health and sanitation problems or prevent serious resource impacts, especially where reducing or dispersing visitor use is impractical or has failed to alleviate the problems. Picnic tables will generally not be allowed in wilderness.

6.3.10.4 Signs

Signs detract from the wilderness character of an area. Only those signs necessary for visitor safety or to protect wilderness resources, such as those identifying routes and distances, will be permitted. Where signs are used, they should be compatible with their surroundings and the minimum feasible size.

6.3.11 Wilderness Boundaries

Policies related to wilderness boundaries include the following.

6.3.11.1 Legal Descriptions and Boundary Maps

Every park with designated wilderness will have a written legal description of the wilderness area and a map (or maps) that illustrates the legal description of the wilderness. Each park will ensure that the legal description and map(s) are filed in the appropriate locations. Wilderness boundaries have the force of federal law, and may only be modified through the legislative process, unless minor adjustments and corrections are specifically authorized within the legislation that designated the wilderness.

6.3.11.2 Caves

All cave passages located totally within the surface wilderness boundary will be managed as wilderness. Caves that have entrances within wilderness but contain passages that may extend outside the surface wilderness boundary will be managed as wilderness. Caves that may have multiple entrances located both within and exterior to the surface wilderness boundary will be managed consistent with the surface boundary; those portions of the cave within the wilderness boundary will be managed as wilderness.

(See Caves 4.8.2.2)

6.3.11.3 Waters in Wilderness

The Park Service will manage all waters included within wilderness boundaries, and the lands beneath these waters (if owned by the United States) as wilderness, in keeping with

established jurisdictions and authorities and subject to all valid water rights established in accordance with applicable state law.

(See Water Resource Management 4.6)

6.4 Wilderness Use Management

The National Park Service will encourage and facilitate those uses of wilderness that are consistent with the definitions and purposes of wilderness and that do not degrade wilderness resources and character. Appropriate restrictions may be imposed on any authorized activity if necessary to preserve wilderness character and resources or to ensure public safety.

When resource impacts or demands for use exceed established thresholds or capacities, superintendents may manage or redirect use. Physical alterations, public education, general regulations, special regulations, and permit systems, as well as local restrictions, public use limits, closures, and designations implemented under the discretionary authority of the superintendent (36 CFR 1.5 and 36 CFR Part 13; 43 CFR Part 36 for Alaska units), may all be used in managing use and protecting wilderness. Superintendents should use the least restrictive management prescription available and practicable to meet the resource protection needs while accommodating public use.

6.4.1 General Policy

Park visitors should accept wilderness on its own unique terms. Accordingly, the National Park Service will promote education programs that encourage wilderness users to understand and be aware of certain risks, including possible dangers arising from wildlife, weather conditions, physical features, and other natural phenomena inherent in the various conditions that comprise a wilderness experience and primitive methods of travel. The National Park Service will not modify the wilderness area to eliminate all risks normally associated with wilderness, but it will strive to provide users with general information concerning possible risks, any recommended precautions, related user responsibilities, and applicable restrictions and regulations. Certain specific risks may be mitigated or managed if the mitigation or management of the risks does not degrade the wilderness character and resources.

6.4.2 Wilderness Interpretation and Education

In the context of interpretive and educational planning, park units with wilderness resources will operate public education programs designed to promote and perpetuate public awareness and enjoyment of and appreciation for wilderness character, resources, and ethics. This education will focus on (1) fostering an understanding of the concept of wilderness that includes respect for the resource, willingness to exercise self-restraint in accessing it, and an ability to adhere to appropriate, minimum-impact techniques; and (2) encouraging the public to use and accept wilderness on its own terms, i.e., the acceptance of an undeveloped, primitive environment and the assumption of the potential risks and responsibilities involved in using and enjoying wilderness areas. NPS interpretive plans and programs for wilderness parks will address the primary interpretive themes for

wilderness. Education is among the most effective tools for dealing with wilderness use management problems and should always be applied before more restrictive management tools.

(See Visitor Safety 8.2.5.1)

6.4.3 Recreational Use Management in Wilderness

Wilderness areas offer outstanding opportunities for solitude or primitive and unconfined recreation. These wild and natural lands have been set aside by the American people for people to use, experience, and enjoy. Park managers should identify and encourage wilderness recreational opportunities. Recreational uses of NPS wilderness are generally those traditionally associated with wilderness and identified by Congress in the legislative record for the development of the Wilderness Act and in keeping with the language provided by Sections 2(a) and 2(c) of the act itself (16 USC 1131(a) and (c)). These recreational uses of wilderness will be of a type and nature that ensure that its use and enjoyment will leave it unimpaired for future use and enjoyment as wilderness, provide for the protection of the area as wilderness, and provide for the preservation of the wilderness character. Recreational uses in NPS wilderness areas will be of a nature that

- enables the areas to retain their primeval character and influence,
- protects and preserves natural conditions,
- leaves the imprint of man's work substantially unnoticeable,
- provides outstanding opportunities for solitude or primitive and unconfined types of recreation, and
- preserves wilderness in an unimpaired condition.

For wilderness areas in Alaska, wilderness access is managed according to the provisions of the Alaska National Interests Lands Conservation Act.

6.4.3.1 Recreational Use Evaluation

As with all legislated uses of wilderness, recreational activities, particularly new and emerging activities, that compromise the stated purposes and definitions of wilderness or unduly impact the wilderness resource or the visitor experience within wilderness will be evaluated to determine if these uses are appropriate or should be managed or disallowed through use of the superintendent's compendium in 36 CFR 1.5 or rulemaking. Evaluation or re-evaluation should be accomplished within wilderness stewardship plans or other planning documents and should be conducted in consultation with the public; tribal, local and state governments; and other stakeholders. Recreational uses that do not meet the purposes and definitions of wilderness should be prohibited in NPS wilderness.

Management actions that result in significant changes in patterns or increased levels of use will be authorized only in cases where sufficient information exists to adequately determine there is no significant impact on wilderness resources and values, including visitor experiences. Decisions regarding significant changes in patterns and new levels of use will require environmental analysis and review, including opportunity for public comment, in accordance with NEPA requirements.

(See Visitor Carrying Capacity 8.2.1)

6.4.3.2 Leave No Trace and Tread Lightly!

Applicable outdoor recreation ethics developed by the Leave No Trace Center, and Tread Lightly! principles and practices, should be applied to all forms of recreation management within wilderness, including commercial operations. The Park Service will provide technical advice to these organizations and their boards to assist in the development of appropriate educational materials. Wilderness users will generally be required to carry out all refuse. Refuse is defined in 36 CFR 1.4.

6.4.3.3 Use of Motorized Equipment

Public use of motorized equipment or any form of mechanical transport will be prohibited in wilderness except as provided for in specific wilderness legislation. Operating a motor vehicle or possessing a bicycle in designated wilderness outside Alaska is prohibited (see NPS regulations in 36 CFR 4.30(d)(1)).

However, section 4(d)(1) of the Wilderness Act (16 USC 1133(d)(1)) authorizes the Secretary, where legislation designating the wilderness specifically makes this provision applicable, to allow the continuation of motorboat and aircraft use under certain circumstances in which those activities were established before wilderness designation. Section 4(d)(1) gives the Secretary the discretion to manage and regulate the activity in accordance with the Wilderness Act, the NPS Organic Act, and individual park enabling legislation. As authorized, the National Park Service will administer this use to be compatible with the purpose, character, and resource values of the particular wilderness area involved. The use of motorized equipment by the public in wilderness areas in Alaska is governed by applicable provisions of the Alaska National Interests Lands Conservation Act, NPS regulations in 36 CFR Part 13, and Department of the Interior regulations in 43 CFR Part 36. The specific conditions under which motorized equipment may be used by the public will be outlined in each park's wilderness stewardship plan.

(See Soundscape Management 4.9; Use of Motorized Equipment 8.2.3)

6.4.4 Commercial Services

Wilderness-oriented commercial services that contribute to public education, safety and visitor enjoyment of wilderness values or that provide opportunities for primitive and unconfined types of recreation may be authorized if they meet the "necessary and appropriate" tests of the National Park Service Concessions Management Improvement Act of 1998 and section 4(d)(6) of the Wilderness Act (16 USC 1133(d)(5)), and if they are consistent with the wilderness stewardship objectives contained in the park's wilderness stewardship plan, including the application of the minimum requirement concept. Activities such as guide services for outfitted horseback, hiking, mountain climbing, or river trips and similar activities may be authorized if conducted under terms and conditions outlined in the park's wilderness stewardship plan and/or in legislation authorizing these types of commercial use.

The only structures or facilities used by commercial services allowed in wilderness will be temporary shelters, such as tents, or other specifically approved facilities that may be required within the wilderness stewardship plan for resource protection, visitor safety, and the preservation of wilderness values. Temporary facilities will generally be removed from the wilderness after each trip, unless such removal will cause additional degradation of the wilderness resources. Temporary caches may be authorized for commercial services in wilderness only if necessary for public safety or to reduce damage to wilderness resources and when such caches are not visible to the public or otherwise do not degrade the wilderness character or resources. Authorized caches must be subject to the minimum requirement and will not be permitted for convenience. In Alaska, additional guidance for management of temporary facilities for hunting and fishing guides is found in the Alaska National Interests Lands Conservation Act, section 1316 (16 USC 3204). The use of permanent equipment and supply caches by commercial operators is prohibited within wilderness.

Managers will ensure that commercial operators are in compliance with established outdoor ethics, principles, and protocols.

(See Visitor Use 8.2; Commercial Use Authorization 10.3)

6.4.5 Special Events

Permits may be issued for special events that have a strong park and wilderness educational focus and are otherwise consistent with the public purposes of wilderness. Permits will not be issued in NPS wilderness areas for special events that are commercial enterprises, or for organized competitive events, such as activities involving animal, foot or watercraft races; physical endurance of a person or animal; survival exercises; or war games. Permit requests for special events that cause wilderness resource degradation or unduly intrude on the opportunities for solitude will be denied. Determining the terms and conditions for a special event in wilderness must be evaluated through the minimum requirement process.

(See Special Events 8.6.2. Also see 36 CFR 2.50)

6.4.6 Valid Existing Rights

Wilderness designation does not extinguish valid existing rights (e.g., fee-simple interest, less-than-fee simple interest, valid mineral operations, rights-of-way, grazing permits, and water rights). The validity of existing rights within wilderness must be determined on a case-by-case basis. Valid existing rights in wilderness must be administered in keeping with the specific conditions and requirements of those rights.

6.4.6.1 Rights-of-Way

Existing rights-of-way that have been included in wilderness should be allowed to terminate or be phased out where practicable. Rights-of-way subject to NPS administrative control should be administered under conditions outlined in wilderness stewardship plans or other applicable planning documents, which protect wilderness character and resources

and limit the use of motorized or mechanical equipment. The Service will not issue any new rights-of-way or widen or extend any existing rights-of-way in wilderness.

Rights-of-way and access procedures affecting wilderness areas in Alaska are governed by applicable provisions of the Alaska National Interests Lands Conservation Act and regulations in 43 CFR 36 and 36 CFR 13.

6.4.6.2 Mineral Development

The National Park Service will seek to cooperatively remove or extinguish valid mining claims and nonfederal mineral interests in wilderness through authorized processes, including purchasing valid rights. In parks where Congress has authorized the leasing of federal minerals, the Park Service will take appropriate actions to preclude the leasing of lands or minerals within wilderness whenever and wherever it is authorized to do so. Lands included within wilderness will be listed as “excepted areas” under applicable regulations in 43 CFR parts 3100 and 3500 (see section 3500.8).

Unless and until mineral interests and mining claims within NPS wilderness are eliminated, they must be managed pursuant to existing NPS regulations, policies, and procedures. (See 36 CFR part 9, subpart A, for mineral development on mining claims; 36 CFR part 9, subpart B, for nonfederal oil and gas development; and 43 CFR Parts 3100 and 3500 for federal mineral leasing.). A validity examination of unpatented claims in wilderness affected by a proposed plan of operations must be conducted by a certified mineral examiner before plan approval. Motorized use in wilderness on valid mineral claims is allowed only with an approved plan of operations and where there is no reasonable alternative. Motorized use for access can occur only on existing or approved roads. There will be no new roads or improvement of existing roads unless the claimant can demonstrate a legal right, or they are necessary for resource protection. Any plan of operations that is approved will include stipulations on operations and reclamation that will ensure that long-term effects on the wilderness area are substantially unnoticeable. For access to mining claims in NPS wilderness in Alaska, see 43 CFR 36.10.

(See 8.7 Mineral Exploration and Development)

6.4.6.3 Grazing and Livestock Driveways

Agricultural grazing or driving of livestock in park wilderness will be allowed only as specifically authorized by Congress. Where these activities are authorized, they will be managed under conditions and requirements identified within the approved wilderness stewardship plan, other applicable management plans, and corresponding allotment management plans. The use of motorized vehicles, motorized equipment, or mechanical transport by grazing permittees will not be allowed except as provided for by a specific authority, i.e., a valid existing right, the enabling legislation, or a determination of minimum requirement by the Park Service. The construction of livestock management facilities other than those specifically authorized by legislation is prohibited.

Recreational grazing of trail stock used as part of an approved livestock management program within wilderness may be authorized in accordance with NPS regulations and

conditions outlined in the wilderness stewardship plan or stock use management plan. All approved livestock use must ensure the preservation of wilderness resources and character. Superintendents will be responsible for monitoring livestock use in wilderness to the same degree as human use, and may use the same management tools and techniques—including the application of the minimum requirement concept to manage livestock use that are available for managing other wilderness uses.

(See 8.6.8 Grazing by Domestic and Feral Livestock)

6.4.7 Accessibility for Persons with Disabilities

The National Park Service has legal obligations to make available equal opportunities for people with disabilities in all programs and activities. This requirement includes the opportunity to participate in wilderness experiences. Management decisions responding to requests for special consideration to provide wilderness use by persons with disabilities must be in accord with the Architectural Barriers Act of 1968, the Rehabilitation Act of 1973 (as amended in 1978), and section 507(c) of the Americans with Disabilities Act of 1990 (ADA) (42 USC 12207(c)). Such decisions should balance the intent of access and wilderness laws, and find a way of providing the highest level of protection to the wilderness resource.

Section 17.550 of the Secretary of the Interior's regulations regarding enforcement of nondiscrimination on the basis of disability in Department of Interior programs (43 CFR part 17, subpart E) states that agencies are not required to take any actions or provide access that would result in a fundamental alteration in the nature of a program or activity. However, the agency has the burden of proving that compliance would result in a fundamental alteration. This concept is also found in section 507 of the Americans with Disabilities Act.

(See Accessibility for Persons with Disabilities 8.2.4)

CHAPTER 7: INTERPRETATION AND EDUCATION

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CHAPTER 7: INTERPRETATION AND EDUCATION

[Introduction to chapter 7—cover page.] Through interpretive and educational programs, the National Park Service will instill in park visitors an understanding, appreciation, and enjoyment of the significance of parks and their resources. Interpretive and educational programs will encourage the development of a citizen stewardship ethic, and broaden public and individual support for preserving conserving and the enjoyment of park resources.

The purpose of NPS interpretive and educational programs is to provide memorable educational and recreational experiences, and to foster the development of a citizen stewardship ethic. The Service's programs will do this by forging a connection between park resources, visitors, the enjoyment of park resources, the community, and park management. Programs will be successful when they use the right combination of original objects and places, firsthand experience, and effective media. The Service will strive to maintain the organizational capability to deliver high-quality interpretive services that meet the needs of the public. High-quality interpretation will be the shared responsibility of all levels of NPS staff, from the Washington and regional directorates, through park superintendents and chief interpreters, to field interpreters and noninterpretive staff. High-quality interpretation should be achieved through interpretive and educational services, media, ongoing research, planning, technical excellence in implementation, a well-trained staff, broad public input, and continual reevaluation.

Enjoyment of the parks and their resources is a fundamental part of the visitor experience. That experience can be heightened when it progresses from enjoyment to an understanding of the reasons for a park's existence and the significance of its resources. To quantify the visitor experience, and in compliance with the Government Performance and Results Act (GPRA), the levels of visitor satisfaction, safety, understanding, and appreciation will be measured.

A fully developed park interpretive and educational program will offer visitors a variety of opportunities to gain understanding and appreciation of park sites and the values they represent. Such opportunities will provide knowledge of park resources and the care needed to protect them, and allow visitors to participate in a recreational activity or a dialogue about park resources. Director's Order #6 and Reference Manual 6 provide additional guidance for developing interpretive and educational programs.

7.1 Interpretive and Educational Programs

Each park's interpretive and educational program will be grounded in (1) park resources, (2) themes related to the park's legislative history and significance, and (3) park and Servicewide mission goals. The intent will be to provide each visitor with an interpretive experience that is enjoyable and inspirational within the context of the park's tangible resources and the values they represent. In addition, visitors should be made aware of the

purposes and scope of the national park system. Interpretation will encourage dialogue and respect that visitors have their own individual points of view. Factual information presented will be current, accurate, and based on current scholarship and science, with the understanding that visitors can and will draw their own conclusions. Interpretation will also reach out to park neighbors and community decision makers to stimulate discussions about the park and its values in local, regional, and national contexts. In addition, interpretive services will help park employees better understand the park's history, resources, processes, and visitors.

An effective park interpretive and educational program will include the following:

- informational and orientation programs that provide visitors with easy access to the information they need to have a safe and enjoyable park experience
- interpretive programs that provide both on- and off-site presentations, and are designed to encourage visitors to form their own intellectual or emotional connections with the resource — All successful interpretive programs achieve significance by linking specific tangible artifacts, buildings, and places with ideas, events, and concepts. Interpretive programs facilitate a connection between the interests of visitors and the meanings of the park.
- curriculum-based educational programs that link park themes to national standards and state curricula and involve educators in planning and development — These programs usually include pre-visit and post-visit materials, address different learning styles, and include an evaluation mechanism. Programs should result in an understanding of a park's resources in individual, regional, national, and global contexts, and of the park's place within the national park system.
- interpretive media that provide visitors with relevant park information, and facilitate more in-depth understanding of and personal connection with park themes and resources

(See Air Quality 4.7.; Geologic Resource Management 4.8; Wilderness Interpretation and Education 6.4.2; Energy Management 9.1.7; Visitor Facilities 9.3)

7.2 Interpretive Planning

7.2.1. General

Interpretive services and facilities will be developed and operated in accordance with the NPS Organic Act and Servicewide strategic plan, and with each park's enabling legislation, general management plan, strategic plan, resource management plan, and comprehensive interpretive plan (CIP). A park's comprehensive interpretive plan will be closely related to its general management plan. Standards for ensuring high-quality interpretive and educational programs are prescribed in Director's Order #6 and Reference Manual 6.

The management plans, comprehensive interpretive plan, and other interpretive documents for each park will establish a balance of in-park and outreach interpretive services, based upon criteria such as park significance statements and themes, levels and types of visitor

use, the nature of park resources, and park management goals. A variety of tools, such as personal services, publications, exhibits, and audiovisual presentations, will be used to enhance a park's interpretive and educational programs, provide visitors with relevant information, and facilitate a high-quality park experience. Recognition that concessioners, cooperating associations, friends groups, and other partners may have an important role in providing interpretive and educational services is important in planning for the overall visitor services program, and such entities should be included where appropriate in the planning process.

7.2.2 Comprehensive Interpretive Plan

All parks will have a current comprehensive interpretive plan (CIP) as defined in Director's Order #6 and Reference Manual 6. The comprehensive interpretive plan, initiated by the superintendent and prepared by field staff with support from a regional office or the Harpers Ferry Center (HFC), will form the overall long-term vision and basis for decisions about interpretive and educational programs in the park. This plan will provide both long- and short-range views and deal with all media and personal services, and it will include the long-range interpretive plan, the annual interpretive plan, and the interpretive database.

7.3 Personal and Nonpersonal Services

7.3.1 Personal Services

Personal interpretive services are those in which staff interact with visitors. Examples of personal service programs include the staffing of visitor centers and contact stations, talks, illustrated programs, conducted activities, demonstrations, performing arts, junior ranger programs, special events, and educational programs. Each park should strive to offer a wide variety of personal service programs while taking into account public demand, audience characteristics, and available time and resources.

7.3.2 Nonpersonal Services

Nonpersonal interpretive services are those that do not require the presence of staff. Media such as park folders and other publications, museum and visitor center exhibits, wayside exhibits, web pages, audiovisual presentations, and radio information systems are all examples. Nonpersonal services, which can reach large audiences, will maintain a consistent quality of presentation over time. In conjunction with personal services, they will provide opportunities for visitor information, orientation, and understanding of park resources. A Servicewide standard for all NPS informational media will be established.

Harpers Ferry Center will be responsible for interpretive media planning, design, and production for museum and visitor center exhibits, wayside exhibits, audiovisual productions, publications, and directional signs. Plans or proposals to be accomplished by parks and regions, including privately funded projects, may be reviewed by Harpers Ferry Center for appropriateness and quality of design and execution. Proposals from concessioners, cooperating associations, and others may also be reviewed. Projects excluded from the review process include site bulletins, bulletin boards, and other park-initiated or park-approved small projects of a nonpermanent nature.

Parks will be responsible for the conservation of historic furnishings and artifacts on exhibit in parks. They may obtain conservation services from Harpers Ferry Center or from outside contractors.

(See Acquisition, Management, and Disposition 5.3.5.5.4; Historic Furnishings 5.3.5.5.5; Ethnographic Resources 5.3.5.3; Viewing Devices 9.3.1.6; Interpretation by Concessioners 10.2.4.3. Also see Director's Orders #52C: Park Signage and #70: Internet and Intranet Publications)

7.3.3 Electronic Interpretation

Parks should use electronic communications, such as the Internet and long-distance learning, to enhance their informational, orientation, interpretive, and educational programs. The National Park Service will maintain a site on the World Wide Web, managed consistent with Departmental information technology, security, E-Government, and other policies, to provide an opportunity for all parks and programs to reach beyond their borders to a worldwide audience. Each park will maintain a home page for the purpose of reaching this audience. Park home pages will comply with Director's Order #70: Internet and Intranet Publications; whenever applicable, NPS web page management, content, and design will comply with Department of the Interior policies and directives. The world of electronic communications and technology is rapidly and constantly changing, and the Park Service will take advantage of developing new technologies that have the potential for even greater service to the visiting public.

7.4 Requirements for All Interpretive and Educational Services

The following must be considered in the development of all personal and nonpersonal services.

7.4.1 Access to Interpretive and Educational Opportunities

The National Park Service will ensure, to the greatest extent possible, that persons with disabilities receive the same interpretive opportunities as persons without disabilities. Interpretive and educational programs, exhibits, audiovisual programs, publications, and all other interpretive media will comply with Department of the Interior regulations at 43 CFR Part 17, subpart E, and with standards required by the Architectural Barriers Act. Accordingly, the Service will ensure that persons with disabilities have the opportunity to participate in and benefit from all programs and activities in the most integrated setting appropriate. Additionally, the Service will take all feasible steps to ensure effective communication with individuals with hearing and visual impairments by providing appropriate auxiliary aids, where necessary, to afford the opportunity to participate in and enjoy the benefits of NPS programs and activities. These steps should include but not be limited to providing sign language interpreters for visitors with hearing impairments, and providing audio, Braille, and large-print versions of printed materials for those with visual or cognitive disabilities.

Efforts will also be made to ensure that interpretive and educational programs meet the special needs of children, senior citizens, non-English-speaking visitors, and the

economically disadvantaged. Foreign language translations of park publications will be provided in those parks visited by substantial numbers of non-English-speaking visitors.

(See Physical Access for Persons with Disabilities 5.3.2; Accessibility for Persons with Disabilities 8.2.4; Accessibility for Persons with Disabilities 9.1.2; Accessibility of Commercial Services 10.2.6.2. Also see Director's Order #42; Reference Manual 41; 43 CFR 17.550)

7.4.2 Interpretive and Educational Services Beyond Park Boundaries

Outreach services are an active part of a balanced visitor services program. A planned outreach program is essential to each unit of the national park system, and it helps establish parks as parts of the local, national, and global communities. Outreach should be used to disseminate park information and interpretive and educational programs beyond park boundaries. All parks are encouraged to offer interpretive and educational opportunities to members of the public who are unable to make on-site visits.

7.4.3 Resource Issue Interpretation and Education

Park managers are increasingly called upon to make difficult resource decisions, some of which may be highly controversial. Interpretive and educational programs can help build public understanding of the decision-making processes and what considerations led to a particular decision. These interpretive and educational programs should present multiple perspectives on the issue and be respectful of the different opinions and values of those who were directly affected by the decision. Parks should, in balanced and appropriate ways, thoroughly integrate resource issues and initiatives of local and Servicewide importance into their interpretive and educational programs. Whenever possible, the appropriate interpretive managers at the national, regional, or park level should be involved in the process. In instances in which programming affects resources managed by other agencies, such agencies should be consulted during program planning.

For resource issue interpretation to be effective, frontline interpretive staff must be informed about the reasoning that guided the decision-making process, and interpreters must present balanced views and be respectful of the different opinions and values of the visitors. Resource issue interpretation should be integrated into both on- and off-site programs, as well as into printed and electronic media when appropriate. The balanced interpretation of resource issues and broad initiatives can often be an effective means of gaining support for the Service's decisions, especially when combined with demonstrated respect for different opinions and values, and for the needs of residents and officials in gateway and neighboring communities, the region, and the state(s) surrounding a park.

7.4.4 Research

Interpretive and educational programs will be based on current scholarship and research about the history, science, and condition of park resources, and on research about the needs, expectations, and behavior of visitors. To accomplish this, and to offer the most current and accurate programs to the public, a dialogue must be established and maintained among interpreters, education specialists, resource managers, scientists, archeologists, sociologists, ethnographers, historians, and other experts.

(See Park Planning Processes 2.3)

7.4.5 Consultation

The National Park Service will present factual and balanced presentations of the many American cultures, heritages, and histories. Consultation with diverse constituencies is essential to developing effective and meaningful interpretive and educational programs, because such consultation ensures appropriate content and accuracy and identifies multiple points of view and potentially sensitive issues. When appropriate, state and local agencies involved in heritage tourism and history (such as state historic preservation officers) should be included in consultations to provide diverse perspectives, expand the content of programs, and foster more coordination and partnerships. Acknowledging multiple points of view does not require interpretive and educational programs to provide equal time, or to disregard the weight of scientific or historical evidence.

The Service will actively consult traditionally associated peoples and other cultural and community groups in the planning, development, presentation, and operation of park interpretive programs and media relating to their cultures and histories. Cooperative programs will be developed with tribal governments and cultural groups and traditionally associated peoples to help the Park Service present accurate perspectives on their cultures. Ethnographic or anthropological data and concepts will also be used in interpretive programs, as appropriate. The Service will not display Native American human remains or photographs of those remains. Drawings, renderings, or casts of such remains will not be displayed without the consent of the culturally affiliated Indian tribes or native Hawaiian organizations. The Service may exhibit non-Native American remains, photographs, drawings, renderings, or casts thereof after appropriate consultation with traditionally associated peoples. The Service will consult with culturally affiliated or traditionally associated peoples to determine the religious status of any object whose sacred nature is suspected but not confirmed. These consultations will occur before such an object is exhibited or any action is taken that may have an adverse effect on its religious qualities.

(See Evaluation and Categorization 5.1.3.2; Stewardship of Human Remains and Burials 5.3.4; Ethnographic Resources 5.3.5.3; Museum Collections 5.3.5.5. Also see Director's Order #75A: Civic Engagement and Public Involvement.)

7.4.6 Cultural Demonstrators

Cultural demonstrators can provide unique insights into their cultures. To facilitate their successful interaction with the public, parks may provide cultural demonstrators with training and direction. Cultural demonstrators (in parks outside the National Capital Region) who are not NPS employees may be permitted to sell self-made handcraft items to park visitors, keeping the proceeds for themselves, where such handcrafts are related to the park's interpretive themes. This is allowed under 16 USC 1a-2(g), which authorizes the sale of products produced in the conduct of living exhibits, interpretive demonstrations, or park programs. When this practice is permitted, all materials used in creating such items must be the private property of the demonstrator and collected from outside the park. The superintendent may permit this practice through a cooperative agreement, special use permit, concession contract, or other legal contract.

Titles 8 and 13 of the Alaska National Interest Land Conservation Act regulate the taking of fish, wildlife, and other natural resources for subsistence and other purposes in the Alaska parks.

(See Special Events 8.6.2; Collecting Natural Products 8.8; Merchandise 10.2.4.4. Also see 36 CFR 5.3; 60 FR 17639)

7.4.7 Historic Weapons

All uses of historic weapons in parks will strictly comply with the "Historic Weapons Demonstrations Safety Standards" contained in Reference Manual 6, and will follow the procedures specified therein for the particular weapon(s) being used.

Weapons firing demonstrations conducted in areas administered by the Park Service are restricted to reproduction black-powder weapons only. Original NPS museum weapons will not be used; no exemptions will be granted. Requests by outside groups or individuals to use non-NPS original weapons will follow the exemption request procedure prescribed in Reference Manual 6, and will be granted or denied in writing by the superintendent.

7.4.8 Battle Reenactments

When performed with the degree of authenticity essential to park interpretive programs, battle reenactments are inherently and unacceptably hazardous to participants and observers. Therefore, battle reenactments that involve exchanges of fire between opposing lines, the taking of casualties, hand-to-hand combat, or any other form of simulated warfare are prohibited in all parks.

7.5 Interpretive and Educational Partnerships

In planning and implementing interpretive and educational programs, superintendents should consider the use of volunteers, concessioners, cooperating associations, field schools and institutes, friends groups, and private individuals to supplement park staff and funds. Such services will not be used as a replacement or substitute for a park's basic interpretive operation. To ensure quality control and appropriateness, NPS interpretive staff will be involved with the planning, approval, training, monitoring, and evaluation of all interpretive services provided by others. Non-NPS personnel providing interpretive services should be offered an opportunity to complete the appropriate interpretive development program training module(s), and/or seek certification in the appropriate competencies).

(See Interpretive Competencies and Skills 7.4; Cooperating Associations 7.6.2; Interpretation by Concessioners 10.2.4.3)

7.5.1 Volunteers in the Parks

Volunteer services may be used in various aspects of park operations under the authority of the Volunteers in the Parks Act of 1969. Pursuant to this legislation, volunteers may be recruited without regard to civil service regulations, and they are covered for tort liability

and work-injury compensation and may be reimbursed for out-of-pocket expenses while participating in the program.

Volunteers will be accepted without regard to race, creed, religion, age, sex, color, national origin, disability, or sexual orientation. Volunteers will not displace NPS employees. NPS housing may be used for volunteers only if available and not needed for NPS employees. Director's Order #7 and Reference Manual 7 provide additional guidance for the volunteer program.

(See Protection 5.3.5.1.4; Housing Management Plans 9.4.3.4. Also see Handbook 36 on Housing)

7.5.2 Cooperating Associations

When appropriate, cooperating associations will join the National Park Service in presenting interpretive and educational programs, and in supporting research efforts as authorized in 16 USC 1-3, 6, and 17j-(2)e. Enabled by a standard, nonnegotiable cooperating association agreement, cooperating associations may, consistent with a park's scope-of-sales statement, purchase for resale or produce for sale interpretive, educational, and inspirational items that are directly related to the understanding and interpretation of the park or the national park system. Associations may offer appropriate and approved interpretive services that support but do not supplant interpretive and educational services offered by the Park Service. Associations may accept donations on behalf of the Service when appropriate and when conducted through approved fund-raising efforts. NPS housing may be used for cooperating association employees only if available and not needed for NPS employees. Guidance for managing NPS partnerships with cooperating associations is included in Director's Order #32 and Reference Manual 32.

(See Housing Management Plans 9.4.3.4. Also see Director's Order #21: Donations and Fundraising; Handbook 36 on Housing)

CHAPTER 8—USE OF THE PARKS

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CHAPTER 8: USE OF THE PARKS

[Cover page summary statement] National parks belong to all Americans, and all Americans should feel welcome to visit, enjoy, and experience the parks. The National Park Service will promote and regulate use of the parks, and will provide the services necessary to meet the basic needs of park visitors and to achieve park purposes.

8.1 General

Many different types of uses take place in the units of the national park system. Some of those uses are carried out by the National Park Service, but many more are carried out by park visitors, permittees, lessees, and licensees. The 1916 Organic Act, which created the National Park Service, directs the Service to conserve park resources and "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 1970 National Park System General Authorities Act, as amended in 1978, prohibits the Service from allowing any activities that would cause derogation of the values and purposes for which the parks have been established (except as directly and specifically provided by Congress). Taken together, these two laws require NPS managers to manage the amount, kind, time, and place of park uses in such a way that future generations can enjoy park resources and values, and appreciate their national significance in as good or better condition than the generation that preceded them.

8.1.1 Appropriate Use

Providing opportunities for the public to visit and enjoy their national parks is a core element of the Service's mission. Other park uses—those unrelated to use by the general public—may sometimes be allowed as a privilege if they are not otherwise prohibited by law or regulation. In exercising its discretionary authority, the Service will allow uses that are determined to be appropriate. "Appropriate uses" are those uses that, in the professional judgment of the responsible NPS manager, will not

- cause an unacceptable impact
- be inconsistent with the park purposes or values
- unreasonably interfere with park programs or activities
- disrupt the operations of park concessions or contractors
- create an unsafe or unhealthful environment for visitors or employees
- result in significant conflict with other appropriate uses
- diminish opportunities for current or future generations to enjoy park resources or values

Subject to the above criteria, appropriate uses may include

- uses that have occurred historically in a park and when the type and/or the level of impact has not increased significantly
- uses that may represent new technology
- uses whose impacts can be successfully mitigated or eliminated through
  - visitor education
  - temporal, spatial, or numerical limitations on the use
  - the application of best available technology
  - the application of adaptive management techniques

8.1.2 Unacceptable Impacts

In evaluating the appropriateness of a park use, standard NPS planning and decision-making procedures will be employed to engage the public and to use the best scientific information available. These procedures will also be used to determine whether there would be an unacceptable impact. An "unacceptable impact" is an impact that would

- be inconsistent with the park's purposes or values
- degrade resource conditions so as to preclude future generations from enjoying the resource in as good, or better, condition
- create an unsafe or unhealthful environment for other visitors or employees
- unreasonably interfere with
  - existing appropriate park uses
  - NPS interpretive, visitor service, administrative, or other activities
  - NPS concessioner or contractor operations or services
  - the attainment of a park's desired conditions, as identified through the park's planning process

When a use is causing or would cause unacceptable impacts, the Service will seek first to manage the use in a way that will eliminate unacceptable impacts and, when necessary, restrict or disallow the activity. The Service will consider the best management tool or tools for the particular situation, using public involvement wherever appropriate. For example, if there were unacceptable impacts from NPS or concessioner vehicles the Service would consider whether applying adaptive management principles or requiring best available technology would sufficiently reduce or mitigate impacts to a level where the impacts were no longer unacceptable, and the use would then become one that is appropriate.

When a use is mandated by law and has been determined to cause unacceptable impacts to park resources or values, the Service will take appropriate management actions to avoid or mitigate the unacceptable impacts. When a use is authorized by law, but not mandated, and when it is reasonably anticipated to cause unacceptable impacts to park resources or values, the Service will minimize or mitigate the impacts to the point where there will be no unacceptable impacts; or, if necessary, the Service will not allow a proposed activity or eliminate an existing activity.

The Service may not allow uses that would impair a park's resources or values. Any use with the potential to impair park resources or values must be managed to ensure protection

and prevent impairment of these resources and values—or be disallowed. Activities directly and specifically mandated by Congress must be allowed, but will be managed to prevent impairment of park resources to the extent possible.

All proposals for park uses will be evaluated for

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

Park superintendents must examine all park uses to ensure that unanticipated and unacceptable impacts do not occur. Unless mandated by statute, only uses that meet the criteria listed in this section and section 8.2 may be allowed.

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

(See Park Management 1.4; Consumptive Uses 8.9. Also see Director's Order #12; 36 CFR 2.1)

8.2 Visitor Use

Enjoyment of park resources and values by the people of the United States is part of the fundamental purpose of all parks. The Service enthusiastically welcomes visitors to come to, see, and enjoy their natural and cultural heritage within units of the national park system. Congress has instructed the Service to preserve and manage the national park system "for the benefit and inspiration of all the people of the United States," and the Service recognizes that visitors come from the world over to enjoy the "superlative natural, historic, and recreation areas" contained in the system. The Service is committed to providing appropriate, high-quality opportunities for visitors to enjoy the parks, and will maintain within the parks an atmosphere that is open, inviting, and accessible to every segment of American society.

In establishing the various federal bureaus that manage public lands for the benefit of the American public, Congress did not intend the national park system to be all things to all

people. Some forms of recreation enjoyed by the public do not necessarily require a national park setting and may not be "appropriate uses" of parks, whereas they would be appropriate on other lands. The Service will therefore

- provide opportunities for forms of park use and enjoyment that are consistent with park purposes and the superlative natural and cultural resources found in the parks
- defer to local, state, and other federal agencies; private industry; and nongovernmental organizations to meet the broader spectrum of recreational needs and demands

One way to characterize the experience the Service provides for visitors' enjoyment is one of "authenticity." Examples of this authenticity include

- wild animals roaming freely and in as natural an assemblage as possible, living out their natural lives free of manipulation
- wildflowers and forests growing and changing, driven by natural forces rather than human forces
- historical events and places presented accurately and without contrivance or judgment
- scenic vistas presented via access that is light on the land and secondary to the natural landscapes

The National Park Service has learned over decades of park management that the public seeks out and enjoys parks primarily for their authenticity. With this in mind, the Service will encourage visitor uses that

- are appropriate to the purpose for which the park was established, and
- are inspirational, educational, or healthful, and otherwise consistent with the purposes of the national park system and the particular park environment, and/or
- will foster an understanding of and appreciation for park resources and values, or will promote enjoyment through a direct association with, interaction with, or relation to park resources, and
- can be sustained without causing unacceptable impacts to park resources or values.

The primary means by which the Service will actively foster and provide activities that meet these criteria will be through its interpretive and educational programs, described in detail in chapter 7. The Service will also welcome the efforts of private-sector organizations to provide structured activities that meet these criteria. In addition to structured activities, the Service will, to the extent practicable, afford visitors ample opportunity for inspiration, appreciation, and enjoyment through their own personalized experiences—without the formality of program or structure. The Service may allow other visitor uses that do not meet all the above criteria (including uses that have occurred historically and uses that represent new technology) if they meet the criteria listed in section 8.1.

If a superintendent has a reasonable basis for believing that an ongoing or proposed public use would cause unacceptable impacts to park resources or values, the superintendent must manage the activity so as to prevent or eliminate the unacceptable impacts, or reduce them to acceptable levels. As appropriate, the superintendent may (1) use education and interpretive materials and adaptive management to encourage visitors to conduct their activities in a manner that reduces impacts; (2) require the use of best available technology and improved techniques; (3) place temporal, spatial, or numeric limitations on the use; (4) temporarily or permanently close a specific area; or (5) prohibit a particular use.

Any administrative closures or restrictions must be consistent with applicable laws, regulations, and policies, and (except in emergency situations) require a written determination by the superintendent, with public involvement when feasible, that such measures are needed to

- maintain public health and safety
- prevent unacceptable impacts to park resources or values
- carry out scientific research
- equitably allocate use of facilities
- implement management responsibilities
- minimize visitor use conflicts.

When practicable, management actions will be based on the results of study or research, including (when appropriate) research in the social sciences. Any management actions taken will be fully explained to visitors and the public. Visitors will be given appropriate information on how to minimize adverse impacts, and how to enjoy the safe and lawful use of the parks.

Park managers should seek out opportunities to communicate NPS policies and regulations to those individuals and groups who use, or who wish to use, national parks for established, and potentially new, recreational activities. Generally, discussion and communication about NPS policies should be used as an opportunity to exchange information with individuals and user groups about the Service's statutory and regulatory requirements, and to learn about the their goals and organizational structure. It is in the Service's interest to establish ongoing communication with individuals and groups representing a diverse range of visitor uses, including those who advocate recreational uses that may be of questionable appropriateness for national park areas. Only by establishing and maintaining open lines of communication may the Service ensure that its management decisions are fair, reasonable, and defensible.

Beyond the need to communicate about specific types of uses, park managers should actively solicit participation by representative groups in planning processes that might affect their interests. In particular, participation by these groups should be sought when a general management plan, visitor use management plan, backcountry management plan, or similar plan is being proposed. It is vitally important that park managers and other NPS decision makers become fully aware of the viewpoints expressed by these groups, and that their viewpoints be given respectful consideration. The Service recognizes that it may not

be possible to accommodate all the interests of all groups. However, when the interests of a user group cannot be accommodated, the responsible park manager must be able to explain the reason.

(See Park Management 1.4; Management of Recreational Use 8.2.2.1. Also see 36 CFR 1.5: "Closures and Public Use Limits"; Director's Order #12: Tourism)

8.2.1 Carrying Capacity

Carrying capacity is the type and level of use that can be accommodated while sustaining the desired resource and visitor experience conditions in the park. By identifying these conditions, superintendents can manage park uses consistent with park purposes and to protect the resources and values for which the park was established. Superintendents will monitor for and address unacceptable impacts to park resources and values to protect park resources and maintain high-quality visitor experiences.

In general, carrying capacity should not be defined in static numeric terms, but rather should (1) describe desired resource and social conditions, and (2) identify the kinds of policies, actions, and best available technology that could be implemented to achieve the desired conditions. When making decisions about carrying capacity, park managers must use the best available natural and social science and other information, solicit public involvement, and maintain a comprehensive administrative record relating to their decisions. The decision-making process should be based on

- desired resource conditions and visitor experiences for the area as established in park planning or NEPA documents,
- quality indicators and standards that define the desired resource conditions and visitor experiences, and
- other factors that will lead to logical conclusions and the protection of park resources and values.

The level of analysis necessary to make decisions about carrying capacities is commensurate with the potential impacts or consequences of the decisions. The greater the potential for significant impacts or consequences to park resources and values and the opportunities to enjoy them, the greater the level of communication, consultation, study and analysis needed to support the decisions.

The general management planning process will determine the desired resource and visitor experience conditions that are the foundation for carrying capacity analysis and decision making. If a general management plan is not current or complete, or if more detailed decision-making is required, a carrying capacity planning process, such as the Visitor Experience and Resource Protection (VERP) framework, should be applied in an implementation plan or an amendment to an existing plan. If the time frame for making decisions is insufficient to allow the application of a carrying capacity planning process, park managers must make decisions based on the best available science, public input, and other information. In either case, such planning must be accompanied by appropriate environmental impact analysis, in accordance with Director's Order #12.

As use occurs over time, park managers must continue to decide if management actions are needed to prevent unacceptable impacts on park resources or values. If indicators and standards have been prescribed for an impact, the acceptable level is the prescribed standard. If indicators and standards do not exist, park managers must determine how much impact is acceptable before management action is required.

If park uses reach a level at which one or more uses must be limited or curtailed, the preferred choice will be to continue uses that best meet the criteria listed in sections 8.1 and 8.2, and to limit or curtail those that least meet those criteria.

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

8.2.2 Recreational Activities

The National Park Service will encourage, allow, or not allow recreational activities according to the criteria listed in sections 8.1 and 8.2. Examples of recreational activities include, but are not limited to, boating, camping, bicycling, fishing, hiking, horseback riding and packing, outdoor sports, picnicking, scuba diving, cross-country skiing, caving, mountain and rock climbing, and swimming. However, not all of these activities will be allowed in all parks; that determination should be made on the basis of park-specific planning. Servicewide regulations addressing aircraft use, off-road bicycling, hang gliding, off-road vehicle use, personal watercraft, and snowmobiling require that special, park-specific regulations be developed before these uses may be allowed in parks. (Different statutory and regulatory provisions apply to snowmobile, motorboat, and airplane use in units of the national park system in Alaska.)

The Service will monitor new or changing patterns of use or trends in recreational activities, and will assess their potential impacts on park resources. A new form of recreational activity will not be allowed within a park if a park manager determines that it will result in unacceptable impacts on park resources or values consistent with the criteria in 8.1. Management of recreational uses that have been approved according to the criteria in 8.1 will be limited to that which is necessary to protect park resources and values and promote visitor safety and enjoyment.

8.2.2.1 Management of Recreational Use

Superintendents should develop and implement visitor use management plans and take management actions as needed to ensure that recreational uses and activities within the park are consistent with its authorizing legislation or proclamation, and that these uses are determined to be appropriate. Depending on local park needs and circumstances, these plans may be prepared as

- coordinated activity-specific documents (such as river use plan, backcountry use plan, wilderness stewardship plan, off-road vehicle use plan, winter use plan),
- as action plan components of a resource management plan or general management plan, or

- or as a single integrated plan that addresses a broad spectrum of recreational activities.

Regardless of their format or complexity, visitor use management plans will (1) contain specific, measurable management objectives related to the activity or activities being addressed, (2) be periodically reviewed and updated, and (3) be consistent with carrying capacity decisions made in the general management plan.

The Service will seek consistency in recreation management policies and procedures on both a Servicewide and interagency basis to the extent practicable. However, because of differences in the enabling legislation and resources and values of individual parks, and differences in the missions of the Service and other federal agencies, an activity that is entirely appropriate when conducted in one location may be inappropriate when conducted in another. The Service will consider opportunities for visitor enjoyment, the park's purposes, and the effects on park resources and visitors when determining how to manage a specific recreational activity.

Park managers will consider a wide range of techniques in managing recreational use to ensure protection of park resources and values, and to provide desired visitor experiences. Examples of appropriate techniques include visitor information and education programs; separation of conflicting uses by time or location; "hardening" sites; modifying maintenance practices; and permit and reservation systems. Superintendents may also use their discretionary authority to impose local restrictions, public use limits, and closures, and they may designate areas for a specific use or activity (see 36 CFR 1.5). Any restriction of appropriate recreational uses will be limited (1) to what is necessary to protect park resources and values, (2) to promote visitor safety and enjoyment, or (3) to meet park management needs. To the extent reasonable and practicable, public use limits established by the Service will be based on the results of scientific research, public involvement, and other available support data. Recreational activities proposed as organized events or that involve commercialization, advertising, or publicity on the part of participants or organizers are defined as "special events," and are managed in accordance with the policies in section 8.6.2, regulations in 36 CFR 2.50, and criteria and procedures in Director's Order #53: Special Park Uses.

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

8.2.2.2 Commercial Visitor Services

For information on commercial visitor services, see Commercial Services 6.4.4, Planning Criteria for Park Concessions 10.2.2.1, and Commercial Use Authorizations 10.3.

8.2.2.3 River Use

A river use management plan should be developed for each park having significant levels of river use, or the potential for such use, unless the planning is accomplished through some other document. Appropriate types and levels of public uses will be identified and managed to protect aquatic resources, the riparian environment, and visitor enjoyment. Each river management plan will include specific procedures for disposing of refuse and human waste. Planning will include consultation with tribal, state, and local governments (including cooperating agency status where appropriate), and will include public involvement.

(See Implementation Planning 2.3.3; National Wild and Scenic Rivers System 4.3.4; Water Resource Management 4.6; Flood plains 4.6.4; Wetlands 4.6.5; Grazing by Domestic and Feral Livestock 8.6.8)

8.2.2.4 Backcountry Use

The Service uses the term "backcountry" to refer to primitive, undeveloped portions of parks. This is not a specific management zone, but rather refers to a general condition of land that may occur anywhere within a park. Backcountry use will be managed in accordance with a backcountry management plan (or other plan addressing backcountry uses) that is intended to provide for visitor enjoyment and recreation opportunities that are consistent with the backcountry experience and that ensure protection of park resources or values. The Service will seek to identify acceptable limits of impacts, monitor backcountry use levels and resource conditions, and take prompt management action when unacceptable impacts occur. Strategies designed to guide the preservation, management, and use of the backcountry and to achieve the park's management objectives will be integrated into the park's backcountry management plan. Backcountry proposed or recommended for wilderness designation will be managed as wilderness consistent with the Wilderness Stewardship policies in Chapter 6.

The number and types of facilities to support visitor use, including sanitary facilities, should be limited to the minimum necessary to achieve a park's backcountry management objectives and to provide for the health and safety of park visitors. Public use levels will be managed, where practicable, in accordance with the natural system's ability to absorb human waste. The Service should not provide refuse containers in backcountry areas unless doing so would not detract from the primitive experience of the backcountry and is necessary to prevent unacceptable impacts to the resources or values. All refuse must be carried out, except that combustible materials may be burned when authorized by the park managers. Users should be educated about and encouraged to practice a strong outdoor land ethic, as developed by our partner organizations including Leave No Trace, Tread Lightly!, Backcountry Horsemen of America, and others.

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

8.2.2.5 Fishing

Recreational fishing will be allowed in parks when it is authorized, or not specifically prohibited, by federal law—provided that it has been determined to be an appropriate use. When fishing is allowed, it will be conducted in accordance with applicable federal laws and treaty rights, and nonconflicting state laws and regulations. (For NPS units in Alaska, fishing will additionally be managed in accordance with the Alaska National Interest Lands Conservation Act.) The Service may restrict fishing activities when necessary to achieve management objectives outlined in a park's resource management plan or to otherwise protect park resources or public safety—unless such restrictions would violate a federal law or treaty. Before the Service issues regulations or other restrictions, representatives of appropriate tribes and state and federal agencies will be consulted to ensure that all available scientific data is considered in the decision-making process. Any such regulations or other restrictions will be developed with public involvement.

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

(See Implementation Planning 2.3.3; Planning for Natural Resource Management 4.1.1; Harvest of Plants and Animals by the Public 4.4.3; Facilities for Water Recreation 9.3.4.2)

8.2.2.6 Hunting and Trapping

Hunting, trapping, or any other methods of harvesting wildlife by the public will be allowed where it is specifically mandated by federal law. Where hunting is authorized on a discretionary basis under federal law, it may take place only after the Service has determined that the activity can be managed as an appropriate use, and that the proposed use is consistent with sound resource management principles.

Hunting and trapping will be conducted in accordance with federal law and applicable laws of the state or states in which a park is located. However, except for Alaska park units (which are subject to the Alaska National Interest Lands Conservation Act and regulations published at 36 CFR Part 13), the park in which hunting and/or trapping occurs must also publish special regulations to govern the activity, and those regulations may be more restrictive than applicable state regulations when necessary to prevent unacceptable impacts on park resources or values or to provide for public safety. Before the Service issues regulations or other restrictions, representatives of appropriate tribes and state and federal agencies will be consulted (including offering cooperating agency status where appropriate) to ensure that all available scientific data is considered in the decision-making process. Any such regulations or other restrictions will be developed with public involvement.

If the wildlife to be harvested is comanaged by the Service with states or tribes pursuant to a park's enabling legislation or proclamation, the Service's consultation, cooperation, and communication concerning fish and wildlife management will be consistent with Departmental policy at 43 CFR Part 24. This Departmental policy recognizes the broad authorities and responsibilities of federal and state agencies with regard to the management of the nation's fish and wildlife resources, and promotes cooperative management relationships among these agencies. In particular, the policy calls on the Service to consult

with state agencies on certain fish and wildlife management actions, and encourages the execution of memoranda of understanding as appropriate to ensure the conduct of programs that meet mutual objectives.

(See Harvest of Plants and Animals by the Public 4.4.3; Genetic Resource Management Principles 4.4.1.2)

8.2.2.7 Recreational Pack and Saddle Stock Use

Equine species such as horses, mules, donkeys and burros, and other types of animals (including llamas, alpacas, goats, oxen, dogs and reindeer) may be employed when it is an appropriate use to support backcountry transport of people and materials. NPS regulations at 36 CFR 2.16 prohibit the use of animals other than those designated as "pack animals" for transporting equipment.

Planning for recreational stock use should be conducted in the context of visitor use planning to address social, biological, and physical carrying capacity considerations, and to make allocation decisions that minimize potential conflicts between and among user groups. The plan should (1) establish routes, trails, and areas of travel, and (2) identify the need for supporting infrastructure such as designated horse camps, hitch rails, corrals, and appropriate trailhead facilities designed for vehicles towing horse trailers. The plan should also identify sensitive natural and cultural resource areas, and develop management strategies to protect these resources.

In areas where demand for available grazing for recreational and administrative stock exceeds allowable limits, alternative strategies must be developed. In areas where certified "weed seed free" hay or pellet rations are available, they should be considered as alternative feeding strategies to supplement grazing. Administrative stock use should generally follow the same rules and guidelines that are established for recreational use.

8.2.3 Use of Motorized Equipment and Mechanized Modes of Travel

There are many forms of motorized equipment and mechanized modes of travel, and improved technology has increased the frequency of their use. In some areas and under certain conditions, the use of mechanized equipment and mechanized modes of travel may be determined to be an appropriate use. The management of these uses requires effective monitoring of resources and visitor experiences. Uses and impacts associated with the use of motorized equipment will be addressed in park planning processes. In the development of these plans, appropriate tribal, local, and state governments shall be consulted and offered cooperating agency status as appropriate, and public input shall be included. To meet its responsibilities under Executive Order 13149: Greening the Government Through Federal Fleet and Transportation Efficiency, the Service will develop and implement a strategy to reduce its vehicle fleet's annual petroleum consumption.

(See Soundscape Management 4.9)

8.2.3.1 Off-road Vehicle Use

Off-road motor vehicle use in national park units is governed by Executive orders and regulations. Off road vehicles are defined as "any motorized vehicle designed for or capable of cross-country travel on or immediately over, land, water, sand, snow, ice, marsh, swampland, or other natural terrain" (except any registered motorboat or any vehicle used for emergency purposes). Within the national park system, off-road vehicle use that occurs on park roads is managed in the same manner as automobile traffic according to the regulations in 36 CFR Part 4. Routes and areas may be designated for off-road motor vehicle use by special regulation within national recreation areas, national seashores, national lakeshores, and national preserves, and then only when determined to be an appropriate use. Consistent with the executive orders and the Organic Act, park managers must immediately close a designated off-road vehicle route whenever the use is causing or will cause unacceptable impacts.

NPS administrative off-road motor vehicle use will be limited to what is necessary (1) to manage the public use of designated off-road vehicle routes and areas; (2) to conduct emergency operations; and (3) to accomplish essential maintenance, construction, and resource protection activities that cannot be accomplished reasonably by other means.

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

8.2.3.2 Snowmobiles and Oversnow Vehicles

Snowmobile use is a form of off-road vehicle use governed by Executive Order 11644 (as amended by Executive Order 11989) and, in Alaska, by provisions of the Alaska National Interest Lands Conservation Act (16 USC 3121 and 3170). Implementing regulations are published at 36 CFR 2.18, 36 CFR Part 13, and 43 CFR Part 36.

Routes and areas may be designated for snowmobile and oversnow vehicle use by special regulation on routes and water surfaces that are used by motor vehicles or motorboats during other seasons. Such routes or areas shall be designated only when determined to be an appropriate use.

NPS administrative use of snowmobiles and oversnow vehicles will be limited to what is necessary (1) to manage public use of snowmobile or oversnow vehicle routes and areas; (2) to conduct emergency operations; and (3) to accomplish essential administrative, maintenance, construction, and resource protection activities that cannot be accomplished reasonably by other means.

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

8.2.3.3 Personal Watercraft

Motorized personal watercraft (PWC) use may be permitted through special regulations and when this use has been identified as appropriate for a specific park. PWC use may be authorized if an evaluation of the park's enabling legislation, resources and values, other visitor uses, and overall management objectives confirms that PWC use is an appropriate use.

8.2.4 Accessibility for Persons with Disabilities

All practicable efforts will be made to make NPS facilities, programs, and services accessible to and usable by all people, including those with disabilities. This policy reflects the commitment to provide access to the widest cross section of the public, and to ensure compliance with the intent of the Architectural Barriers Act and the Rehabilitation Act. The Service will also comply with section 507 of the Americans with Disabilities Act (42 USC 12207), which relates specifically to the operation and management of federal wilderness areas. Specific guidance for implementing these laws is found in the Secretary of the Interior's regulations regarding enforcement of nondiscrimination on the basis of disability in Department of the Interior programs (43 CFR Part 17, Subpart E).

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

(See Physical Access for Persons with Disabilities 5.3.2; Accessibility for Persons with Disabilities 6.4.10; Accessibility for Persons with Disabilities 9.1.2. Also see Director's Order #16A: Reasonable Accommodation for Applicants and Employees with Disabilities; Director's Order #42: Accessibility for Visitors with Disabilities)

8.2.5 Visitor Safety and Emergency Response

8.2.5.1 Visitor Safety

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

While recognizing that there are limitations on its capability to totally eliminate all hazards, the Service and its concessioners, contractors, and cooperators will seek to promote a safe and healthful environment for visitors and employees. The Service will work cooperatively with other federal, tribal, state, and local agencies, organizations, and individuals to carry out this responsibility. The Service will strive to identify recognizable threats to the safety and health of persons and to the protection of property by applying nationally accepted codes, standards, engineering principles, and the guidance contained in Director's Orders #50, #58, and #83 and their associated reference manuals. When practicable and consistent with congressionally designated purposes and mandates the Service will reduce or remove known hazards and apply other appropriate measures,

including closures, guarding, signs, or other forms of education. In doing so, the Service's preferred actions will be those that have the least impact on park resources and values.

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

These *Management Policies* do not impose park-specific visitor safety prescriptions. The means by which public safety concerns are to be addressed is left to the discretion of superintendents and other decision-makers at the park level who must work within the limits of funding and staffing. Examples include decisions about whether to (1) install warning signs or artificial lighting, distribute weather warnings or advisories, initiate search-and-rescue operations, or render emergency aid; (2) eliminate potentially dangerous animals; (3) close roads and trails, or install guardrails and fences; and (4) grant or deny backcountry or climbing permits. Some forms of visitor safeguards—such as fences, railings, and paved walking surfaces—typically found in other public venues may not be consistent with park purposes or practicable in a national park setting. In some instances, restrictions on activities may be necessary to maintain a safe environment for those not engaged in the activity.

(See Air Quality 4.7.1; Lightscape Management 4.10; General Policy 6.4.1; Siting Facilities to Avoid Natural Hazards 9.1.1.6; Waste Management and Contaminant Issues 9.1.6; Risk Management Program 10.2.4.8; Food Service Sanitation Inspections 10.2.4.14)

8.2.5.2 Emergency Preparedness and Emergency Operations

The National Park Service will develop a program of emergency preparedness in accordance with title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 USC 5195— 5197g); National Security Decision Directive 259 (February 4, 1987); Department of the Interior policy; and other considerations at the Washington headquarters, regional, and park levels. The purpose of the program will be to maximize visitor and employee safety and the conservation of resources and the protection of property. This program will include a systematic method for alerting visitors about potential disasters and evacuation procedures.

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

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

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

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

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

8.2.5.3 Search and Rescue

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

(See Management Facilities 6.3.10; General Policy 6.4.1)

8.2.5.4 Emergency Medical Services

The Service will make reasonable efforts to provide appropriate emergency medical services for persons who become ill or injured. An emergency medical services program will be maintained, where appropriate, to provide transportation and pre-hospital care of the sick and injured, which may range from minor first aid to advanced life support in various environmental settings. Transportation may include everything from patrol cars and ambulances to fixed-wing planes and helicopter air ambulances, consistent with Departmental policies regarding aircraft use.

Qualified emergency medical services in local communities may be used if such services can respond rapidly enough in life-threatening emergencies. When such services are not available, the Park Service will make a reasonable effort to provide a level of emergency

medical service commensurate with park needs, and in response to an emergency medical needs assessment. Each superintendent will develop and implement a program to meet those needs, in accordance with Director's Order #51: Emergency Medical Services. Extended emergency medical services operations will be conducted the Incident Command System.

8.2.6 Recreation Fees and Reservations

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

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

8.2.6.1 Recreation Fees

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

- First Amendment activities, which are exempt from all fees
- special park uses such as agricultural, grazing, and commercial filming activities (all of which are subject to special park use fees)
- NPS-authorized research activities
- federal, state, tribal, and local government business
- outings conducted for educational purposes by schools and other bona fide educational institutions.

(See Fees 8.6.1.2; First Amendment Activities 8.6.3. Also see 36 CFR 71.13)

8.2.6.2 National Park Reservation Service

To better serve park visitors, to ensure the conservation of park resources, or to improve operational efficiency, the Park Service will participate in the interagency National Recreation Reservation System operated under Recreation.gov (NRRS). A reservation service may involve campgrounds, other facilities, tours, or other services operated or provided by the Park Service for visitors. The NRRS may be expanded or new services may be developed based on NPS needs and NRRS capacity to accommodate the needs.

Superintendents are encouraged to participate in NRRS when it will improve visitor services, better market and increase visitation at underused parks, or improve the efficiency of park administration. To avoid duplicative costs and confusion, a park must first determine that the NRRS will not accommodate the park's reservation needs before participating in some other type of reservation system.

(See Chapter 7: Interpretation and Education)

8.3 Law Enforcement Program

8.3.1 General

The law enforcement program is an important tool in carrying out the NPS mission. The objectives of the NPS law enforcement program are (1) the prevention of criminal activities through resource education, public safety efforts, and deterrence; and (2) the detection and investigation of criminal activity and the apprehension and successful prosecution of criminal violators. In carrying out the law enforcement program, the Service will make reasonable efforts to provide for the protection, safety, and security of park visitors, employees, concessioners, and public and private property, and to protect the natural and cultural resources entrusted to its care.

Law enforcement is characterized by high risks and inherent dangers to enforcement officers, and by high public expectations that law enforcement activities will be performed in a professional manner. It is therefore essential that the Service issue clear policies and procedures to guide the law enforcement program, and that commissioned employees receive the training and equipment necessary to perform their duties successfully. The NPS law enforcement program will be managed and supervised in accordance with (1) all applicable laws and regulations; (2) Part 446 of the *Department of the Interior Manual;* (3) these *Management Policies*; (4) Director's Order #9: NPS Law Enforcement Program; Reference Manual #9; or (5) U. S. Park Police General Orders, as appropriate. To help sustain the high level of public trust necessary for an effective law enforcement program, commissioned employees will adhere to the Department of the Interior's law enforcement code of conduct and the standards of ethical conduct found in Reference Manual 9.

All necessary and appropriate steps will be taken to ensure that the park service maintains a viable and progressive law enforcement program. The authority and responsibility to manage the NPS Commissioned Park Ranger program will flow from the Director to the

Deputy Director-Operations, to the Regional Directors, to park Superintendents. Park Superintendents will be responsible and accountable for the management of the law enforcement program within their respective areas. National law enforcement policy oversight relating to commissioned park rangers and special agents will be maintained in the office of the Associate Director for Visitor and Resource Protection. This Associate Director will also manage the national Special Agent program.

The authority and responsibility to manage U.S. Park Police operations will flow from the Director to the Deputy Director-Operations, to the Chief, U.S. Park Police.

8.3.2 The Context for Law Enforcement

Park law enforcement activities will be managed by superintendents as part of a comprehensive, interdisciplinary effort to protect resources, manage public use, and promote public safety and appropriate enjoyment. This is in keeping with guidance provided by Congress in 1976 when it amended the General Authorities Act (16 USC 1a-3).

8.3.3 Shared Responsibilities

Congress has authorized the designation of certain employees as law enforcement officers, with the responsibility to "maintain law and order and protect persons and property within areas of the National Park System" (16 USC 1a-6(b)). Only employees who meet the standards prescribed by and who are designated by the Secretary of the Interior may perform law enforcement duties.

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

8.3.4 Enforcement Authority

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

The Service is authorized to use appropriated funds for "rendering of emergency rescue,

fire fighting, and [other] cooperative assistance to nearby law enforcement and fire prevention agencies and for related purposes outside of the National Park System"(16 USC 1b(1)). Further, insofar as 16 USC 1b(1) does not confer arrest authority to NPS personnel who act outside park boundaries, state arrest authority is first needed before NPS personnel can enforce state law or engage in law enforcement activity outside national park system boundaries.

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

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

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

8.3.5 Jurisdiction

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

8.3.6 Law Enforcement Public Information and Media Relations

The National Park Service will provide appropriate information to the public and the news media in accordance with applicable laws, Departmental policy, and Director's Order #75: Media Relations. Superintendents should identify appropriate opportunities to (1) enhance deterrence by publicizing arrests, weapons seizures, and successful prosecutions; (2)

highlight cooperation and assistance activities such as Park Watch; and (3) educate the public about the full range of threats to and the challenges of protecting park resources.

The right of the public to obtain information about government operations and activities is subject to the requirements of the Freedom of Information Act and the Privacy Act.

(See Public Information and Media Relations 1.7.3)

8.3.7 Homeland Security

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

8.4 Overflights and Aviation Uses

A variety of aircraft, including military, commercial, general aviation, and aircraft used for NPS administrative purposes, fly in the airspace over national parks. Overflights may cause unacceptable impacts to park resources and values and diminish visitor enjoyment. In cooperation with appropriate authorities, the Park Service will take all necessary steps to avoid or to mitigate unacceptable impacts resulting from aircraft overflights.

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

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

8.4.1 Alaska and Remote Areas

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

8.4.2 Education

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

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

8.4.3 General Aviation

The Service will work closely with the Federal Aviation Administration and with general aviation organizations to ensure that general aviation operations over units of the national park system are conducted in accordance with applicable FAA advisories and "fly-friendly" techniques and procedures designed to help pilots minimize impacts on national parks. The Service will seek the assistance of these organizations in problem resolution if general aviation concerns arise over national parks.

8.4.4 Administrative Use

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

- use, to the maximum extent practicable, the quietest air craft available for its aviation operations
- limit official use of flights over parks to those needed to support or carry out emergency operations or essential management activities in cases where there are no practical alternatives or when alternative methods would be unreasonable
- give full consideration to safety; wilderness management implications; impacts on resources, values, or visitors; impacts on other administrative activities; and overall cost-effectiveness
- plan, schedule, and consolidate flights so as to avoid or minimize adverse impacts on park resources and values and visitor enjoyment
- require other agencies that request to use aircraft within park boundaries to comply with the standards and policies applicable to NPS aircraft

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

8.4.5 Military Aviation

The Park Service will work cooperatively with agencies of the Department of Defense to address the congressionally mandated missions of all agencies. In addition, the Service will seek to prevent unacceptable impacts on resources or values or strive to mitigate any adverse effects on park resources, values, or visitor experiences in national park units resulting from of overflights related to military training or operational low-level overflights. Superintendents are responsible for consulting, cooperating, and communicating with base commanders controlling military training routes or military

operations areas that may affect their parks, and for developing formal agreements that mitigate identified impacts.

8.4.6 Commercial Air Tour Management

The National Parks Air Tour Management Act of 2000, and implementing Federal Aviation Administration regulations, provide for a joint FAA/NPS planning process that will lead to the FAA management of commercial air tours over national parks (with the exception of parks in Alaska, which are specifically excluded from the process). The Park Service, as a cooperating agency, will assist the FAA in developing an air tour management plan (ATMP) for each park with existing or proposed air tours. Superintendents will work cooperatively with the FAA, air tour operators, and other individuals or groups in the development of air tour management plans, and will determine the nature and extent of impacts on natural and cultural resources and visitor experience opportunities inside park boundaries. The FAA, with responsibility for ensuring the safe and efficient use of the nation's airspace and for protecting the public health and welfare from aircraft noise, will implement the air tour management plan and regulate commercial air tours in accordance with it.

8.4.7 Permitted Overflights

When issuing permits for activities such as filming or research, in which the use of aircraft is proposed, the superintendent will determine that the use is appropriate and apply conditions to protect park resources and values from adverse impacts. Permit requests will be denied if the activity will have unacceptable impacts on the visitor experience or a park's resources and values.

8.4.8 Airports and Landing Sites

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

Fully functional, efficient, and safe operation of airports is important to providing visitors opportunities to use and enjoy their parks. To help achieve this, and in recognition of the needs of adjacent local communities, the Service will work cooperatively with the Federal Aviation Administration and other entities having jurisdiction over landing sites and airports adjacent to parks. Such cooperation will also be for the purpose of preventing, minimizing or mitigating impacts to park resources, values, or the visitor experience that result from aircraft operations. Whether landing sites or airports are situated within or adjacent to parks, the objective will be to minimize noise and other impacts, and confine

them to the smallest and most appropriate portion of the park as possible, consistent with safe aircraft operations.

(Also see 36 CFR 2.17; 43 CFR 36.11(f); Reference Manual 47)

8.5 Native American Use

The National Park Service will develop and implement its programs in a manner that reflects knowledge of and respect for the cultures of Native American tribes or groups with demonstrated ancestral ties to particular resources in parks. Evidence of such ties will be established through systematic archeological or ethnographic studies, including ethnographic oral history and ethnohistory studies, or a combination of these sources. For purposes of these policies, the term "Native American" includes American Indians, Alaska natives, native peoples of the Caribbean, native Hawaiians, and other native Pacific islanders. The term will be applicable to federally and state-recognized tribes and to those Native Americans who are defined by themselves and known to others as members of a named cultural unit that has historically shared a set of linguistic, kinship, political, or other distinguishing cultural features.

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

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

- Service general regulations governing access to and use of natural and cultural resources in parks will be applied in an informed and balanced manner that is consistent with park purposes, does not unreasonably interfere with Native American use of traditional areas or sacred resources, and does not violate the criteria listed in section 8. 2 for use of the parks.
- Superintendents will establish and maintain consulting relationships with potentially affected Native American tribes or groups.
- Management decisions will reflect knowledge about and understanding of potentially affected Native American cultures and people that is gained through research and consultations with the potentially affected groups.

The American Indian Religious Freedom Act (AIRFA) (42 USC 1996) states that "henceforth it shall be the policy of the United States to protect and preserve for American Indians their inherent right to freedom to believe, express, and exercise the traditional religions of the American Indians, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites." The National Park Service recognizes that site-specific worship is vital to Native American religious practices. As a matter of policy, and

in keeping with the spirit of the law, the Service will be as unrestrictive as possible in permitting Native American tribes access to park areas to perform traditional religious, ceremonial, or other customary activities at places that have been used historically for such purposes—provided the criteria listed in section 8.1 and 8.2 for use of the parks are not violated. In allowing religious access by other entities, including nonrecognized Indian groups, the Park Service will consider requests individually, being mindful to not take actions that will either advance or inhibit religion. The Service will not direct visitor attention to the performance of religious observances unless the Native American group so wishes.

With regard to consumptive use of park resources, current NPS policy is reflected in regulations published at 36 CFR 2.1 and 36 CFR Part 13.

These regulations allow park managers to designate certain fruits, berries, nuts, or unoccupied seashells which may be gathered by hand for personal use or consumption if it will not adversely affect park wildlife or the reproductive potential of a plant species, or otherwise adversely affect park resources. The regulations do not authorize the taking, use, or possession of fish, wildlife, or plants for ceremonial or religious purposes, except where specifically authorized by federal statute or treaty rights, or where hunting, trapping, or fishing are otherwise allowed.

The Service will protect sacred resources to the extent practicable and in a manner consistent with the goals of the traditionally associated Native American tribe or group when authorized under the National Historic Preservation Act. The location and character of sacred sites will be withheld from public disclosure if disclosure will cause significant invasion of privacy, risk harm to the historic resource, or impede the use of a traditional religious site by practitioners.

As with other nonrecreational users, members of Native American tribes or groups may enter parks for traditional nonrecreational activities without paying an entrance fee.

The ceremonial use of peyote will be limited to members of the Native American Church during religious ceremonies, in accordance with regulations of the Department of Justice, Drug Enforcement Administration ("Special Exempt Persons, Native American Church," 21 CFR 1307.31).

(See Consultation 5.2.1; Ethnographic Resources 5.3.5.3; first Amendment Activities 8.6.3; Consumptive Uses 8.9. Also see Executive Order 13007; Director's Orders #71A: Relationships with Indian Tribes, and #71B: Indian Sacred Sites)

8.6 Special Park Uses

8.6.1 General

A special park use is defined as a short-term activity that takes place in a park area and that

- provides a benefit to an individual, group, or organization rather than the public at large
- requires written authorization and some degree of management control from the Service in order to conserve park resources and values and the public interest
- is not prohibited by law or regulation
- is not initiated, sponsored, or conducted by the Service; and is not managed under a concession contract (see chapter 10), a recreation activity for which the Park Service charges a fee, or a lease (see chapter 5).

8.6.1.1 Requests for Permits

Each request to permit a special park use or to renew authorization of an existing use will be reviewed and evaluated by the superintendent according to the terms of applicable legislation, regulations, and management planning documents using criteria and procedures outlined in Director's Order #53: Special Park Uses. When considering permit requests, superintendents will take into account the Servicewide implications of their decisions. A superintendent must deny initial requests or requests for renewal upon finding that the proposed activity would not be allowed under the criteria listed in section 8.1.

The superintendent likewise must terminate previously authorized special park uses based on such a finding.

8.6.1.2 Fees

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

(See Park Management 1.4; Recreation Fees and Reservations 8.3; Special Events 8.6.2)

8.6.2 Special Events

8.6.2.1 General

Special events—such as sports, pageants, regattas, public spectator attractions, entertainment, ceremonies, and encampments—may be permitted by the superintendent when (1) there is a meaningful association between the park area and the event, and (2) the event will contribute to visitor understanding of the significance of the park area. However, a permit must be denied if the event would be disallowed under the criteria listed in section 8.1. The superintendent must ensure that appropriate permit conditions are used for special events.

The Park Service will not permit the public staging of special events

- that are conducted primarily for the material or financial benefit of organizers or participants

- that are commercial in nature
- that demand in-park advertising or publicity
- for which a separate public admission fee is to be charged

However, park buildings or specially designated locations that are suitable and appropriate may be made available for private, "by-invitation-only" events. Admission fees for or any other monies associated with the "by-invitation-only" event may not be collected by the permittee on park premises.

Large-scale events will be managed using the NIMS Incident Command System.

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

8.6.2.2 Helium-Filled Balloons

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

8.6.2.3 Fireworks Displays

Fireworks displays will not be permitted if they pose an unacceptable risk of wildland or structural fire or will cause unacceptable impacts to park resources or values or jeopardize public safety. In all instances, the decision to approve or deny a request will be made by the superintendent, following consultation with the regional safety officer. Fireworks displays will be conducted in compliance with the National Fire Protection Association Code for the Display of Fireworks (NFPA 1123).

8.6.2.4 Sale of Food or Merchandise

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

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

8.6.3 First Amendment Activities

The National Park Service will authorize the use of park land for public assemblies, meetings, demonstrations, religious activities, and other public expressions of views protected under the First Amendment of the U.S. Constitution, in accordance with NPS

regulations. To ensure public safety and the protection of park resources and values, and to avoid assigning the same location and time to two or more activities, the Service may manage these activities by issuing a permit to regulate the time, location, number of participants, use of the facilities, and number and type of equipment used, but not the content of the message presented.

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

When the Service allows one group to use an area or facility for expressing views, it must provide other groups with a similar opportunity if requested. No group wishing to assemble lawfully may be discriminated against or denied the right of assembly if all permit conditions are met. Whenever religious activities are conducted in parks, any NPS actions pertaining to them must reflect a clearly secular purpose, must have a primary effect that neither advances nor inhibits religion, and must avoid “excessive governmental entanglement with religion.”

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

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

(See Confidentiality 5.2.3. Also see Reference Manual 53)

8.6.4 Rights-of-Way for Utilities and Roads

8.6.4.1 General

A right-of-way is a special park use allowing a utility to pass over, under, or through NPS property. It may be issued only pursuant to specific statutory authority, and generally only

if there is no practicable alternative to such use of NPS lands. The criteria listed in section 8.2 must also be met.

When an application for a right-of-way is submitted, the superintendent will establish conditions and develop documentation of compliance with the National Environmental Policy Act, the National Historic Preservation Act, and other statutory compliance requirements as appropriate. Due to the potentially high costs and values associated with rights-of-way, special attention will be paid to fees and the recovery of a fair market value for use of the land. New rights-of-way will be executed by the regional director; conversions from other authorizing documents, amendments, and renewals of existing rights-of-way may be signed by the superintendent. A right-of-way issued by the Park Service is considered a temporary document, and does not convey an interest in land.

NPS regulations pertaining to the issuance of rights-of-way are in 36 CFR Part 14; Department of the Interior regulations pertaining to rights-of-way in Alaska are found in 43 CFR Part 36. Additional guidance can be found in Director's Order #53, and Reference Manual 53: Special Park Uses. A utility or road right-of-way proposed for a park in Alaska is subject to the authorities and procedural requirements of title XI of the Alaska National Interest Lands Conservation Act.

(See Park Management 1.4, Rights- of- Way 6.4.8. Also see Director's Order #53)

8.6.4.2 Utilities

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

8.6.4.3 Telecommunication Antenna Sites

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

As with other special park uses, telecommunication proposals must meet the criteria listed in section 8.1. In addition:

- Superintendents will encourage preliminary meetings with telecommunication antenna applicants who wish to discuss the pending applications and address NPS concerns. Similar meetings should be held during the decision-making process, as necessary, particularly if the superintendent is considering denying the application.

- Superintendents will consider the safety of the visiting public when reviewing telecommunication antenna applications, including the potential benefit of having telephone access to emergency law enforcement and public safety services.
- Reviews under the National Environmental Policy Act and the National Historic Preservation Act will be conducted expeditiously, consistent with all applicable statutes, and within timetables established under Director's Order #53.

8.6.4.4 Roads and Highways

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

(See Fees 8.6.1.2; Non-NPS Roads 9.2.1.2, Construction and Expansion Proposals 9.2.1.2.2. Also see Director's Order #87D: Non-NPS Federal Aid Roads)

8.6.5 Access to Private Property

The Service will allow access to the private property of adjacent landowners, or landowners within park boundaries, consistent with any deed reservations or statutory rights of access. Where no right of access otherwise exists, the Service may allow access when it determines that providing such access is an appropriate use.

Whenever access to private property is allowed, commercial vehicles will be allowed access across NPS-administered lands to private property only in accordance with 36 CFR 5.6, "Commercial Vehicles." Access to nonfederal lands in Alaska that requires access across NPS-administered lands will be provided in accordance with the applicable regulations implementing Title 11 of the Alaska National Interest Lands Conservation Act.

8.6.6 Filming and Photography

8.6.6.1 General

The National Park Service will encourage filming and photography when it will promote the protection and public enjoyment of park resources provided that the activity does not violate the criteria listed in section 8.1.

Filming and photography activities that do not necessarily promote the protection and public enjoyment of parks, but which meet the section 8.1 criteria, will also be permitted. For the purposes of this policy, "filming" is defined as the recording of images or the sound tracks associated with them, including still, motion, and video filming by any available technology.

8.6.6.2 Permits and Fees

A permit will be required for any filming or photography that (1) involves the use of a model, set, or prop; (2) requires entry into a closed area; or (3) requires access to the park outside normal visiting hours.

A permit will not be required for a visitor using a camera and/or a recording device for their own personal use within normal visitation areas and hours. Press coverage of breaking news never requires a permit; however, it is subject to the restrictions and conditions necessary to conserve park resources, provide for public health and safety, and prevent impairment of park resources or values.

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

8.6.6.3 NPS Participation

The Service's participation is governed by the following:

- The Park Service may actively assist filming and photography activities that promote public understanding and appreciation of the national park system, and the Director may authorize use of the arrowhead symbol for such filming projects.
- A superintendent may request a credit line provided that the content or subject matter of the filming project would not reflect adversely on the National Park Service.
- NPS employees, while on duty or in uniform, will not be employed by filming permittees.

Identifiable NPS equipment, uniforms, or insignia must not be portrayed in any way that would imply Service endorsement of a product or service. The Park Service will not censor the content of any filming project, or require finished film products for review, files, or documentation purposes. However, a superintendent may review a story board or other material offered by the applicant to help determine whether (1) a credit line would be appropriate, or (2) it would be appropriate for the Park Service to actively assist a filming activity or authorize use of the arrowhead symbol.

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

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

8.6.7 Agricultural Uses

Agricultural uses and activities are authorized in parks in accordance with the direction provided by a park's enabling legislation and general management plan. Agricultural practices and techniques, including the use of pesticides and other biocontrol agents such

as genetically modified or engineered organisms, should be specified in an approved resource management plan, and are subject to review and approval by the NPS integrated pest management (IPM) program manager. These practices and techniques are also subject to the provisions of federal and state laws, NPS regulations and policies, and Director's Orders #53 and #77-7. In general, agricultural activities should be conducted in accordance with accepted best management practices.

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

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

(See Park Planning Processes 2.3; Biological Resource Management 4.4; Pest Management 4.4.5; Cultural Landscapes 5.3.5.2; Personal Services 7.3.1; Unacceptable Impacts 8.1.2. Also see Director's Order #77- 7: Integrated Pest Management)

8.6.8 Domestic and Feral Livestock

8.6.8.1 General

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

8.6.8.2 Managing Agricultural Grazing

Agricultural (commercial and administrative) grazing is an authorized use in some parks. The Park Service will only allow agricultural grazing in parks where it is

- specifically authorized by federal law,
- required under a reserved right of use arising from the acquisition of a tract of land,
- required in order to maintain a historic scene, or
- conducted as a necessary and an integral part of a recreational activity appropriate to a park.

Parks with agricultural livestock use, including parks where such use is administered by another agency, should address the management of this use in an agricultural or livestock use plan or other appropriate public planning document. The amount (stocking densitities, animal unit months) and type (seasonal, rotation schedules, etc.) of use must be determined according to established protocols to prevent unacceptable impacts to park resources and to avoid conflicts with visitors. Particular attention will be given to protecting wetland and riparian areas, sensitive species and their habitats, water quality, and cultural resources. A monitoring program must be implemented, and adaptive management practices must be used to protect park resources.

Agricultural livestock grazing will use "best management practices" to protect park vegetation, wildlife, soils and water; safeguard sensitive species; prevent or minimize the establishment and spread of nonnative species; and preserve cultural sites. Integrated pest management methods must conform to NPS pest management policy in Section 4.4.5. Other forms of administrative stock use, such as using grazing animals to achieve resource conditions (i.e., using sheep to remove leafy spurge) may also be allowed as part of an integrated pest management plan.

8.6.8.2.1 Permitting Agricultural Grazing

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

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

8.6.8.2.2 Structures for Agricultural Grazing

Appropriate structures will be approved by the National Park Service and will be allowed in parks when

- such use is consistent with a livestock management plan or another appropriate management,

- the structures are consistent with park purposes and other applicable laws, regulations, or policies, and
- the structures will not cause unacceptable impacts to park resources and values.

The Service will not expend funds to construct or maintain livestock structures unless there is a direct benefit to the protection of park resources. The permittee may be required to remove structures when livestock activities are no longer authorized unless the Service determines that the structures are an appropriate use.

(See Management of Exotic Species 4.4.4; Water Resource Management 4.6; Identification and Designation of the Wilderness Resource 6.2; Grazing and Livestock Driveways 6.4.7; Equestrian Trails 9.2.3.3; Miscellaneous Management Facilities 9.4.5. Also see Director's Order #77-3: Domestic and Feral Livestock, and Reference Manual 77-3; Director's Order #53: Special Park Uses, and Reference Manual 53; Director's Order #77-7: Integrated Pest Management)

(See chapter 2 Park System Planning)

8.6.8.3 Trespass and Feral Livestock

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

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

8.6.9 Military Operations

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

- A permit will be issued that clearly states all necessary conditions or stipulations to protect park resources and values and provide for visitor enjoyment and safety;
- All applicable park rules and regulations will be followed;
- No weaponry will be carried, displayed, or used, except for ceremonial purposes or authorized public demonstrations;
- The activity will be conducted away from visitor use locations and out of public view (except where a public demonstration is specifically authorized);
- The military organization will designate a liaison officer who will be available to the superintendent throughout the exercise; and

- Permittees will be educated about how the purpose, mission, and regulations of the park may differ from their own missions, especially in regard to resource protection and visitor use and enjoyment.

National security and law enforcement agencies, such as the CIA, FBI, Secret Service, Department of Homeland Security, and state police, may wish to conduct similar exercises. These requests should be evaluated in the same way as military special use requests.

8.6.10 Cemeteries and Burials

8.6.10.1 National Cemeteries

All national cemeteries administered by the National Park Service will be managed as historically significant resources, and as integral parts of larger historical parks. Burials in national cemeteries will be permitted, pursuant to applicable regulations, until available space has been filled. The management and preservation of national cemeteries are subject to the provisions of the National Cemeteries Act of 1973; NPS "National Cemetery Regulations" (36 CFR Part 12); and Director's Order #61: National Cemeteries.

The enlargement of a national cemetery for additional burials constitutes a modern intrusion, compromising the historical character of both the cemetery and the historical park; therefore, enlargement will not be permitted.

8.6.10.2 Family Cemeteries

The burial of family members in family cemeteries that have been acquired by the Service in the course of establishment of parks will be permitted to the extent practicable, pursuant to applicable regulations, until space allotted to the cemeteries has been filled. Family members (or their designees) will be allowed access for purposes of upkeep and commemoration (such as wreath-laying and religious rituals) that do not jeopardize safety or resource conservation. Whenever applicable, park managers will keep active files on cemeteries for the purpose of responding to requests and inquiries.

(Also see Director's Order #19: Records Management)

8.6.10.3 Other Burials and the Scattering of Ashes

Other burials or re-interments outside established cemeteries in parks will be prohibited except where permitted by cultural resource policies. The scattering of ashes from cremation may be permitted by a superintendent, in accordance with NPS general regulations in 36 CFR 2.62 and applicable state laws. Authorization to scatter ashes must take into account potential conflicts with the spiritual or cultural practices of the indigenous people associated with the area.

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

8.6.11 Other Special Park Uses

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

8.7 Mineral Exploration and Development

Mineral exploration and development include exploration, extraction, production, storage, and transportation of minerals. Mineral exploration or development may be allowed in parks only when prospective operators demonstrate that they hold rights to valid mining claims, federal mineral leases, or nonfederally owned minerals. If this right is not clearly demonstrated, the National Park Service will inform the prospective operator that until proof of a property right is documented the Service will not further consider the proposed activity. The Service, in consultation with the owner, will seek to extinguish the associated mineral right through acquisition unless otherwise directed by Congress if the Service determines that the proposed mineral development would (1) impair park resources or values, or (2) is not consistent with park purposes, or (3) does not meet approval standards under applicable NPS regulations and cannot be sufficiently modified or mitigated to meet those standards. In some parks, all or certain types of mineral development are specifically prohibited by law.

All persons who conduct mineral development within parks will do so only in conformance with applicable laws, regulations, and NPS policies. These laws include the Mining in the Parks Act, the Mineral Leasing Act, the Acquired Lands Mineral Leasing Act, the Surface Mining Control and Reclamation Act of 1977, the National Park System General Authorities Act, the Alaska National Interest Lands Conservation Act, and enabling statutes for individual parks. Applicable regulations include 36 CFR Part 9, Subpart A and Subpart B; 43 CFR Parts 3100-3500; and special use regulations. Persons may not use or occupy surface lands in a park for purposes of removing minerals outside the park unless provided for by law. General management plans, land protection plans, and other planning documents for parks with mining claims, federal mineral leases, or nonfederally owned mineral interests will address these nonfederal property interests as appropriate. Lands with mineral interests will be zoned according to their anticipated management and use based on their resources and values, park management objectives, and park-specific legislative provisions relating to mineral interests.

(See Park Planning Processes 2.3; Land Protection Plans 3.3; Identification and Designation of the Wilderness Resource 6.2; Mineral Development 6.4.9)

8.7.1 Mining Claims

The location of new mining claims pursuant to the General Mining Act of 1872 is prohibited in all park areas. Under the Mining in the Parks Act, the National Park Service may permit mineral development only on existing patented and valid unpatented mining claims in conformance with the park's enabling legislation and the regulations for mining claims in 36 CFR Part 9, Subpart A. The Service may require a validity examination on unpatented mining claims at any time. The Service will require a validity examination of all unpatented mining claims before approving any operations on such claims in

accordance with 36 CFR Part 9, Subpart A. However, a validity examination is not required before the NPS authorization of activities that are conducted only to reclaim a site. All mineral development and use of resources in connection with a claim will be confined to the boundaries of the claim itself, except for access and transport permitted under 36 CFR Part 9, Subpart A; or, for Alaska, 43 CFR Part 36.

8.7.2 Federal Mineral Leases

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

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

8.7.3 Nonfederally Owned Minerals

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

The Service may approve operations associated with nonfederal oil and gas interests under the standards and procedures in 36 CFR Part 9, Subpart B. If an operator's plan fails to meet the regulatory standards for approval, the Park Service may have authority to deny the operation and initiate acquisition in accordance with the procedures outlined in Section 3.7. Application of the regulations is not intended to result in a taking of the property interest, but rather to impose reasonable regulation of the activity.

Operations associated with nonfederal mineral interests, other than oil and gas, are subject to the requirements of 36 CFR Part 5, "Commercial and Private Operations," and 36 CFR 1.6. In accordance with 36 CFR 1.6, the Service will consider how operations associated with these mineral interests would impact public health and safety, environmental, or scenic values, natural or cultural resources, scientific research, implementation or management responsibilities, proper allocation and use of facilities, or the avoidance of conflict among visitor use activities. If the impacts from operations cannot be sufficiently

mitigated, the Park Service may seek to acquire the mineral interest in accordance with the procedures outlined in Section 3.7.

8.8 Collecting Natural Products

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

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

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

8.9 Consumptive Uses

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

- specifically authorized by federal law or treaty rights (such as hunting, trapping, mining, or subsistence use in specifically identified parks)
- specifically authorized pursuant to other existing rights (such as a right retained by a donor of the land on which the use would occur)
- grazing activities authorized in accordance with section 8.2.2.7 and 8.6.8.2.1
- traditional visitor activities, such as fishing or berry picking, that are authorized in accordance with NPS general regulations

The 36 CFR Part 13 regulations address the consumptive use of park resources for subsistence purposes in Alaska. Some park-specific enabling acts (e.g., Big Cypress National Preserve and Kaloko-Honokohau National Historical Park) also allow subsistence or other traditional uses of park resources.

(See Park Management 1.4; Harvest of Plants and Animals by the Public 4.4.3; General 8.1, Native American Use 8.5. Also see 36 CFR Part 13, Subpart B)

8.10 Natural and Cultural Studies Research and Collection Activities

Studies, research, and collection activities by non-NPS personnel involving natural and cultural resources will be encouraged and facilitated when they otherwise comport with NPS policies. Scientific activities that involve field work or specimen collection, or have the potential to disturb resources, the visitor experience, or park operations, require a permit issued by the superintendent that prescribes appropriate conditions for protecting park resources, visitor use and enjoyment, and operations.

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

8.11 Social Science Studies

8.11.1 General

The National Park Service will facilitate social science studies that support the NPS mission by providing an understanding of park visitors, the nonvisiting public, gateway communities and regions, and their interactions with park resources. This approach will provide a scientific basis for park planning, development, operations, management, education, and interpretive activities. Investigators will be encouraged to use the parks for scientific studies whenever such use is consistent with NPS policies that recognize the scientific value of parks as laboratories. Specific guidance is provided in Director's Order #78: Social Science.

Studies include short- or long-term scientific investigations in NPS areas that may involve social science surveys and research. The data and information acquired through scientific activities conducted in the parks will be made broadly available to park management, the scientific community, and the public, except where legal restrictions apply. Studies may include projects conducted by researchers and scholars with universities, foundations, state and federal agencies, and NPS staff. The Park Service will promote cooperative relationships with educational and scientific institutions and qualified individuals when specialized expertise exists that can be of significant assistance to the Service in obtaining information, and when the opportunity for research and study in the parks offers institutions a significant benefit to their programs. NPS facilities and assistance may be made available to qualified researchers conducting NPS-authorized studies. NPS or other federally funded studies that rely on survey instruments are strictly regulated and must be approved by the Park Service, the Department of the Interior, and the Office of

Management and Budget before they can be used to gather information directly from visitors or the general public.

(See Information Resources Management 1.7; Studies and Collections 4.2; Research 5.1, Planning 5.2; Special Park Uses 8.6; NPS-supported Studies 8.11.2; Independent and Commercial Studies 8.11.3. Also see the Department of the Interior's Interim Guidelines for Collection of Information from the Public)

8.11.2 NPS-supported Studies

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

The Service will support studies to

- reach a level of understanding that will minimize "crisis" management
- ensure a systematic and fully adequate park information base
- provide a sound basis for policy, planning, and decision making
- develop effective strategies, methods, and technologies to predict, avoid, or minimize impacts on resources while providing for visitor use and enjoyment
- determine causes of resource management problems
- further understand park ecosystems and related human social systems, and document their components, condition, and significance
- evaluate visitor satisfaction with services, facilities, and recreational opportunities
- ensure that the interpretation of park resources and issues reflects current standards of scholarship for the history, science, and condition of the resources
- evaluate performance measures in support of strategic plan goals
- ensure that the interpretation of park resources and issues reflects current standards of scholarship for the history, science, and condition of the resources
- evaluate performance measures in support of strategic plan goals.

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

8.11.3 Independent and Commercial Studies

Non-NPS social science studies conducted in parks are not required to address specifically identified NPS management issues or information needs. However, these studies (excluding research in museum collections) require an NPS research/collecting permit. Permits must include terms and conditions requiring that the studies conform to NPS policies and other guidance regarding activities such as the collection and publication of data, conduct of studies, and wilderness use. NPS research/collecting permits may also include requirements that permittees provide parks, within reasonable time-frames, with

the appropriate field notes (subject to ethical guidelines of the appropriate discipline), data, information about the data, catalog data, progress reports, interim and final reports, and publications derived from the permitted activities. Projects will be administered and conducted only by fully qualified personnel, and will conform to current standards of scholarship.

The collection of data from the public and employees to support the research, development, and marketing of commercial products or services may be permitted only in limited circumstances. Such activity will be permitted when the superintendent determines that it would be an appropriate use. All necessary data collection permits must be obtained, including the Scientific Research and Collecting Permit. Names and addresses and any other unique identifying information collected from park visitors and/or employees cannot be distributed, shared, or sold for commercial purposes.

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

8.11.4 Management and Conduct of Studies

All studies in parks will employ nondestructive methods to the maximum extent possible to avoid the irretrievable commitment of park resources. Studies will be preceded by an approved scope of work, proposal, or other detailed written description of the work to be performed.

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

8.12 Leases and Cooperative Agreements

The National Park Service may permit the use of any property, whether historic or nonhistoric (except nonhistoric land) through a lease or cooperative agreement if such lease or cooperative agreement will ensure the property's preservation. Proposed uses must be determined to be appropriate, and rent must be at least equal to the fair market value adjusted for capital investments and restrictions. The proposed activities of the lease must not be subject to authorization through a concession contract, commercial use authorization or similar instrument, and the lease must adequately ensure the preservation of the property if the property is historic.

In general, each lease will be competitively offered through a Request for Proposals or a Request for Bids. However, the Park Service may enter into a lease noncompetitively with nonprofit organizations or units of government if the responsible manager determines that the nonprofit or governmental use of the property will contribute to the purposes and programs of the park. All leases must be at fair market value. The term of the lease will be the shortest time needed for the proposed use, taking into account required lessee investments and other factors related to determining an appropriate lease term. No lease will exceed 60 years. Lease terms may not be extended except that leases with a term of one (1) year or more may be extended once for a period not to exceed one (1) additional year if it is determined that an extension is necessary because of circumstances beyond NPS control.

Leases with a term off sixty (60) days or less, or short-term leases, may be awarded noncompetitively if the Park Service determines that to do so is in the best interests of the administration of the applicable park area. This authority is not limited to nonprofit organizations or units of government; any qualified person or entity may be awarded a lease with a term of sixty (60) days or less. Short-term leases cannot require any rehabilitation or improvements to the applicable property. Fair market rent is determined through a comparable determination of similar local rental rates.

Cooperative agreements to occupy, maintain, repair, rehabilitate, restore, or build upon an historic or nonhistoric property can be entered into with state, local, and tribal governments; other public entities; educational institutions; and private nonprofit organizations when it is anticipated that substantial involvement between the Park Service and the cooperator would exist during the period of occupancy.

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

(See Chapter 10: Commercial Visitor Services. Also see Director's Order #38: Real Property Leasing)

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CHAPTER 9: PARK FACILITIES

[Insert for cover page] The National Park Service will provide visitor and administrative facilities that are necessary, appropriate, and consistent with the conservation of park resources and values. Facilities will be harmonious with park resources, compatible with natural processes, esthetically pleasing, functional, energy- and water-efficient, cost-effective to operate and maintain, universally designed and welcoming to all segments of the population, and their benefit-to-cost ratio will be maximized. Park facilities and operations will demonstrate environmental leadership by incorporating sustainable practices to the maximum extent practicable in planning, design, siting, construction, and maintenance

CHAPTER 9: PARK FACILITIES

9.1 General

Support facilities necessary to house, transport, inform, and serve visitors and staff require proper planning, design, programming, construction, operation, and maintenance. The Park Service must avoid the construction of buildings, roads, and other development that will cause unacceptable impacts on park resources or values. The Service must also avoid the future operation and maintenance costs of unnecessary, overbuilt, or ineffective facilities. Therefore, the Service will not develop or redevelop a facility within a park until a determination has been made (1) that the facility is necessary and appropriate, and appropriately located in consideration of park resources, (2) that it would be practicable for the facility to be developed, or (3) that the service for which the facility is needed cannot be more appropriately and efficiently provided outside the park. Where appropriate, assets[1] for which an acceptable condition cannot be achieved should be considered for removal if they are not a priority for accomplishment of the park's mission.

The Service will continually implement best management practices and strive to ensure that park facilities are financially sustainable. This will include taking action to ensure that

- cost-neutral, low-cost, or minimal-development alternatives are included in the planning processes,
- all practicable steps are taken during the planning process to reduce the short- and long-term costs of operation,
- facilities are not constructed when there is reason to believe that funds will not be available for sustainable operation,
- private fundraising efforts for new construction include provisions for a maintenance endowment, as appropriate, and
- performance management elements are adopted for achieving and maintaining acceptable facility condition.

All buildings under a concession contract are U.S. government/Service-owned structures and ~~are~~ part of the overall facility inventory at each park. The concessioner may,

[1] The terms "facilities" and "assets" are used interchangeably in this chapter.

depending on the contract, have either a leasehold surrender interest or possessory interest in one, some, or all of the buildings. Responsibilities for maintenance, environmental management, and other operational issues must be included in each concession contract. Park facility managers will work closely with the park's concession program managers to ensure that these government buildings are part of the overall park inventory and tracking systems. Park facility managers and concessioners will also strive to ensure that possessory interests and leasehold surrender valuations conform to the terms and conditions of the concession contract.

(See Park Management 1.4; Decision-making Requirements to Avoid Impairments 1.4.7; Financial Sustainability 1.8.3; Evaluating Impacts on Natural Resources 4.1.3; Planning 5.2; Commercial Visitor Services Planning 10.2.2. Also see Director's Order #21: Fundraising and Donations)

9.1.1 Facility Planning and Design

The primary consideration in facility development decisions will be the conservation of park resources and values while providing opportunities for visitor use and enjoyment of parks. Facilities for visitor use and park management will be consistent with each park's enabling legislation, and with approved general management plans, development concept plans, and associated planning documents. The planning and design of park facilities will be accomplished by interdisciplinary teams that meet the resource stewardship, programmatic, and technical requirements of the project. Public input will be sought at the earliest stage of planning and design, particularly in those cases where controversy is likely.

The Service will meet its facility development needs in a cost-effective manner, ensuring that value is returned for every decision made. Only development projects that are shown to be an efficient allocation of resources and that are affordable to build, operate, and maintain over the life-cycle of the facility will be approved. Value-analysis and value-engineering techniques, such as functional analysis and cost evaluation, will be applied to achieve the lowest life-cycle cost, consistent with required environmental and energy performance, reliability, quality, safety, and resource conservation. Construction and operational cost estimates will be continually reviewed throughout the planning and development processes to avoid excessive, unwarranted, or unnecessary costs. Development projects will also be continually reviewed for opportunities to add value and benefits that are cost-effective and that will help achieve the NPS mission.

Designs for park facilities, regardless of their origin (NPS, contractor, concessioner, or other), will be harmonious with and integrated into the park environment to the extent practicable. Throughout all phases of design and construction they will also be subject to the same code compliance; the same high standards of sustainable design, "universal design," and functionality; and the same review and approval processes. NPS requirements for sustainable design and functionality include protection of the natural and cultural environments, resource conservation, energy conservation, pollution prevention, defensible space for fire safety, and the promotion of education about sustainable design and practices while ensuring cost-effectiveness. Parks are encouraged to use the NPS facility modeling program to determine and validate building sizes for those facilities covered by the models.

The Service will issue and update, as necessary, guiding principles for sustainable design to be applied throughout the national park system to the extent practicable, consistent with federal regulations such as Executive Order 13123: Greening the Government Through Efficient Energy Management; Executive Order 13101: Greening the Government Through Waste Prevention, Recycling and Federal Acquisition; and Executive Order 13327: Federal Real Property Asset Management.

(See Park Planning Processes 2.3; General Management Concepts 4.1; Lightscape Management 4.10. Also see Director's Orders #13: Environmental Leadership; and #90: Value Analysis; NPS Guiding Principles of Sustainable Design)

9.1.1.1 Life-cycle Costs

The total cost of a system, facility, or other product will be considered in its planning, design, and construction. Total costs will be computed over a product's or system's useful life, or other specified period of time, using economic analysis. Life-cycle costs include acquisition, shipping, initial construction or installation, operation and maintenance, environmental and energy consumption, water and wastewater requirements, and the costs of eventual disposal or deconstruction of the system, facility, and/or product. To the extent practicable, the waste implications of materials, products, and by-products (including product "life-cycle" pollution) should be considered as part of life-cycle costs. When the cost of facility deconstruction is included in the life-cycle cost analysis, deductions may be factored in for the salvage value of the recyclable materials.

(Also see Director's Orders #13: Environmental Leadership, and #90: Value Analysis)

9.1.1.2 Integration of Facilities into the Park Environment

Facilities will be integrated into the park landscape and environs with sustainable designs and systems to minimize environmental impact. Development will not compete with or dominate park features, or interfere with natural processes—such as the seasonal migration of wildlife or hydrologic activity associated with wetlands, geothermal, karst, or other hydrologic systems.

If a cohesive design theme is desired, recommended, or required, the theme will be consistent with the purpose and character of the park, or of an individual developed area in a large park. Standard designs and components may be used, but they will be adapted as appropriate to the specific site and conditions as part of the design process.

The full integration of facilities into the park environment will involve

- sensitivity to cultural, regional, esthetic, and environmental factors (e.g., solar orientation, prevailing winds, landscaping, and vulnerability to wildfire and other natural hazards) in the selection of site, construction materials, and forms
- innovative concepts for grouping facilities and activities, both in the design of new development and in the redesign of existing complexes, building on the architectural and landscape elements already present
- thorough interdisciplinary resource, user, and short- and long-term structure maintenance analysis

- the long-term need for and sustainable use of water, energy, and waste disposal resources
- assessment of the transportation and mobility needs of park visitors and concessioner and park employees within the park, and access to the park from gateway communities
- knowledge about the values and sociocultural interests of groups traditionally associated with the park, including Native Americans.

(See Environmental Leadership 1.6; Lightscape Management 4.10; Protection of Cultural Values 9.1.1.5; Visitor Centers 9.3.1.3; Siting Facilities to Avoid Natural Hazards 9.1.1.6)

9.1.1.3 Protection of Cultural Values

When important cultural resources are present, efforts will be made to use existing contributing structures. New visitor or administration structures will harmonize with the area and the cultural resources in proportion, color, and texture. No attempt will be made to duplicate or mimic a historic design, nor will any modern construction be portrayed to the public as being historic. However, vernacular styles of architecture are appropriate when they provide visual compatibility with the cultural landscape. Application of the "criteria of effect" promulgated by the Advisory Council on Historic Preservation, and compliance with the Council's regulations on "Protection of Historic Properties" (36 CFR Part 800) will precede any development. These criteria apply to all historic properties.

(See Identification and Evaluation of Resources 5.1.3; Planning 5.2; Treatment of Cultural Resources 5.3.5. Also see Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation)

9.1.1.4 Adaptive Re-use

The National Historic Preservation Act, Executive Order 13006, and Executive Order 13287 require each federal agency—before acquiring, constructing, or leasing buildings—to use, to the maximum extent feasible, available historic properties whenever operationally appropriate and economically prudent (16 USC 470h- 2(a)(1)). The National Historic Preservation Act also requires each agency to implement alternatives for the adaptive use of historic properties it owns if that will help ensure the properties' preservation. Therefore, the adaptive re-use of historic and nonhistoric buildings for operations such as visitor centers, hostels, and administrative offices will be considered first, before new construction, provided that (1) it can meet park objectives and current code requirements, (2) its continued use will not be an intrusion on significant natural or cultural resources, and (3) a cost savings will be realized. Even when the cost of adaptive re-use is greater than new construction, it may still be justified. Use of historic buildings will comply with all laws, regulations, and policies regarding the treatment and use of cultural resources.

(See Physical Access for Persons with Disabilities 5.3.2; Use of Historic Structures 5.3.5.4.7

9.1.1.5 Facility Siting

Whenever practicable and authorized by Congress, major park facilities—especially those that can be shared with other entities—should be developed outside park boundaries. The Park Service will encourage the private sector to (1) meet facility needs in gateway communities, and thus contribute to local economic development; (2) encourage competition, (3) increase choices for visitors, and (4) minimize the need for in-park construction. Where possible, appropriate, and authorized, the Service will cooperatively establish and maintain administration/information facilities with other federal, state, or local entities.

If facilities must be located inside park boundaries, then the preferred locations will be those that minimize impacts on park resources and that are situated to stimulate the use of existing or planned public transportation systems, bicycle routes, and pedestrian walkways. Major facilities within park boundaries will be placed only in locations identified in an approved general management plan or in implementation planning documents as being suitable and appropriate. Facility siting will take into account the need for protection from fires, and will take maximum advantage of factors such as solar energy, wind direction and speed, natural landscaping, and other natural features.

When structures that are not historically significant are no longer functional in their present locations and are determined to be inappropriately placed in important resource areas, they will be removed or relocated to a more appropriate area.

(See General Management Planning 2.3.1; Historic and Prehistoric Structures 5.3.5.4; Commercial Visitor Services Planning 10.2.2)

9.1.1.6 Siting Facilities to Avoid Natural Hazards

The Park Service will strive to site facilities where they will not be damaged or destroyed by natural physical processes. Natural hazard areas include sites with unstable soils and geologic conditions, fault zones, thermal areas, floodplains, flash-flood zones, fire-prone vegetation, and coastal high-hazard areas. Park development that is damaged or destroyed by a destructive, hazardous, or catastrophic natural event will be thoroughly evaluated for relocation or replacement by new construction at a different location. If a decision is made to relocate or replace a severely damaged or destroyed facility, it will be placed, if practicable, in an area believed to be free from natural hazards. In areas where dynamic natural processes cannot be avoided, such as seashores, developed facilities should be sustainably designed (e. g., removable in advance of hazardous storms or other conditions). When it has been determined that facilities must be located in such areas, their design and siting will be based on

- a thorough understanding of the nature of the physical processes, and
- avoiding or mitigating (1) the risks to human life and property, and (2) the effect of the facility on natural physical processes and the ecosystem.

Requirements for development in floodplains and wetlands are contained in Executive Order 11988: Floodplain Management; Executive Order 11990: Protection of Wetlands; Director's Orders #77-1 and #77-10; and other NPS guidance documents.

(See Park Planning Processes 2.3; Floodplains 4.6.4; Wetlands 4.6.5; Shorelines and Barrier Islands 4.8.1.1; Geologic Hazards 4.8.1.3; Visitor Safety and Emergency Response 8.2.5; Concession Facilities 10.2.6)

9.1.1.7 Sustainable Energy Design

Whenever practicable, any facility development—whether a new building, a renovation, or an adaptive reuse of an existing facility—should include improvements in energy efficiency and reduction in "greenhouse gas" emissions for both the building envelope and the mechanical systems that support the facility. Energy efficiency, including life-cycle costs, should be achieved using solar thermal and photovoltaic applications, appropriate insulation and glazing strategies, energy-efficient lighting and appliances, and renewable energy technologies when cost-effective. Energy-efficient construction projects should be used as an educational opportunity for the visiting public.

9.1.2 Accessibility for Persons with Disabilities

In compliance with all applicable laws, regulations, and standards, the Park Service will design, construct, and operate all buildings and facilities so they are accessible to and usable by persons with disabilities to the greatest extent practicable. This means that all new and altered buildings and facilities will be in conformance with appropriate design standards. It also means that a sufficient number of existing buildings and facilities will be modified to ensure that programs can be provided in an accessible location.

Accessibility will be provided consistent with conserving park resources, visitor safety, and providing a high-quality visitor experience. In most instances, the degree of accessibility provided will be proportionately related to the degree of human-made modifications in the area surrounding the facility, and the importance of the facility to people visiting or working in the park. Accordingly, most administrative offices, some overnight visitor accommodations, some employee housing, and most interpretive and visitor service facilities will be accessible. Undeveloped areas, such as those outside the immediate influence of buildings and roads, will not normally be modified, and no special facilities will be provided, for the sole purpose of providing access to all segments of the population. Accessibility to facilities in threshold areas will be determined on the basis of topography, the significance of the attraction, the number of physical modifications to the environment needed, and the modifications necessary to ensure programmatic accessibility.

Transportation systems in parks, including water transportation, will have a sufficient percentage of fully accessible vehicles or watercraft to provide effective services to persons with disabilities. In the case of existing systems, the necessary vehicles will be provided on a replacement or retrofit basis. Until the transportation system has been made fully accessible, a separate accessible vehicle will be provided, or disabled persons will be allowed to drive their personal vehicles on otherwise-restricted roadways. In meeting the goal of accessibility and to the greatest extent practicable, emphasis will be placed on ensuring that persons with disabilities are afforded experiences and opportunities along with other visitors. Separate facilities for people with disabilities are not a substitute for full accessibility to other park facilities, but they may be allowed where the need for specialized services is clearly demonstrated.

(See Physical Access for Persons with Disabilities 5.3.2; Accessibility for Persons with Disabilities 8.2.4; Accessibility of Commercial Services 10.2.6.2. Also see Director's Order #42: Accessibility for Visitors with Disabilities)

9.1.3 Construction

The Park Service will incorporate sustainable principles and practices into design, siting, construction, building materials, utility systems, recycling of all unusable materials, and waste management. Best management practices and best available technology, where practicable, will be used for all phases of construction activity, including pre-construction, construction, and post-construction. Although new asset construction is often a viable alternative for meeting visitor needs or protecting resources, the Service will consider "non-build" alternatives to meet its needs. The non-build alternative is developed and evaluated as part of the early facility planning and design process.

9.1.3.1 Construction Sites

Construction sites will be limited to the smallest feasible area. To maximize energy conservation, the selection of construction sites will consider opportunities for taking advantage of natural sources of lighting, heating, and cooling (e.g., near an existing or potential stand of deciduous trees). Ground disturbance and site management will be carefully managed to prevent undue damage to vegetation, soils, and archeological resources, and to minimize air, water, soil, and noise pollution. Protective fencing and barricades will be provided for safety and to conserve natural and cultural resources. Effective stormwater management measures specific to the site will be implemented, and appropriate erosion and sedimentation control measures will be in place at all times. Solid, volatile, and hazardous wastes will be stockpiled, transported, and disposed of, as appropriate, in a manner that complies with federal, state, and local laws and regulations. All materials will be recycled whenever feasible and practical.

A review and approval of any "hot work" (e.g., welding, use of open flame, and grinding) will be done to ensure fire safety at the construction site. Visual intrusions will be kept to a minimum. Construction equipment will be in satisfactory condition (i.e., it will be equipped with required safety components and will not be leaking hazardous liquids or emitting hazardous or undesirable fumes above allowable legal limits). Care will be exercised to ensure that construction equipment and all construction materials imported into the park are free of undesirable seeds and invasive species. The cost of restoring areas impacted by construction will be considered part of the cost of construction, and funding for restoration will be included in construction budgets.

(See Air Resource Management 4.7; Water Resource Management 4.6; Soil Resource Management 4.8.2.4. Also see Denver Service Center specifications section 01570)

9.1.3.2 Revegetation and Landscaping

The selection of plant materials and cultivation practices will be guided by the policies for management of plant materials in section 4.4, and by the need for fire-resistant vegetation for defensible space. To the maximum extent possible, plantings will consist of species that are native to the park or that are historically appropriate for the period or event commemorated. The use of exotic plant species is restricted to situations that conform to the exotic species policy in section 4.4.4. Irrigation to maintain exotic plantings will be

avoided, except when it is part of an approved management program essential to achieve park objectives and when adequate and dependable supplies of water are available. When a decision has been made to irrigate, efficient application must be made of water to conserve water resources and ecosystems. Low water use practices that measure soil moisture content, and other technologies such as drip irrigation and appropriate timing of water applications, should be employed where feasible and practical.

Before using soil fertilizers or other soil amendments in park natural or altered landscapes, parks must develop a prescription designed to ensure that the amendments will not unacceptably alter the physical, chemical, or biological characteristics of the soil, biological community, or surface or ground waters.

Wherever practicable, soils and plants affected by construction will be salvaged for use in site restoration. As appropriate, any surplus soils and plants may be used, for the restoration of other degraded areas within the park. Surplus soils not used in this way should be stockpiled for future use whenever practicable. If additional soil and plants are needed to restore disturbed sites, they may be obtained from other sites in the park if it is determined that the use of an in-park source will not unacceptably impact cultural or natural resources or ecological processes. In any case, imported soils must be compatible with existing soils, free of undesired seeds and organisms, and fulfill the horticultural requirements of plants used for restoration.

(See Management of Native Plants and Animals 4.4.2; Genetic Resource Management Principles 4.4.1.2; Management of Exotic Species 4.4.4; Water Resource Management 4.6; Soil Resource Management 4.8.2.4; Cultural Landscapes 5.3.5.2; Water Supply Systems 9.1.5.1; Wastewater Treatment Systems 9.1.5.2. Also see Executive Order 13148 (Greening the Government Through Leadership in Environmental Management) section 207, "Environmentally and Economically Beneficial Landscaping")

9.1.3.3 Borrow Pits and Spoil Areas

Materials from borrow pits, quarries, and other clay, stone, gravel, or sand sources on NPS lands, including submerged lands, will be extracted and used only

- by the Park Service or its agents or contractors,
- for in-park administrative uses,
- after compliance with the National Environmental Policy Act, including written findings that extraction and use of in-park borrow materials does not or will not unacceptably impact park resources or values, and that this is the park's most practicable alternative based on economic, environmental, or ecological considerations, and
- after compliance with other applicable federal, state, and local requirements.

Parks should use existing pits, quarries, or sources, or create new pits, quarries, or sources in the park only after developing and implementing a parkwide borrow management plan that addresses the cumulative effects of borrow site extraction, restoration, and importation. Parks should use existing pits, quarries, or sources. If new pits, quarries, or

sources in the park are needed, a parkwide management plan that addresses the cumulative effects of borrow site extraction, restoration, and importation will be developed and implemented. NPS guidance documents, as well as natural and cultural resources and facilities management staff, should be consulted during plan development and the review of specific proposals.

In designated wild and scenic rivers, no new sources may be established, and existing sources should be closed and reclaimed. Borrow material may be extracted in proposed or designated wilderness areas only in small quantities for trail use and in accordance with an approved wilderness stewardship plan.

Spoil may be used for beach nourishment or another resource management activity only if the superintendent first finds that the proposed nourishment or activity will not unacceptably impact park resources or values and is consistent with park planning documents.

All existing spoil areas within park units that meet the definition of "solid waste disposal site" (36 CFR Part 6) will be brought into compliance with NPS solid waste regulations in 36 CFR 6.5. The development of new spoil areas or borrow pits, or the expansion of existing ones, will be analyzed through the NEPA and NHPA processes. In addition, superintendents will comply with NPS solid waste regulations and other specific NPS requirements.

Proposed borrow pits and spoil areas outside parks will also be evaluated to ensure that use by the Park Service or its contractors does not unacceptably impact resources or values inside the park; extraction operations will comply with all applicable statutes and regulations, including the National Environmental Policy Act and the National Historic Preservation Act.

(See Decision-making Requirements to Avoid Impairments 1.4.7; Management of Threatened or Endangered Plants and Animals 4.4.2.3, Geologic Resource Management 4.8; Nonfederally Owned Minerals 8.7.3; Re-vegetation and Landscaping 9.1.3.2)

9.1.4 Maintenance

9.1.4.1 General

There is a maintenance responsibility and cost for every asset that is administered by the National Park Service. A regular, periodic inventory and condition assessment of park assets will be performed, and accurate data will be entered and updated into the Facilities Management Software System or its successor. This data will be used to help prioritize maintenance, identify deficiencies, and ensure the cost-effective maintenance of all facilities. Information derived from this program will be used to inform NPS asset investment decisions. The costs of operation and the useful life of facilities and equipment are directly related to the type and level of maintenance provided. Therefore, the Service will conduct a program of preventive and rehabilitative maintenance and preservation to (1) provide a safe, sanitary, environmentally protective, and aesthetically pleasing environment for park visitors and employees; (2) protect the physical integrity of facilities; and (3) preserve or maintain facilities in their optimum sustainable condition to the greatest

extent possible. Preventive and rehabilitative maintenance programs will incorporate sustainable design elements and practices to ensure that water and energy efficiency, pollution prevention, and waste prevention and reduction are standard practice.

(Also see NPS Solid Waste Management Handbook; Executive Order 13101 (Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition); Executive Order 13148 (Greening the Government Through Leadership in Environmental Management); Executive Order 13149 (Greening the Government Through Federal Fleet and Transportation Efficiency, Executive Order 13327, Federal Real Property Asset Management)

9.1.4.2 Acquisition of Environmentally Preferable and Energy-Efficient Products

In carrying out its maintenance responsibilities, the Service will acquire environmentally preferable and energy-efficient products, as required by the Solid Waste Disposal Act, federal regulations, and Executive orders, the Service will also strive to meet and exceed any Department of the Interior acquisition goals that are established while maintaining cost-effectiveness. The Service will consider a variety of attributes when purchasing products, including energy efficiency, biodegradability, toxicity, recovered material content, packaging, transport cost, and other life-cycle environmental impacts (such as disposal). The Service will actively pursue opportunities to test and demonstrate environmentally preferable and energy-efficient products, consistent with its goal of demonstrating sustainable practices that avoid or minimize environmental impacts and that are cost-effective.

(See Environmental Leadership 1.6; Concession Operations 10.2.4. Also see Director's Order #13: Environmental Leadership)

9.1.5 Utilities

Utilities (i.e., energy, telephone, water, and wastewater systems) will be sited outside park boundaries whenever possible and practicable. In-park utilities will be as unobtrusive as possible, and have the least possible resource impact. The Service will use municipal or other utility systems outside parks whenever economically and environmentally practicable, and it may participate, when authorized, in cost-sharing with municipalities and others in meeting new, expanded, or replacement park utility needs. The Service will use the least polluting power supply options, either through on-site generation or through the purchase of power from other sources when such purchase is appropriate, available, and cost-effective, or where such purchase helps meet federal or state emissions goals or alternative energy goals.

(See Utilities and Services 10.2.6.4. Also see Director's Order #35A: Sale or Lease of Park Services, Resources or Water in Support of Activities Outside the Boundaries of National Park Areas; and Director's Order #35B: Sale of Park Services to Support Activities Within the Boundaries of National Park Areas)

9.1.5.1 Water Supply Systems

The National Park Service will use water efficiently and in a way that is sustainable. Water systems will be designed to achieve, to the fullest extent possible, the conservation of water and the energy used in its treatment and distribution. Water supply and delivery

systems will be designed and maintained to provide sufficient water to operate fire sprinkler systems and fire hydrants. Water-efficient devices will be installed in new structures and in retrofitting existing structures. New water systems or extensions to existing systems will be constructed only if practicable conservation measures will not be sufficient to cover park needs. Where a new system or an expansion is justified, the system must be properly sized, and the available or projected water supply must be sufficient for expected needs. Where feasible and appropriate, and given resource availability, groundwater sources will generally be developed rather than developing surface water diversions. Water supply systems and their operators must comply with all applicable state and federal health standards. Outdoor use of water will be limited to those applications deemed essential to park operations or to conserve park values. Consistent with native plant policies, the Service will use efficient methods for outdoor irrigation. Whenever practicable, rainwater should be collected for uses such as maintenance of landscape features and general cleaning.

(See Water Resource Management 4.6; Campgrounds 9.3.2.1; Comfort Stations 9.3.3. Also see Director's Order #83: Public Health)

9.1.5.2 Wastewater Treatment Systems

New wastewater systems, or extensions or expansions of existing systems, will be constructed only if a determination has first been made that practicable conservation measures will not be sufficient to cover park needs. In the selection of an appropriate method of wastewater treatment, factors such as all-season reliability, regulatory and public health issues, cost-effectiveness, and minimum adverse impact on the environment will all be considered. Where composting toilets are used, there should be interpretation for visitors regarding the value of recycling organic solid waste. Wastewater will be adequately treated so that on its return to water courses it meets or exceeds applicable state and federal water quality standards. Water and wastewater systems and their operators are subject to state and federal health standards. Superintendents must ensure that operators are certified, and that operations are inspected and conducted in accordance with all laws, regulations, and policies.

(See Water Resource Management 4.6; Campgrounds 9.3.2.1; Comfort Stations 9.3.3. Also see Director's Order #83: Public Health)

9.1.5.3 Utility Lines

Where feasible and practical, NPS utility lines will be placed underground, except where such placement would cause greater damage to natural or cultural resources (such as historic structures or cultural landscapes) than alternative utility line placements. Cost-effectiveness, reliability of service, and visual impact will be considered when deciding whether to install utility lines aboveground or underground. When placed aboveground, utility lines and appurtenant structures will be located and designed to minimize their impact on park resources or values. Whenever possible and practicable, all utilities will share a common corridor, and/or will be combined with transportation corridors to achieve economies of scale and minimal visual and esthetic degradation. To minimize the impact of on-grid utility lines, consideration will be given to long-term, cost-effective, renewable energy applications, such as the use of photovoltaic, wind, fuel cell, and/or biofuel technologies (either as stand-alones or as hybrid systems), particularly in remote areas.

(See Potential Wilderness 6.2.2.1)

9.1.5.4 Historic Utilities

Utilities that were present during the historic period will be managed as cultural resources, and will be governed by the same policies as other cultural resources. Where present needs require upgraded lines and facilities, modern utilities will conform insofar as possible to the appearance and location of the historic utilities.

(See Treatment of Cultural Resources 5.3.5)

9.1.6 Waste Management and Contaminant Issues

The National Park Service recognizes the far-reaching impacts that waste products, contaminants, and wasteful practices may have, not only on park resources, but also on biotic and abiotic resources elsewhere in the nation and around the world. The Service will therefore demonstrate environmental leadership and serve as a model for others to follow in managing wastes and contaminants.

9.1.6.1 Waste Management

The Service will implement cost-effective solid and hazardous waste management practices that integrate waste reduction, reuse, and recycling programs to minimize the generation and disposal of solid and hazardous waste at and from parks. For purposes of this section, solid and hazardous wastes include any materials that are so defined in the Solid Waste Disposal Act, as amended. The Service will require the cost-effective use of biodegradable materials, the reuse and recycling of materials, and other appropriate measures to minimize solid waste and ~~to~~ conserve natural resources to the fullest extent possible. Innovation in the use of recyclable or reusable materials is encouraged.

All disposal of solid waste on lands and waters within the boundaries of a unit of the park system, whether federally or nonfederally owned, must comply with NPS regulations in 36 CFR Part 6, which implement Public Law 98-506 (16 USC 460l-22(c)). These regulations are designed to ensure that all activities associated with the operation of solid waste disposal sites within the boundaries of national park units are conducted in a manner that will (1) prevent the deterioration of air and water quality; (2) prevent the degradation of natural and cultural resources; and (3) reduce adverse effects on visitor enjoyment. In accordance with the spirit and intent of these requirements, the Park Service will, to the extent practicable, avoid the use of park lands for landfills by such means as (1) implementing waste minimization and substitution practices; (2) diverting material to recycling facilities or other appropriate locations; and (3) using storage, treatment, or transfer facilities that meet or exceed DOI and all legal and regulatory standards for any generated waste that is not diverted.

The Park Service will remove landfill operations and associated impacts from parks where feasible. Cooperative waste management solutions that minimize adverse impacts on park resources are also encouraged for areas where alternatives to landfills are scarce for both parks and adjacent communities.

Open burning for solid waste disposal will not be permitted in parks, except in the very limited circumstances described in Director's Order #18: Wildland Fire Management.

Any hazardous waste that the Service generates will be disposed of separately from solid waste, in full accord with all applicable legal requirements.

(See Air Quality 4.7.1; River Use 8.2.2.3; Backcountry Use 8.2.2.4; Miscellaneous Management Facilities 9.4.5. Also see Director's Order #18: Wildland Fire Management; Director's Order #30A: Hazardous and Solid Waste Management)

9.1.6.2 NPS Response to Contaminants

The Park Service will make every reasonable effort to prevent or minimize the release of contaminants on, or that will affect, NPS lands or resources, and will take all necessary actions to control or minimize such releases when they occur. For purposes of this section, contaminants include any substance that may pose a risk to NPS resources or is regulated or governed by statutes referenced in this subsection. Prevention and minimization will include, but not be limited to, (1) the acquisition, use, and selection of nontoxic or less toxic materials; (2) implementation of safe use, storage, and disposal practices; (3) recycling of spent materials; (4) implementation of effective hazard communication programs for employees, contractors, concessioners, and visitors; (5) development and extension of appropriate emergency response programs; and (6) ensuring that parties responsible for contamination or threatened contamination of NPS property bear the responsibility for addressing such contamination.

Activities pertaining to contaminants, including response actions or handling, acquisition, storage, transportation, and disposal of such substances, will comply with federal, state, and local laws and regulations including, but not limited to, (1) the Solid Waste Disposal Act, including the Resource Conservation and Recovery Act of 1976 and the Hazardous and Solid Waste Amendments of 1984, as amended; (2) the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA); (3) the Oil Pollution Act of 1990; (4) the Clean Water Act; (4) the Hazardous Materials Transportation Act; and (5) the Toxic Substances Control Act. Such activities will also comply with the NPS integrated pest management program.

The Service will identify, assess, and respond as promptly as possible to address releases and threatened releases of contaminants into the environment. Each park will have an oil and chemical spill response management plan for spills that result from NPS activities, or from activities that are beyond NPS control (such as commercial through-traffic on roads that pass through a park). The plans will place first priority on responder and public safety. Employees will not be permitted to respond to hazardous materials spills unless they are properly qualified and certified in accordance with Director's Order #30B: Hazardous Spill Response.

The Service will take affirmative and aggressive action to ensure that all NPS costs and damages associated with the release of contaminants are borne by those responsible for the contamination of NPS property. In addition, when lands are proposed for acquisition by the Park Service, the Service will take steps to avoid or minimize its liability for the contamination of the proposed NPS property when the contamination has been caused by other parties. The Service will include in the preacquisition environmental assessment process the identification of recognizable environmental conditions, such as those associated with prior or existing commercial facilities, mining sites, and landfills. Any

recognizable existing or potential environmental contamination of lands proposed for inclusion in a park will be brought to the attention of the regional director as soon as they are identified.

(See Criteria for Inclusion 1.3; Chapter 3: Land Protection; Pest Management 4.4.5; Emergency Preparedness and Emergency Operations 8.2.5.2. Also see Director's Orders #25: Land Protection; #30A: Hazardous and Solid Waste Management; #30B: Hazardous Spill Response; 30C: Damage Assessments)

9.1.7 Energy Management

The National Park Service will conduct its activities in ways that use energy wisely and economically. Park resources or values will not be unacceptably impacted to provide energy for NPS purposes. The Service will adhere to all federal policies governing energy and water efficiency, renewable resources, use of alternative fuels, and federal fleet goals as established in the Energy Policy Act of 1992. The Service will also comply with applicable Executive orders, including Executive Order 13123: Greening the Government Through Effective Energy Management, and Executive Order 13149: Greening the Government Through Federal Fleet and Transportation Efficiency.

All facilities, vehicles, and equipment will be operated and managed to minimize the consumption of energy, water, and nonrenewable fuels. Full consideration of economic and environmental impacts will be given to the use of alternative fuels. Alternative transportation programs and the use of bio-based fuels will be encouraged, where practicable. Renewable sources of energy and new developments in energy efficiency technology, including products from the recycling of materials and waste, will be used where reasonable, practicable, and cost-effective over the life cycle. However, energy efficiencies will not be pursued if they will unacceptably impact resources or values.

As an environmental leader, the Service will interpret for the public the overall resource protection benefits from the efficient use of energy, and will actively educate and motivate park personnel and visitors to use sustainable practices in conserving energy. The Service will also pursue partnership efforts with the Department of Energy and others to further develop and meet NPS energy conservation goals.

(See Air Quality 4.7.1; Lightscape Management 4.10; Resource Issue Interpretation and Education 7.5.3; Maintenance 9.1.4; Transportation Systems 9.2; Trails and Walks 9.2.3; Sustainable Energy Design 9.1.1.7. Also see Director's Order #13: Environmental Leadership)

9.1.8 Structural Fire Protection and Suppression

Superintendents will manage structural fire activities as part of a comprehensive interdisciplinary effort to conserve resources and promote the safe public use and enjoyment of those resources. Fire prevention, protection, and suppression will be primary considerations in the design, construction, rehabilitation, maintenance, and operation of all facilities. Structural fires will be suppressed to prevent the loss of human life and minimize damage to property and resources. The Service's Structural Fire Protection and Suppression Program will provide, through Director's Order #58 and Reference Manual 58, additional policy, standards, operational procedures, and accountability to meet the

diverse needs and complexities of individual parks. The goal is to ensure that all park units receive an appropriate level of fire protection, provided in a safe and cost-effective manner by qualified personnel.

Each superintendent will complete a structural fire assessment and develop a structural fire plan to meet park needs. Structural fire protection and suppression capabilities will be maintained in accordance with those plans. Prevention priorities will focus on occupied structures and cultural resources, with emphasis placed evenly on code compliance, early warning detection, suppression systems, and employee training and awareness.

Fire prevention through code-compliant new construction, upgrading of existing structures, standardized and regularly scheduled fire inspections, and properly installed and maintained detection and suppression systems will be the primary means of addressing and correcting NPS structural fire deficiencies. Where these measures are not sufficient to meet park needs, aid agreements will be entered into with non-NPS entities capable of providing requisite fire suppression. Support from neighboring fire protection organizations is encouraged, and superintendents should enter into appropriate agreements whenever possible to enhance fire-fighting capabilities. Development of a park fire brigade will be considered only when all other options have been analyzed and determined not to be reasonable or practicable.

(See Fire Management 4.5; Fire Detection, Suppression, and Post- fire Rehabilitation and Protection 5.3.1.2; Water Supply Systems 9.1.5.1. Also see Director's Order #58: Structural Fire Management)

9.2 Transportation Systems

The location, type, and design of transportation systems and their components (e.g., roads, bridges, trails, and parking areas) and the use of alternative transportation systems all strongly influence the quality of the visitor experience. These systems also affect, to a great degree, how and where park resources will be impacted. For these reasons, management decisions regarding transportation facilities require a full, interdisciplinary consideration of alternatives and a full understanding of their consequences. Building wider roads and larger parking areas to accommodate more motor vehicles may not necessarily offer the best alternative. The Service should explore and analyze cost-effective alternative transportation solutions or infrastructure that will conserve resources and values while providing opportunities for visitor use and enjoyment. When exploring the implementation of a transportation system, the Service will use cost-effective, commercial off-the-shelf vehicles and federal fleet management services whenever possible.

Early NPS participation in transportation studies and planning processes is crucial to the long-term strategy of working closely with other federal agencies; tribal, state, and local governments; regional planning bodies; citizen groups; and others to enhance partnering and funding opportunities. The Service should participate in all transportation planning forums that may result in links to parks or unacceptable impacts on park resources or values. Working with federal, tribal, state, and local agencies on transportation issues, the Park Service will seek reasonable access to parks, and connections to external transportation systems. The Service will also advocate corridor crossings for terrestrial and

aquatic wildlife, and other accommodations to promote biodiversity and minimize or mitigate (1) harm to individual animals, (2) the fragmentation of plant and animal habitats, and (3) the disruption of natural systems.

Depending on a park's size, location, resources, and level of use, the Park Service will, where appropriate, emphasize and encourage alternative transportation systems for access to and within the park. These systems may include a mix of buses, trains, ferries, trams, and—preferably—nonmotorized modes of access. In general, the preferred modes of transportation will be those that contribute to maximum visitor enjoyment of and minimum adverse impacts on park resources and values.

Before a decision is made to design, construct, expand, or upgrade access to or within a park, nonconstruction alternatives—such as distributing visitors to alternative locations—should be fully explored and analyzed. If nonconstruction alternatives will not achieve satisfactory results, then a development solution may be pursued if the project

- is appropriate and necessary to meet park management needs or to provide opportunities for visitor use and enjoyment
- is designed with extreme care and sensitivity to the landscape through which it passes
- will not cause unacceptable impacts to resources or values and will minimize or mitigate those impacts that cannot be avoided
- will not cause use in the areas it serves to exceed the areas' visitor carrying capacity
- will incorporate the principles of energy conservation and sustainability
- will be financially and operationally sustainable
- will incorporate universal design principles to provide for accessibility for all people, including those with disabilities
- will take maximum advantage of interpretive opportunities and scenic values
- will not violate federal, state, or local air pollution control plans or regulations
- is based on a comprehensive and multidisciplinary approach that is fully consistent with the park's general management plan.

If a decision is made to construct, expand, or reconstruct a park transportation system, the Service will address the need for terrestrial and aquatic wildlife corridor crossings and other accommodations to avoid, minimize, or mitigate harm to individual animals, the fragmentation of plant and animal habitats, and the disruption of natural systems.

(See General Management Planning 2.3.1; Implementation Planning 2.3.3; Air Quality 4.7.1; General 9.1; Accessibility for Persons with Disabilities 9.1.2; Energy Management 9.1.7. Also see Director's Orders #87A: Park Roads and Parkways; #87B: Alternative

Transportation Systems; #87C: Transportation System Funding; #87D: Non- NPS Federal Aid Roads)

9.2.1 Road Systems

9.2.1.1 Park Roads

Park roads will be cost-effective, well constructed, sensitive to natural and cultural resources, reflect the highest principles of park design, and enhance the visitor experience. Park roads are generally not intended to provide fast and convenient transportation; rather, they are intended to enhance the quality of a visit while providing for safe and efficient travel with minimal impacts on resources or values.

For most parks, a road system is already in place. When plans for meeting the transportation needs of these parks are updated, a determination must be made as to whether the road system and design template should be maintained as is, reduced, expanded, realigned, eliminated, supplemented, or replaced by other transportation modes. Before roads are chronically at or near capacity, and before consideration of road expansion, limitations on use or the use of alternative destination points or transportation systems will be considered and analyzed to determine if alternative transportation systems are reasonable and practicable and improve the visitor experience.

Park road designs are subject to NPS *Park Road Standards*, which are adaptable to each park's unique character and resource limitations. Although some existing roads do not meet current engineering standards, they may be important cultural resources whose values can and should be preserved without compromising visitor safety.

9.2.1.2 Non-NPS Roads

Many parks contain roads that were not constructed by the Park Service and are not under NPS jurisdiction. Most often, these roads existed before the areas became part of the national park system, and the Service must rely heavily on tribal, state, or local authorities to maintain the roads consistent with park management goals. These other government authorities sometimes propose to expand a road, or to construct a new road within a park—with significant potential to unacceptably impact resources or values. Superintendents must consider road proposals in strict accordance with section 9.2.1.2.2, and Director's Order #87D: Non-NPS Federal Aid Roads. Where practicable, and after concurrence of the entity with road jurisdiction, non-NPS roads that are no longer needed will be closed or removed, and the area will be restored to a natural condition.

The Service will not permit the public or private construction of new roads for access to inholdings unless there is a valid existing right, or construction is specifically authorized by law.

Access to inholdings in Alaska will be managed in accordance with the provisions of the Alaska National Interest Lands Conservation Act 1110(b) and 43 CFR Part 36.

(See General 8.6.4.1)

9.2.1.2.1 Existing Commercial and Other Through-Traffic

The Park Service will work with appropriate governments, private organizations, and individuals to minimize the impacts of traffic on park resources and values. When it has been determined that commercial traffic on a non-NPS road within a park might unacceptably impact park resources or values, or is impeding the opportunities for visitor use and enjoyment, the superintendent shall work cooperatively with the local or state government that has jurisdiction over the road to prevent unacceptable impacts and mitigate the impacts on the visitor experience.

Whenever possible and practicable, the Park Service will, through cooperation, consultation, and communication, work with the agency of jurisdiction to route commercial traffic away from NPS roads within parks, except when the commercial traffic is for the purpose of serving park visitors and park operations. However, in accordance with section 8.6.5 and applicable NPS regulations (36 CFR 5.6)

- superintendents will permit commercial vehicles to use park roads when necessary for access to private lands within or adjacent to a park area to which access is otherwise not available, and
- superintendents may issue permits for commercial vehicle traffic to pass through the park in emergencies.

(Also see Director's Order #87A: Park Roads and Park ways and 9.2.2 Alternative Transportation Systems).

9.2.1.2.2 Construction and Expansion Proposals

Superintendents must take an active role in overall community and transportation planning activities to educate all parties about the NPS mandate to conserve park resources and values. The Park Service will work closely with the U. S. Department of Transportation (USDOT) and state departments of transportation (DOTs) when new highways or roads or expansions of existing road corridors that may impact park lands are proposed. In accordance with 23 USC 138 and the Organic Act, the Park Service will object to any proposal to route a state or local road through national park lands, or to increase the size of a right-of-way for an existing road, unless the Park Service first determines (or concurs with a state DOT or USDOT determination) that

- there is no feasible and prudent alternative,
- all practicable planning has taken place to minimize and mitigate harm to the park,
- it will not be contrary to the public interest, or inconsistent with the purposes for which the park was established,
- it will not cause health and safety risks to visitors or park staff, and
- it will conform to NPS standards and practices for road design, engineering, and construction.

In making these determinations, the Service will take into account the factors listed in section 9.2 and will work cooperatively and expeditiously with the US or state Department of Transportation.

Responsibility for future maintenance—meeting NPS standards—must be identified before NPS approval of a proposal.

(Also see Director's Order #87D: Non-NPS Federal Aid Roads)

9.2.2 Alternative Transportation Systems

The Park Service will work cooperatively with other federal agencies; tribal, state, and local governments; regional planning bodies; concessioners; citizen groups, and others to design and promote cost-effective alternative transportation systems for park access and circulation when it can be demonstrated that the alternative transportation mode will be used at levels that make it more efficient than the use of personal vehicles, or when resource protection and visitor enjoyment concerns make the alternative transportation mode a better choice. Through cooperation with public transportation agencies and gateway communities, in-park transportation systems should be linked to public transportation whenever feasible.

A decision to provide visitor transportation systems will be based on a finding that the system

- is a cost-effective alternative to the construction, operation, and maintenance of additional roads, parking areas, and support facilities,
- will reduce traffic congestion, noise, and air pollution, and will prevent unacceptable impacts to park resources or values,
- will enhance the visitor experience by (1) offering new or improved interpretive or recreational opportunities, (2) simplifying travel within the park, or (3) making it easier or safer to see park features, and
- will conserve energy and use alternative fueled vehicles whenever practicable.

All alternative transportation systems may be considered conceptually. Before advancing beyond the conceptual stage, appropriate approvals must be obtained from the Director.

(See Accessibility for Persons with Disabilities 9.1.2; Energy Management 9.1.7; Road Systems 9.2.1. Also see Director's Order #87B: Alternative Transportation Systems)

9.2.3 Trails and Walks

Trails and walks provide the only means of access into many areas within parks. These facilities will be planned and developed as integral parts of each park's transportation system, and will incorporate principles of universal design. Trails and walks will serve as management tools to (1) help provide opportunities for visitor use and enjoyment, and (2) when necessary to prevent unacceptable impacts to resources or values and manage the distribution and intensity of use. All trails and walks will be carefully situated, designed, and managed to

- reduce conflicts with automobiles and incompatible uses
- accommodate as many uses as are feasible, reasonable, and practicable, and are safe and do not cause unacceptable impacts to resources or values
- allow for ample opportunities for visitor use and enjoyment and for a high-quality visitor experience
- allow accessibility by the greatest number of people
- conserve park resources

Heavily used trails and walks in developed areas may be surfaced as necessary for visitor safety, accessibility for persons with impaired mobility, resource protection, or erosion control. Surface materials should be carefully selected, taking into account factors such as the purpose and location of a trail or walk and the potential for erosion and other environmental impacts.

The visitor use and management aspects of trails and walks are addressed in section 8.2.2, "Recreational Activities."

(See Chapter 7: Interpretation and Education; Accessibility for Persons with Disabilities 9.1.2. Also see Director's Order #42: Accessibility for Visitors with Disabilities)

9.2.3.1 Cooperative Trail Planning

The Park Service will cooperate with other land managers, nonprofit organizations, and user groups to facilitate local and regional trail access to parks. When parks abut other public lands, the Service will participate in interagency, multijurisdictional trail planning, and the maintenance of the NPS sections of interagency or multijurisdictional trails shall be a priority. When an effective trail system exists, and when otherwise permitted, hostels or similar low-cost overnight facilities may be provided—if they are consistent with the park's purpose and general management plan and harmonize with the natural and/or cultural resources.

(See Hostels and Shelters 9.3.2.3)

9.2.3.2 Hiking Trails

Trail design will vary to accommodate a wide range of users, and will be consistent with user patterns and site conditions. Wetlands will generally be avoided and, where possible, they will be spanned by a boardwalk or other means, using sustainable materials that will not disturb hydrologic or ecological processes. Backcountry trails will offer visitors a primitive outdoor experience, and will be unsurfaced and modest in character, except where a more durable surface is needed. The use of nonnative materials is generally not permitted on backcountry trails except where necessary to meet minimum safety standards or to reduce or avoid unacceptable impacts to park resources.

(See Wilderness General Policy 6.4.1; Trails in Wilderness 6.3.10.2; Backcountry Use 8.2.2.4)

9.2.3.3 Equestrian Trails

Equestrian trails and related support facilities, such as feed boxes and hitch rails, may be provided when they are consistent with park purposes and when site conditions are suitable. Horse camps should be designed with user interest in mind and consistent with NPS policy; ramps for mounting the animals must be provided for persons with disabilities. Photovoltaic systems should be evaluated to power any necessary water systems.

(See Grazing and Livestock Driveways 6.4.7; Grazing by Domestic and Feral Livestock 8.6.8; Accessibility of Commercial Services 10.2.6.2)

9.2.3.4 Bicycle Trails

Bicycle routes may be considered to supplement motor vehicle access. Bicycle travelways may be integrated with park roads when determined to be safe and feasible. Bicycle trails may be paved or stabilized for the protection of resources and for the safety and convenience of travelers. In accordance with 36 CFR 4.30, the designation of bicycle routes, other than in developed areas, in special use zones, or on park roads and in parking areas, requires a written determination that it is an appropriate use, and the promulgation of a special regulation.

(See General Policy 6.4.1; Backcountry Use 8.2.2.4. Also see 36 CFR 4.30)

9.2.3.5 Water Trails

Water access and use may be provided when consistent with resource conservation needs. Appropriate locations and levels of use will be determined in the park's general management plan. To promote understanding and enjoyment, and to protect waterways and adjacent lands, the Park Service will work with other agencies and organizations, as appropriate, to develop and provide education and interpretation for water trails that access parks.

9.2.3.6 Interpretive Trails

Interpretive trails and walks, both guided and self-guiding, may be used for purposes of visitor appreciation, use, enjoyment, and understanding of park values.

9.2.3.7 National Trails

To the extent that trail management and use would not detract from the basic mission, and the resources and values to be conserved, the Park Service will cooperate with other land managers, nonprofit organizations, and user groups to facilitate the use of national scenic, historic, and recreational trails, in accordance with the laws and policies applicable to such trails.

(Also see Director's Order #45- 1: National Scenic and Historic Trails; National Trails System Act)

9.2.3.8 Trailheads

To facilitate safe and enjoyable trail use and efficient management, trailheads and trail access points from which trail use can begin will be carefully tied into other elements of the park development and circulation system.

9.2.3.9 Trail Bridges

Trail bridges may be used for crossing swift waters, areas prone to flash flooding, and other places presenting potential safety hazards. Less obtrusive alternatives to bridges, such as culverts, fords, and trail relocation, will be analyzed and considered before a decision is made to build a bridge. A bridge may be the preferred alternative when necessary to prevent streambank erosion or to protect wetlands or fisheries. If a bridge is determined to be the most appropriate alternative, it will be kept to the minimum size needed to serve trail users, and will be designed to harmonize with the surrounding natural scene and be as unobtrusive as possible.

(See Water Resource Management 4.6)

9.2.4 Traffic Signs and Markings

Signs will be limited to the minimum necessary to meet information, warning, and regulatory needs, and to avoid confusion and visual intrusion. Signs should be planned to provide a pleasing, uniform appearance. Traffic signs and pavement markings on park roads will be consistent with the standards contained in the *Manual on Uniform Traffic Control Devices*, as supplemented by the *NPS Sign Manual*. All roadside signs and markings will conform to good traffic engineering practices. Park signs—especially those that display the NPS arrowhead symbol—are an important part of the total identity system for the Park Service and the Department of the Interior, and signs must conform to the standards contained in Director's Order #52C: Park Signage.

(See Navigation Aids 9.2.6; Signs 9.3.1.1)

9.2.5 Parking Areas

Parking areas and overlooks will be located so as not to unacceptably intrude, by sight or sound, or otherwise impact park resources or values. When parking areas are necessary, they will be designed to harmoniously accommodate motor vehicles and other users, to prevent unacceptable impacts to resources or values, optimize traffic flow, reduce the potential for social trails and informal pullouts, and relieve congestion and provide ample opportunity for visitor use and enjoyment. When large parking areas are needed, appropriate plantings and other design elements will be used to enhance visual appearance and parklike qualities and reduce runoff. When overflow parking is provided to meet peak visitation, it should be in areas that have been stabilized, or that are otherwise capable of withstanding the temporary impacts of parking without causing unacceptable impacts to park resources or values. Permanent parking areas will not normally be sized for the peak use day, but rather for the use anticipated on the average weekend day during the peak season of use.

(See Management of Native Plants and Animals 4.4.2; General 9.1; Transportation Systems 9.2)

9.2.6 Navigation Aids

Necessary aircraft and water navigation aids will be planned in collaboration with the Federal Aviation Administration and U. S. Coast Guard, respectively, and will be installed, maintained, and used in conformance with the standards established by these agencies only if there are no appropriate alternatives outside park boundaries. Exceptions to the standards may be authorized when necessary to meet specific park and public safety needs provided

that the exceptions are jointly agreed to by the Park Service and the agency having primary jurisdiction.

(See Overflights and Aviation Uses 8.4; Traffic Signs and Markings 9.2.4)

9.3 Visitor Facilities

While striving for excellence in visitor services, a park's general management plan or other planning document should determine the level of visitor facility development that is necessary and reasonable given current or projected visitor demands. Also, the plan should consider the distance to alternative sources of services that could meet the needs of the visitor. Facilities like gas stations and grocery stores may be necessary to park use and enjoyment, but parks with adequate gateway community infrastructure that is reasonably close to the major park features it may not necessarily follow that these facilities need to be located inside a park. The Park Service will encourage the development of private sector visitor services in gateway communities to contribute to local economic development, encourage competition, increase choices for visitors, and minimize the need for in-park facilities. When visitor facilities are found to be necessary and appropriate within a park, they will be designed, built, and maintained in accordance with accepted NPS standards for quality and the NPS commitment to visitor satisfaction.

9.3.1 Informational and Interpretive Facilities

Informational and interpretive facilities will be provided to assist park visitors in appreciating, using, and enjoying the park and understanding its significance, provided that the facilities can be developed without causing unacceptable impacts to park resources or values. The Harpers Ferry Center will be consulted on planning, design, and quality control for major interpretive facilities.

(See Chapter 7: Interpretation and Education; Accessibility for Persons with Disabilities 9.1.2)

9.3.1.1 Signs

Signs will be carefully planned and designed to fulfill their important roles of conveying clear and concise information and orientation to visitors and conveying an image of excellence. Each park should have an approved parkwide sign plan based on Servicewide design criteria and tailored to meet individual park needs. Entrance and other key signs will be distinctively designed to reflect the character of the park while meeting Servicewide standards.

Signs will be held to the minimum number, size, and wording required to serve their intended functions and minimally intrude upon the natural and historic settings. They will be placed where they do not interfere with the visitors use, enjoyment, and appreciation of park resources. Roadside information signs are subject to the standards established in the *NPS Sign Manual*. Interpretive signs will be guided by sign and wayside exhibit plans.

(See Signs 6.3.10.4; Traffic Signs and Markings 9.2.4; Navigation Aids 9.2.6. Also see Director's Order #52C: Park Signage)

9.3.1.2 Entrance Stations

Entrance and fee collection stations will be harmonious with the park environment, and should reflect the architectural character of the park. Entrance and fee collection stations should (1) reasonably accommodate the average peak season visitor traffic, (2) incorporate best available technology, and (3) use best management practices to minimize delays—thus reducing vehicle emissions at the entrance station and enhancing the visitor experience.

9.3.1.3 Visitor Centers

When necessary to provide visitor information and interpretive services, visitor centers may be constructed at locations identified in approved plans. To minimize visual intrusions and impacts on major park features, visitor centers will generally not be located near such features. Where an in-park location would create unacceptable environmental impacts, authorization should be obtained to place a visitor center outside the park.

Visitor centers should enhance personal, self-guided, or on-site interpretation. They will be constructed only when it has been determined that indoor media are the most effective means of communicating major elements of the park story, and that a central public contact point is needed.

As appropriate, a visitor center may include information services, sales of educational materials and theme-related items, audiovisual programs, museums, museum collections storage, exhibits, and other staffed or self-help programs and spaces necessary for a high-quality visitor experience. Additionally, the need for restrooms, drinking fountains, and other basic visitor requirements will be considered during the planning and design stage. The size and scope of all visitor centers should be evaluated using the Visitor Center Planning Model or similar tool before submitting any visitor center projects to the Director for approval.

(See Park Management 1.4; Environmental Leadership 1.6; Financial Sustainability 1.8.3; Nonpersonal Services 7.3.2; Location 9.1.1.2; Accessibility for Persons with Disabilities 9.1.2; Museum Collections Management Facilities 9.4.2)

9.3.1.4 Amphitheaters

Amphitheaters may be provided in campgrounds and in other locations where formal interpretive programs are desirable. Campfire circles may be provided in campgrounds to accommodate evening programs and informal social gatherings. Artificial lighting must be carefully directed and kept to a minimum, with due regard for natural night sky conditions.

(See Lightscape Management 4.10; Campgrounds 9.3.2.1)

9.3.1.5 Wayside Exhibits

Wayside exhibits may be provided along roads, on roadside pullouts, and along heavily used walks and trails to interpret resources on site.

(See Nonpersonal Services 7.3.2)

9.3.1.6 Viewing Devices

Viewing devices, such as pedestal binoculars or telescopes, may be provided at appropriate locations when the superintendent determines that such devices are desirable for the

meaningful interpretation or understanding of park resources. Such devices may be provided by the Service, or by others under a concession contract or commercial use authorization.

9.3.1.7 Facilities for Arts and Culture

Various cultural events (such as concerts, films, lectures, plays, craft shows, and art exhibits) are permitted when they are consistent with or will support a park's purposes and objectives. However, permanent facilities may be built specifically for cultural activities only when all of the following criteria are met:

- The permanent facility is required for programs of major importance in conveying the park story.
- It would be impossible or impractical to use demountable or temporary facilities.
- It would not be feasible, reasonable, or practicable to adaptively use other park facilities.
- Neither the facility nor its operation would unacceptably impact resources or values, or hinder the use of the park for its intended purposes.
- It would not be feasible for individuals or entities outside the park to provide the facility.

(See Use of Historic Structures 5.3.5.4.7; Special Events 8.6.2)

9.3.2 Overnight Accommodations and Food Services

Overnight facilities and food services will be consistent with the kinds and levels necessary and appropriate to achieve each park's purposes. In many cases, overnight accommodations and food services are not needed within a park. In general, they should be provided only when the private sector or other public agencies cannot adequately provide them in the park vicinity. However, in-park facilities or services may be justified when the distance and travel time to accommodations and services outside the park are too great to permit reasonable use, or when leaving the park to obtain incidental services would substantially detract from the quality of the visitor experience. Certain activities, such as backcountry use, may require overnight stays. Types of overnight accommodations may vary from unimproved backcountry campsites to motel or hotel-type lodging, as appropriate. Commercial facilities run by concessioners are addressed in greater detail in chapter 10.

(See Accessibility for Persons with Disabilities 9.1.2; Commercial Visitor Services Planning 10.2.2)

9.3.2.1 Campgrounds

When campgrounds are determined to be necessary, their design will accommodate the differences between recreation-vehicle camping and tent camping, and will consider cultural landscapes, terrain, soils, vegetation, wildlife, climate, special needs of users, visual and auditory privacy, and other relevant factors.

The Service will determine the range of amenities and utility hookups that are appropriate to each campground based on the park's mission, campground location and size, availability of commercial campgrounds in the area, cost of installing and maintaining the amenities and utilities, and other considerations. Portable generators may be allowed, but they may also be limited to designated areas and times of operation. To eliminate the need for generators, electric utilities may be provided on a limited basis. Shower facilities may be provided where feasible. Modest-sized play areas for small children are permissible, as are informal areas for field sports associated with organized group camps. Wood fires in fire rings are generally permissible; however, whenever it is necessary to restrict such fires at individual campsites because of fire danger, air pollution, or other hazards, alternatives may be provided or allowed, such as facilities for the use of charcoal or other fuels or central cook sheds. When a need exists, sanitary dump stations will be provided in or near campgrounds that accommodate recreational vehicles.

When necessary for basic safety requirements, pathways and the exteriors of buildings and structures may be lighted. Such lighting will be energy efficient and shielded as much as possible so visitors have the opportunity to experience the natural darkness and night skies.

Campgrounds intended to accommodate large recreational vehicles or buses will be located only where existing access roads can safely accommodate such vehicles and the resulting increased traffic load.

Campgrounds will not exceed 250 sites unless a larger number of sites has been approved by the Director.

When desirable for purposes of management, tent camping may be accommodated in separate campgrounds, or in separately designated areas within campgrounds. Provision may also be made for accommodating organized groups in separate campgrounds or in separately designated areas.

Boating campgrounds may be provided in parks with waters used for recreational boating. The need for campgrounds—and their sizes, locations, and numbers—will be determined by (1) the type of water body (e.g., river, lake, reservoir, saltwater); (2) the availability and resiliency of potential campsites; (3) the feasibility of providing and maintaining docking, beaching, mooring, camping, and sanitary facilities; and (4) the potential for unacceptable impacts to park resources or values.

(See Soundscape Management 4.9; Lightscape Management 4.10; Recreational Fees 8.2.6.1; National Park Reservation Service 8.2.6.2; Collecting Natural Products 8.8; Water Supply Systems 9.1.5.1; Wastewater Treatment Systems 9.1.5.2; Concession Facilities 10.2.6. Also see Director's Order #47: Soundscape Preservation and Noise Management; Director's Order #83: Public Health)

9.3.2.2 Backcountry Campsites

Backcountry and wilderness campsites may be permitted, but only when consistent with the park's wilderness management plan, resource management plan, or other pertinent planning document.

(See Wilderness Use Management 6.4; Backcountry Use 8.2.2.4)

9.3.2.3 Hostels and Shelters

Hostels are low-cost, supervised accommodations that encourage and facilitate the energy-efficient, nonmotorized enjoyment of parks and their surrounding regions by individuals and families. Such facilities, along with hostel-like accommodations such as huts and shelters, will be considered in the planning process if overnight use is determined to be an appropriate use of the park, particularly as a means of encouraging and facilitating the use of trails and backcountry areas. The Service will cooperate with other agencies, nonprofit organizations, park concessioners, and others to plan and develop hostels, where appropriate. If a decision is reached to develop a hostel accommodation, it will be managed by others under the provisions of concession policies and procedures.

Hostels will, at a minimum, contain sheltered overnight accommodations and sanitary facilities, and they will usually contain cooking, eating, and recreation spaces. Hostels may be used for other park programs, such as environmental education or interpretation. Although nonmotorized access to hostels is emphasized, motorized transportation may also be available.

(See Facility Planning and Design 9.1.1; Chapter 10: Commercial Visitor Services)

9.3.3 Comfort Stations

Comfort facilities will have waste disposal systems that meet Public Health Service standards. Levels of use will determine the size and nature of the utility systems provided. In locations with water supply and wastewater disposal problems, low-water-use or waterless toilets, such as oil and composting toilets, will be considered. Chemical toilets in portable enclosures may be used for temporary purposes when necessary. Pit privies, vault toilets, composting toilets, or other alternatives that meet public health standards may suffice in areas of infrequent use or when utility services are not readily available.

(See General Policy 6.4.1; Backcountry Use 8.2.2.4; Accessibility for Persons with Disabilities 8.2.4; Water Supply Systems 9.1.5.1; Wastewater Treatment Systems 9.1.5.2; Campgrounds 9.3.2.1. Also see Director's Order #83: Public Health)

9.3.4 Other Visitor Facilities

Other visitor facilities may be provided when necessary for visitor use and enjoyment of the area, and when consistent with park purposes and the conservation of park resources and values. Visitor facilities determined to unacceptably impact park resources and values will not be permitted.

9.3.4.1 Picnic and Other Day Use Areas

Picnic areas and other day use areas to be used for specific purposes (such as play areas) may be provided on a limited basis as appropriate to meet existing visitor needs.

9.3.4.2 Facilities for Water Recreation

Boating facilities (such as access points, courtesy docks, boat ramps, floating sewage pump-out stations, navigational aids, and marinas), breakwaters, and fish cleaners may be provided as appropriate for the safe use and enjoyment by visitors of water recreation resources when (1) they are consistent with the purposes for which the park was established, and (2) it is not practicable that adequate private facilities will be developed.

Facilities must be carefully sited and designed to avoid unacceptable adverse effects on aquatic and riparian habitats and minimize conflicts between boaters and other visitors who use the park. A decision to develop water-based facilities must take into account not only the primary impacts (such as noise, air and water pollution) of the development, but also the secondary impacts (including cumulative effects over time) that recreational use associated with the development may have on park resources and visitor enjoyment.

(See Park Management 1.4; Soundscape Management 4.9; Visitor Use 8.2; River Use 8.2.2.3; Fishing 8.2.2.5; Campgrounds 9.3.2.1; Water Trails 9.2.3.5. Also see Director's Order #47: Soundscape Preservation and Noise Management)

9.3.4.3 Skiing Facilities

The Park Service will not permit new downhill skiing facilities or associated structures in any unit of the national park system. Downhill skiing is an activity that requires extensive development and is generally provided outside park areas. When such facilities within parks have been provided based on previous policy, their use may continue unless the development and use are shown to cause unacceptable impacts on park resources or values. Any proposal to eliminate or change the capacity of existing facilities will be accomplished through the NPS planning process, and will involve public participation and a NEPA process.

(See Decision-making Requirements to Avoid Impairments 1.4.7; Recreational Activities 8.2.2)

9.3.5 Advertising

Commercial notices or advertisements will generally not be displayed, posted, or distributed on the federally owned or federally controlled land, water, or airspace of a park. A superintendent may permit advertising only if (1) the notice or advertisement is for goods, services, or facilities available in the park, and (2) such notices and advertisements are found to be desirable and necessary for the convenience and guidance of the public. Acceptable forms of advertising will be addressed, as necessary, in concession contracts and cooperating association agreements.

Billboard advertising will in no case be permitted within a park. In addition, park managers should communicate and collaborate with local communities, businesses, and transportation officials on the park's resources and values to help reduce the impacts of billboard advertising near approach roads outside of parks.

NPS policy encourages appropriate "donor recognition," which occurs when the Park Service publicly thanks an individual, corporation, or some other entity for their gift or service. Such recognition must be consistent with the provisions of Director's Order #21.

In accordance with Part 470 of the *Department of the Interior Manual*, the Service will not use paid advertising in any publication in connection with its programs and activities except where special legal requirements and authority exist. If a superintendent believes paid advertising is necessary because of the significant benefits it affords in enhancing public participation, prior approval must be obtained from the WASO Office of Public Affairs.

(See Cooperating Associations 7.6.2; Concession Contracting 10.2.3. Also see 36 CFR 5.1)

9.4 Management Facilities

Where authorized by Congress, management facilities will be located outside park boundaries whenever the management functions being served can be adequately supported from such a location. When management facilities are located inside the park, they will be sited away from primary resources and features of the park, so as not to adversely affect park resources or values or detract from the visitor experience. Historic properties will be used to the maximum extent practicable provided that the reuse will not affect their significance.

Modular, precut, or prefabricated structures may be used for management facilities, including administrative offices, employee housing, and maintenance structures, when products meeting design requirements are available. Standard plans will be modified to reflect regional and park design themes, harmonize with the natural surroundings; conserve the natural and cultural environments; provide for resource conservation; provide for energy efficiency or the use of renewable energy sources; limit chemical emissions; and foster education about sustainable design.

(See Park Management 1.4; Environmental Leadership 1.6; Use of Historic Structures 5.3.5.4.7; Accessibility for Persons with Disabilities 8.2.4; Facility Planning and Design 9.1.1; Accessibility for Persons with Disabilities 9.1.2. Also see Director's Orders #89: Space Management; and #90: Value Analysis; 36 CFR Part 6, Solid Waste Disposal Sites in Units of the National Park System)

9.4.1 Administrative Offices

The location of administrative offices will be determined by conditions specific to each park, including impacts on park resources, availability and adequacy of leasable space outside the park, relationship to adjacent communities, convenience to visitors, weather, energy consumption, comparative costs, commuting distance for employees, and management effectiveness.

(See Facility Planning and Design 9.1.1; Energy Management 9.1.7)

9.4.2 Museum Collections Management Facilities

Park curatorial facilities should be adapted to the needs of each park. They may share space in visitor centers or administrative office buildings or be housed in completely separate buildings. Incorporation with maintenance facilities should be avoided because of the heightened danger of fire, chemical spills, and similar accidents. Curatorial facilities will meet each collection's special requirements for security, conservation, fire suppression, and environmental controls.

The operation of environmental control systems to meet the temperature, relative humidity, particulate, and, as necessary, pollutant control specifications for museum collections is typically more energy intensive than those for structures with staff and offices. To ensure energy efficiency and the correct performance of the systems to protect the resource, the thermal performance of the building envelope and the efficiency of the systems must be

addressed in facility planning and design. Prior to planning a collections management facility, the park, in consultation with subject-matter specialists, must complete a value analysis of various options for addressing the collections management needs of the park, including on-site and off-site locations and joint facilities with other NPS units and other entities.

(See Museum Collections 5.3.5.5; Fire Detection, Suppression, and Post- fire Rehabilitation and Protection 5.3.1.2; Environmental Monitoring and Control 5.3.1.4. Also see Director's Order #24: NPS Museum Collections Management)

9.4.3 Employee Housing

The Park Service will rely, to the maximum extent practicable, on the private sector to provide housing for NPS employees. If housing is not available in the private sector, the Service will provide only the number of housing units necessary to support the NPS mission.

Occupancy is permitted or required to provide for timely response to park protection needs, to ensure reasonable deterrence to prevent threats to resources, and to protect the health and safety of visitors and employees. Such prevention or response services will determine acceptable and appropriate locations for employee housing, which is provided for the benefit of the government in meeting the NPS mission.

9.4.3.1 Housing Management Plan

A housing management plan will be prepared for each park, and will be updated every two years (or more frequently, if necessary). The plans will include an assessment of housing needs to meet the mission of the park. Park superintendents are accountable to their regional directors for employee housing in their parks. Regional directors are responsible for ensuring the consistent application of Servicewide housing policy.

9.4.3.2 Eligible Residents

Park housing will be provided for persons who are essential to the management and operation of the park. These may include not only NPS employees, but also concession employees, volunteers in the parks, Student Conservation Association volunteers, researchers, essential cooperators (e.g., school teachers, health personnel, contractors, and state or county employees), and employees of another federal agency.

9.4.3.3 Historic Structures

The use of historic structures for housing is encouraged when NPS managers determine that this use contributes to the preservation of these structures and when feasible cost-effective alternatives have been considered.

(See Use of Historic Structures 5.3.5.4.7; Adaptive Use 9.1.1.4)

9.4.3.4 Design and Construction

Because of location, use, and other unique factors, special design concerns must be considered for housing constructed in parks. Housing must be designed to be as much a part of the natural or cultural setting as possible, yet it must be well built, functional, energy-efficient, and cost-effective. The design of park housing will minimize impacts on park resources and values, comply with the standards for quality design, and consider

regional design and construction influences. Value analysis principles will be applied in all NPS housing construction projects. Design costs will be kept to a minimum by using standard designs from manufacturers and the NPS Standard Design Catalog and a cost model.

(See Facility Planning and Design 9.1.1. Also see Director's Orders #36: Housing Management, and #90: Value Analysis)

9.4.4 Maintenance Structures

Maintenance structures will be consistent in design, scale, texture, and details with other park facilities. Optimally, they will be screened or located in areas remote from public use. Wherever feasible, NPS and concessioner maintenance facilities will be adjacent and integrated in design to facilitate operations and to reduce impacts on park resources.

9.4.5 Miscellaneous Management Facilities

When installations such as landing sites and airstrips, fire towers, weather monitors, research stations, communication towers, and pump houses are necessary, they will be located and designed to minimize their impact on resources and their intrusion on the visitor experience. Whenever possible and practicable, such installations will be located within developed park areas. Totally utilitarian facilities, such as maintenance storage yards, sewage lagoons, and solid waste disposal sites—when they absolutely must be developed inside a park—will be sited to prevent unacceptable impacts to resources or values and to not be visually intrusive. Alternative energy applications and sustainable wastewater treatment facilities, such as aquaculture ponds, wetlands, and root-zone beds, may be located in more visible areas when they are important to interpretive and educational objectives and do not unacceptably impact natural or cultural resources and values.

(See Environmental Leadership 1.6; Studies and Collections 4.2; General Policy 6.3.1; Airports and Landing Sites 8.4.8; Facility Planning and Design 9.1.1; Water Supply Systems 9.1.5.1; Wastewater Treatment Systems 9.1.5.2; Waste Management 9.1.6.1; Maintenance Structures 9.4.4)

9.5 Dams and Reservoirs

Dams and reservoirs will not be constructed in parks. The National Park Service will seek to deactivate existing such structures unless

- they contribute to the cultural, natural, or recreational resource bases of the area,
- are a necessary part of a park's water supply system, or
- or their deactivation poses a greater threat to park resources and values than their continued maintenance and operation.

All dams will be subject to annual safety inspections. Each park with a dam or reservoir will prepare an emergency action plan. The emergency action plan will also address potential hazards posed by dams outside the park and beyond the Service's control. The NPS inventory of dams will be used to record all NPS and non-NPS dams and reservoirs

and any other type of stream flow control structures affecting units of the national park system, including those that are proposed or have been deactivated.

(See Water Quality 4.6.3; Floodplains 4.6.4; Wetlands 4.6.5; Watershed and Stream Processes 4.6.6; Emergency Preparedness and Emergency Operations 8.2.5.2; Water Supply Systems 9.1.5.1; Wastewater Treatment Systems 9.1.5.2. Also see Director's Order #40: Dams and Appurtenant Works)

9.6 Commemorative Works and Plaques

9.6.1 General

For the purpose of this section, the term "commemorative work" means any statue, monument, sculpture, memorial, plaque, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of a person, group, event, or other significant element of history. It also includes the naming of park structures or other features—including features within the interior of buildings. Within the District of Columbia and its environs, the Commemorative Works Act prohibits the establishment of commemorative works unless specifically authorized by an act of Congress. Outside of the District of Columbia and its environs, commemorative works will not be established unless authorized by Congress or approved by the Director (36 CFR 2.62). The consultation process required by section 106 of the National Historic Preservation Act must be completed before the Director will make a decision to approve a commemorative work.

To be permanently commemorated in a national park is a high honor, affording a degree of recognition that implies national importance. At the same time, the excessive or inappropriate use of commemorative works—especially commemorative naming—diminishes its value as a tool for recognizing people or events that are truly noteworthy; excessive or inappropriate use also has the potential for diverting attention from the important resources and values that park visitors need to learn about. Therefore, the National Park Service will discourage and curtail the use and proliferation of commemorative works except when

- Congress has specifically authorized their placement, or
- there is compelling justification for the recognition, and the commemorative work is the best way to express the association between the park and the person, group, event, or other subject being commemorated.

In general, compelling justification for a commemorative work will not be considered unless

- the association between the park and the person, group, or event is of exceptional importance, and
- in cases where a person or event is proposed for commemoration, at least five years have elapsed since the death of the person (or the last member of a group), or at least 25 years have elapsed since the event. (Within the District of Columbia and its environs, refer to the Commemorative Works Act for more specific requirements.).

Having worked in a park or having made a monetary or other type of donation to a park does not necessarily meet the test of "compelling justification." In these and similar cases, other forms of recognition should be pursued. Donor recognition must be consistent with Director's Order #21: Donations and Fundraising.

With regard to the naming of park structures, names that meet the criteria listed above may be approved by the Director. Names that do not meet those criteria will require legislative action.

9.6.2 Interpretive Works That Commemorate

The primary function of some commemorative works—most often in the form of a plaque presented by an outside organization—is to describe, explain, or other wise attest to the significance of a park's resources. These devices are not always the most appropriate medium for their intended purpose, and their permanent installation may not be in the best long-term interests of the park. Therefore, permanent installations of this nature will not be allowed unless it can be clearly demonstrated that the work will substantially increase visitors' appreciation of the significance of park resources and values, and do so more effectively than other interpretive media.

With regard to Civil War parks, new commemorative works will not be approved except where specifically authorized by legislation. However, consideration may be given to proposals that would commemorate groups that were not allowed to be recognized during the commemorative period.

In those parks with legislative authorization to erect commemorative works, superintendents will prepare a plan to control their size, location, materials, and other factors necessary to protect the overall integrity of the park. The plan may include a requirement for an endowment to cover the costs of maintaining the commemorative work.

9.6.3 Approval of Commemorative Works

Before being approved a determination must be made, based on consultation with qualified professionals, that the proposed commemorative work will

- be designed and sited to avoid disturbance of natural and cultural resources or values,
- be located in surroundings relevant to its subject,
- be constructed of materials suitable to and compatible with the local environment,
- meet NPS design and maintenance standards,
- not encroach on any other preexisting work, or be aesthetically intrusive,
- not interfere significantly with open space and existing public use,
- not divert attention from a park's primary purpose, and
- not be affixed to the historic fabric of a structure.

The Director may order the removal or modification of commemorative works that were installed without proper authorization, or that are inconsistent with the policies in this section. Temporary forms of in-park recognition, and permanent forms that will not be constructed or installed within park boundaries, do not require the Director's approval.

The naming of geographic features is subject to approval by the U. S. Board on Geographic Names. NPS proposals for naming geographic features will follow the procedures described in Director's Order #63: Geographic Names.

(Also see Director's Order #67: Copyright and Trademarks; U. S. Board on Geographic Names "Principles, Policies, and Procedures: Domestic Geographic Names")

9.6.4 Historic Commemorative Works

Many commemorative works have existed in the parks long enough to qualify as historic features. A key aspect of their historical interest is that they reflect the knowledge, attitudes, and tastes of the persons who designed and placed them. These historic works and their inscriptions will not be altered, relocated, obscured, or removed, even when they are deemed inaccurate or incompatible with prevailing present-day values. Any exceptions require specific approval by the Director.

9.6.5 Donated Commemorative Works

Although commemorative works and other forms of in-park permanent recognition will not be used to recognize monetary contributions or other donations to a park or the Park Service, there may be occasions when an authorized or approved commemorative work will be offered or provided by a private donor. Names of donors will be discouraged from appearing on commemorative works. If they do appear, donor names will be conspicuously subordinate to the subjects commemorated. Donations of commemorative works should include sufficient funds to provide for their installation and an endowment for their permanent care.

(See Non personal Services 7.3.2; Cemeteries and Burials 8.6.10. Also see Director's Order #64: Commemorative Works and Plaques)

9.6.6 Commemorative Works in National Cemeteries

Regulations governing commemorative works associated with national cemeteries are found in 36 CFR Part 12 and Director's Order #61: National Cemeteries.

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CHAPTER 10: COMMERCIAL VISITOR SERVICES

[Wording for introductory page.] The National Park Service will provide, through the use of concession contracts, commercial visitor services within parks that are necessary and appropriate for public use and enjoyment. Concession operations will be consistent to the highest practicable degree with the preservation and conservation of the resources and values of the unit.

Chapter 10: Commercial Visitor Services

10.1 General

Commercial visitor services will be authorized through concession contracts or commercial use authorizations, unless otherwise provided by law. Section 10.2 below addresses concession authorizations; section 10.3 addresses commercial use authorizations.

(See Leasing 8.12. Also see Director's Orders #48A: Concessions Management, and #48B: Commercial Use Authorizations)

10.1.1 Leasing

The National Park Service may permit the use of any property, historic or nonhistoric (except nonhistoric land), through a lease or cooperative agreement if such lease or cooperative agreement will ensure the property's preservation. Proposed uses must be determined to be appropriate, and rent must be at least equal to the fair market value, adjusted for capital investments and restrictions. The proposed activities of the lease must not be subject to authorization through a concession contract, commercial use authorization or similar instrument, and the lease must adequately ensure the preservation of the property if the property is historic.

In general, each lease will be competitively offered through a Request for Proposals or a Request for Bids. However, the Service may enter into a lease noncompetitively with nonprofit organizations or units of government if the responsible manager determines that the nonprofit or governmental use of the property will contribute to the purposes and programs of the park. All leases must be at fair market value. The term of the lease will be the shortest time needed for the proposed use, taking into account required lessee investments and other factors related to determining an appropriate lease term. No lease will exceed 60 years. Lease terms may not be extended except that leases with a term of one (1) year or more may be extended once for a period not to exceed one (1) additional year if it is determined that an extension is necessary because of circumstances beyond NPS control.

10.2 Concessions

10.2.1 Concession Policies

Concession operations are subject to the provisions of the National Park Service Concessions Management Improvement Act of 1998; NPS regulations published at 36 CFR Part 51; this chapter of NPS *Management Policies*; and Director's Order #48A: Concession Management; and other specific guidance that may be issued under the

Director's authority. In Alaska, concession operations are also subject to the provisions of the Alaska National Interest Lands Conservation Act and 36 CFR Part 13.

10.2.2 Commercial Visitor Services Planning

Commercial visitor services planning will identify the appropriate role of commercial operations in helping parks to achieve desired visitor use, enjoyment, and experiences, and will be integrated into other plans and planning processes. These plans will follow other policies regarding planning and compliance.

Park managers will develop an overall park commercial services strategy to determine if the development of specific concessions management plans are necessary. Concession management plans or commercial services plans will support a park's purpose and significance, exceptional resource values, and visitor experience objectives, and will be consistent with enabling legislation. A decision to authorize a park concession will consider the effect on or need for additional infrastructure and management of operations, and will be based on a determination that the facility or service

- is necessary and appropriate for the public use and enjoyment of the park in which it is located, and identified needs are not, nor can they be, met outside park boundaries,
- will be provided in a manner that furthers the preservation and conservation of park resources and values,
- incorporates sustainable principles and practices in planning, design, siting, construction, utility systems, selection and recycling of building materials, and waste management, and
- is financially feasible and sustainable.

The number, location, and sizes of sites assigned for concessions facilities will be the minimum necessary for proper and satisfactory operation of the facilities. Concession facilities will emphasize compatibility of design, be consistent with aesthetic values and the conservation of natural and cultural resources, and integrate sustainable design concepts.

For information about leasing historic structures for visitor services or other appropriate uses, see section 5.3.3 and Director's Order #38: Real Property Leasing.

10.2.3 Concession Contracting

Approved standard contract language will be used in all NPS concession contracts. Any deviations from such language must be approved in writing by the Director.

10.2.3.1 Terms and Conditions of Contracts/Authorizations

Concession services will be authorized under concession contracts unless otherwise authorized by law. The term of a concession contract will generally be 10 years or less. However, the Director may award a contract for a term of up to 20 years if the Director determines that the contract terms and conditions, including the required construction of capital improvements, warrant a longer term. In this regard, the term of concession

contracts should be as short as is prudent, taking into account the financial requirements of the concession contract, the required construction of capital improvements, resource preservation and conservation, visitor needs, and other factors that the Director may deem appropriate. Proposed concession operations must be economically feasible and generally supported by a feasibility study prepared by a qualified individual.

10.2.3.2 Modifications/Amendments

Concession contracts may be modified only by written amendment. Amendments developed after the issuance of a concession contract must be consistent with current NPS policies and orders. Unless otherwise authorized by the contract, a concession contract may be amended to provide minor additional visitor services that are a reasonable extension of the existing services.

10.2.3.3 Extension

Concession contracts may be extended only in accordance with the requirements of 36 CFR Part 51, subpart D. The signature authority for contract extensions or amendments must be consistent with delegations of authority from the Director.

10.2.3.4 Competition

To obtain the best service provider and maximize benefits to the government, the National Park Service encourages competition in the awarding of concession contracts. The National Park Service also encourages, through outreach, the participation of American Indian, minority, and women-owned businesses when new business activities occur.

10.2.3.5 Third-party Agreements and Subconcessions

Unless specified in the contract, sub-concession or other third-party agreements, including management agreements, for the provision of visitor services that are required and/or authorized under concession contracts are not permitted. The Park Service may also advertise for a new concession contract to provide these additional services.

10.2.3.6 Multi-park Contracts

Concessioners operating in more than one park unit should have separate contracts for each park unit. An exception may be made in the case of those park units having common NPS management or where service is provided in contiguous park areas (for example, a pack trip that crosses the boundary of two adjoining parks).

In some instances bundling of contracts may be deemed by the Director as a method of providing the necessary and appropriate services under certain conditions; these may include lack of opportunity for profit, geographic location, and type of service.

10.2.3.7 Termination

The Service may terminate concession contracts for default and under any other circumstances specified in the concession contract.

10.2.4 Concession Operations

10.2.4.1 Operating Plans

The operating plan is an exhibit to the concession contract; the plan will describe operational responsibilities authorized in the contract between the concessioner and the

Park Service. The plan is reviewed and updated annually by the Service in accordance with the terms of the contract. Operating plans are considered an integral part of a concessioner's contractual performance compliance. Some aspects of a concessioner's operating requirements may also be contained in general or specific provisions unique to that contract.

10.2.4.2 Service Type and Quality

It is the objective of the National Park Service that park visitors be provided with high-quality facilities and services. Where appropriate, the concession contract will specify a range of facility, accommodation, and service types that are to be provided at reasonable rates and standards to ensure facility maintenance and quality services to visitors. Concessioners are not permitted to use or encourage pseudo-ownership concepts such as time-shares or long-term rental agreements that in any way alters the authorities of the Park Service to manage the park and facilities.

10.2.4.3 Evaluation of Concession Operations

Concession operations will be regularly evaluated to ensure that park visitors are provided with high-quality services and facilities that are safe and sanitary and meet NPS environmental, health, safety, and operational standards. The evaluation results will provide a basis for NPS management to determine (1) whether to continue or terminate a concession contract, and (2) whether a concessioner is eligible to exercise a right of preference in the award of a qualified new concession contract for those categories of contracts where such a right is available by law.

10.2.4.4 Interpretation by Concessioners

Concessioners will be encouraged to train their employees and, through their facilities and services, to instill in their guests an appreciation of the park, its purpose and significance, its proper and sustainable management, and the stewardship of its resources. When the provision of interpretive services is required by the contract, concessioners will provide formal interpretive training for their employees, or will participate in formal interpretive training that is either offered by the Park Service or cosponsored by the concessioner. Instilling appreciation of the park in visitors can be accomplished in many ways. For example, it can be accomplished through guided activities; the design, architecture, landscape, and decor of facilities; educational programs; interpretive menu design and menu offerings; and involvement in the park's overall interpretive program. Gift shop merchandise and displays also present opportunities to educate visitors about park history; natural, cultural, and historical resources; and sustainable environmental management.

Concession contracts will require the concessioner to provide all visitor services in a manner that is consistent with, and supportive of, the interpretive themes, goals, and objectives articulated in each park's planning documents, mission statement, and/or interpretive prospectus.

(See Chapter 7: Interpretation and Education)

10.2.4.5 Merchandise

The National Park Service will approve the nature, type, and quality of merchandise to be offered by concessioners. Although there is no Servicewide list of specific preferred merchandise, priority will be given to those sale items that interpret, provide inspiration,

and foster awareness, understanding, and appreciation of the park and its resources. Merchandise should have interpretive labeling, or include other information to indicate how the merchandise is relevant to the park and its interpretive program and themes.

Each concession operation with a gift shop will have a mission statement based on the park's concession service plan or general management plan. Concessioners will develop and implement a merchandise plan based on the park's gift shop mission statement. The merchandise plan must be satisfactory to the Director, and should ensure that merchandise sold or provided reflects the significance of the park and promotes the conservation of the park's geological resources, wildlife, plant life, archeological resources, local Native American culture, local ethnic and traditional culture, historical significance, and other park resources and values. The plan should also integrate pollution prevention and waste-reduction objectives and strategies for merchandise.

Merchandise must be available at a range of prices. Theme-related merchandise manufactured or handcrafted in the United States—particularly in a park's geographic vicinity—will be encouraged. The revenue derived from the sale of United States Indian, Alaska Native, native Samoan, and native Hawaiian handcrafts is exempt from any franchise fee payments.

10.2.4.6 Artifacts and Specimens

Concessioners will not be permitted to sell any merchandise in violation of laws, regulations, or NPS policies. Some merchandise may be determined by the park superintendent to be locally sensitive or inappropriate for sale, and may be prohibited for retail sale at the discretion of the superintendent. The sale of original objects, artifacts, or specimens of a historic, archeological, paleontological, or biological nature is prohibited. Replicated historic, archeological, paleontological, or biological objects, artifacts, or specimens may be sold if they are obvious replicas and clearly labeled.

Any geological merchandise approved for sale or exhibit by concessioners must be accompanied by appropriate educational material and a written disclaimer clearly stating that such items were not obtained from inside park boundaries. The proposed sale of any replicas, or of geological merchandise, must be addressed in the gift shop merchandise plan.

10.2.4.7 Rates

The National Park Service must approve all rates charged to visitors by concessioners. The reasonableness of a concessioner's rates and charges to the public will, unless otherwise provided in the contract, be judged primarily on the basis of comparison with current rates and charges for facilities and services of comparable character under similar conditions. Due consideration will be given to length of season, provision for peak loads, average percentage of occupancy, accessibility, availability and costs of labor and materials, type of patronage, and other factors deemed significant by the NPS Director.

10.2.4.8 Risk Management Program

Concession contracts require each concessioner to develop a risk management program that is (1) appropriate in scope to the size and nature of the operation; (2) approved by the superintendent, and (3) in accord with the Occupational Safety and Health Act and the

National Park Service Concession Risk Management Program. Concessioners are responsible for managing all of their operations in a manner that minimizes risk and controls loss due to accident, illness, or injury. To ensure compliance, the Service will include a risk management evaluation as part of its standard operational review of concession operations.

10.2.4.9 Natural and Cultural Resource Management Requirements

Concessioners are required to comply with applicable provisions of all laws, regulations, and policies that apply to natural and cultural resource protection. The use, maintenance, repair, rehabilitation, restoration, or other modification of concession facilities that are listed in or eligible for the National Register of Historic Places are subject to the applicable provisions of all laws, executive orders, regulations, and policies pertaining to cultural properties. The National Park Service will assist concessioners in understanding and complying with regulations for the protection of historic properties (36 CFR Part 800) promulgated by the Advisory Council on Historic Preservation. Historic structures and their contents and museum objects that are in the control of concessioners will be treated in accordance with the appropriate standards contained in NPS guidance documents. The Service will work closely with concessioners to integrate into concession activities the policies, procedures, and practices of Executive Order 13287: Preserve America.

(See Chapter 4, Natural Resource Management; Use of Historic Structures 5.3.5.4.7. Also see Reference Manual 24: the Museum Handbook, and 28: the Cultural Resource Management Guideline; Director's Order #38: Real Property Leasing, and #48A: Concessions Management)

10.2.4.10 Environmental Program Requirements

In the operation of visitor services, concessioners will be required by contract to meet environmental compliance objectives by

- complying with all applicable laws pertaining to the protection of human health and the environment, and
- incorporating best management practices (BMPs) in all operations, construction, maintenance, acquisition, provision of visitor services, and other activities under the contract.

With certain exceptions approved by the Director, concessioners will be required by contract to develop, document, implement, and comply fully with, to the satisfaction of the Director, a comprehensive, written environmental management program (EMP) to achieve environmental management objectives. The EMP must be updated at least annually, must be approved by the superintendent, and should be appropriate to the nature and size of the operation. The EMP must account for all activities with potential environmental impacts conducted by the concessioner, or to which the concessioner contributes. The scope and complexity of the EMP may vary based on the type, size, and number of concessioner activities.

The National Park Service will review concessioner compliance with the EMP under the contract. The National Park Service will also conduct environmental compliance audits of

all commercial visitor services at least every three years in accordance with the concessions environmental audit program. The concessioner will be responsible for corrective actions required by law and identified during the environmental compliance audits. The National Park Service will assist concessioners in understanding environmental program requirements, and will also include an environmental management evaluation as part of its annual standard operational reviews of concession operations.

(See Compensation for Injuries to Natural Resources 4.1.6; Compensation for Damages 5.3.1.3; Integrated Pest Management Program 4.4.5.2; Overnight Accommodations and Food Services 9.3.2. Also see Director's Order #48: Concession Management; Director's Order #83: Public Health)

10.2.4.11 Insurance

Concession contracts will identify the types and recommended minimum amounts of insurance coverage required of concessioners in order to

- provide reasonable assurance that concessioners have the ability to cover bona fide claims for bodily injury, death, or property damage arising from an action or omission of the operator,
- protect the government against potential liability for claims based on the negligence of the operators, and
- enable rapid repair or replacement of essential visitor facilities located on park lands damaged or destroyed by fire or other hazards.

Concessioners will not be permitted to operate without liability insurance. Under limited conditions, concessioners may operate without property insurance, as described in Director's Order #48A: Concession Management.

10.2.4.12 Food Service Sanitation Inspections

Concessioners who prepare food on or off park lands or serve food on park lands will be subject to inspection for compliance with all applicable health and sanitation requirements of local and state agencies, the U.S. Public Health Service, and the Food and Drug Administration.

(Also see Director's Order #83: Public Health)

10.2.4.13 Smoking

Generally, all NPS concession facilities will be smoke free. The only exceptions will be specifically designated smoking areas and rooms. The sale of tobacco products through vending machines is prohibited.

(See Executive Order 13058 (Protecting Federal Employees and the Public from Exposure to Tobacco Smoke in the Federal Workplace))

10.2.5 Concessions Financial Management

Concession contracts must provide for payment to the government of a franchise fee, or other monetary consideration as determined by the Secretary, upon consideration of the probable value to the concessioner of the privileges granted by the particular contract involved. Such probable value will be based upon a reasonable opportunity for net profit in

relation to capital invested and the obligations of the contract. Consideration of revenue to the United States is subordinate to the objectives of protecting and preserving park areas and providing necessary and appropriate services for visitors at reasonable rates.

10.2.5.1 Franchise Fees

The amount of the franchise fee or other monetary consideration paid to the United States for the term of the concession contract must be specified in the concession contract and may only be modified to reflect extraordinary unanticipated changes from the conditions anticipated as of the effective date of the contract. Contracts with a term of more than five years will include a provision that allows reconsideration of the franchise fee at the request of the Director or the concessioner in the event of such extraordinary unanticipated changes. Such provision will provide for binding arbitration in the event that the Director and the concessioner are unable to agree upon an adjustment to the franchise fee in these circumstances.

10.2.5.2 Franchise Fee Special Account

All franchise fees and other monetary considerations will be deposited into a Department of the Treasury special account. In accordance with the NPS Concessions Management Improvement Act of 1998, twenty percent (20%) will be available to support activities throughout the national park system, and eighty percent (80%) will be available to the park unit in which it was generated for visitor services and funding high-priority and urgently necessary resource management programs and operations.

10.2.5.3 Record-keeping System

All concessioners will establish and maintain a system of accounts and a record-keeping system that use written journals and general ledger accounts to facilitate the preparation of annual concessioner financial reports.

10.2.5.4 Annual Financial Reports

For each concession contract, concessioners will be required to submit a separate annual financial report that reflects only the operations they are authorized to provide under that particular contract.

10.2.5.5 Donations to the National Park Service

The National Park Service will not solicit or accept donations or gifts from entities that have or are seeking to obtain or establish a contract, lease, or other business arrangement with the Service. The Park Service will not require any concessioner to donate or make contributions to the Service under any circumstance, including the incorporation of such a requirement in concession contracts. Further guidance on donations is available in Director’s Order #21: Donations and Fundraising.

10.2.6 Concession Facilities

All buildings under a concession contract are U.S. Government/Service-owned structures and are part of the overall facility inventory at each park. The concessioner may, depending on the contract, have a contractual right of compensation in the form of a leasehold surrender interest or possessory interest in one, some, or all of the buildings. Responsibilities for maintenance, environmental management, and other operational issues must be included in each concession contract. Park facility managers will work closely with the park's concession program managers to ensure that these government buildings are part of the overall park inventory and tracking systems. Park facility managers and

concessioners will also strive to ensure that possessory interests and leasehold surrender interest valuations conform to the terms and conditions of the concession contract.

10.2.6.1 Design

Concession facilities will be of a size and at a location that the Service determines to be necessary and appropriate for their intended purposes. All concession facilities must comply with applicable federal, state, and local construction codes, and meet accessibility requirements as set forth in applicable accessibility guidelines. Proposed concession facilities must conform to NPS standards for sustainable design, universal design, and architectural design. Concession development or improvement proposals must undergo review for compliance with the National Environmental Policy Act of 1969 and section 106 of the National Historic Preservation Act (16 USC 470f), and must be carried out in a manner consistent with applicable provisions of the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* and other applicable legal requirements.

In addition to general park design requirements, the Park Service will apply value analysis during the design process to analyze the functions of facilities, processes, systems, equipment, services, and supplies. Value analysis must be used to help achieve essential functions at the lowest life-cycle cost, consistent with required performance, reliability, environmental quality, and safety criteria and standards.

(See Facility Planning and Design 9.1.1)

10.2.6.2 Accessibility of Commercial Services

Concessioners share the National Park Service's responsibility to provide employees and visitors with the greatest degree of access to programs, facilities, and services that is reasonable, within the terms of existing contracts and agreements. Applicable laws include, but are not limited to (1) regulations issued under the authority of section 504 of the Rehabilitation Act of 1973, as amended (43 CFR Part 17), which prohibits discrimination on the basis of disability in programs or activities conducted by federal executive agencies; and (2) the Architectural Barriers Act of 1968, which requires physical access to buildings and facilities. Where there is no specific language identifying applicable accessibility laws in an existing concession contract, the Park Service will address the issue of compliance in the annual concession operating plan.

(See Physical Access for Persons with Disabilities 5.3.2; Accessibility for Persons with Disabilities 8.2.4 and 9.1.2. Also see Director's Order #42: Accessibility for Visitors with Disabilities)

10.2.6.3 Maintenance

Concession contracts will require concessioners to be responsible for all maintenance and repair of facilities, lands, and utility systems assigned for their use, in accordance with standards acceptable to the Service. Exceptions will be made only in extraordinary circumstances, as determined by the Director. All concession contracts must include a current maintenance plan as specified in the concession contract. Maintenance plans are an exhibit to the concession contract and will be considered an integral part of a concessioner's contractual performance compliance.

Maintenance of historic properties and cultural landscapes will be carried out in a manner consistent with applicable provisions of the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation*.

10.2.6.4 Utilities and Services

Utilities include, but are not limited to, electricity, fuel, natural gas, water, disposal of wastewater and solid waste, and communication systems. The Service may provide utilities to the concessioner for use in connection with the operations required or authorized under the contract, when available, at rates to be determined in accordance with applicable laws. If the Service does not provide utilities to the concessioner, the concessioner will, with the written approval of the Director and under any requirements prescribed by the Director, (1) secure necessary utilities at its own expense from sources outside the area; or (2) install the utilities within the area, subject to conditions of the contract.

(Also see Director's Order #35B: Sale of Park Utilities and Services to Support Activities Within Parks)

10.2.6.5 Closure of Commercial Operations during Government Shutdown

The Anti-Deficiency Act requires federal agencies to suspend all nonessential activities whenever there is a failure to enact an appropriations bill or adopt a continuing resolution. All concessioner-operated programs and services must cease, and visitors must be asked to leave within 48 hours. All commercial facilities and services in a park will be closed to protect the safety of visitors and the integrity of park resources. Exceptions to this policy include concessions that are required for health and safety purposes or protection of the environment, or that are necessary to support park operations that are deemed essential, such as law enforcement.

Commercial facilities located on through-roads (roads or public highways that begin and end outside of a park, plus parkways) and public highways may remain open if doing so does not result in additional costs to the park (for example, the staffing of entrance stations). These commercial facilities may include operations such as service stations, food services, stores, and lodging, or portions of such operations that will not contribute to additional park expenses. The commercial facility in question should have access directly from the road or highway and not require the reopening of park roads having other destinations. More specific aspects of closures may be guided by a Servicewide shutdown plan.

10.2.7 Concessioner Employees and Employment Conditions

10.2.7.1 Nondiscrimination

Concessioners will comply with all applicable laws and regulations relating to nondiscrimination in employment and the provision of services to the public.

10.2.7.2 Substance Abuse

In compliance with state and federal regulations condemning substance abuse, the Park Service prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol. The Service also prohibits the unlawful manufacture, cultivation, processing, or transportation of illicit drugs. This policy applies to concessioners and their employees, at

any facility or in any activity taking place on NPS lands. Concessioners are required to provide and advise employees about the availability of Employee Assistance Programs addressing substance abuse problems.

10.2.8 National Park Service Employees

10.2.8.1 Accepting Gifts and Reduced Rates from Concessioners

NPS employees may not receive concessioner goods or services at a discount unless it is in connection with official business, is to the government's advantage, and is provided for under the terms of a concession contract. However, employees may accept reduced rates or discounts offered by the concessioner when those same reduced rates or discounts are available to the general public.

NPS employees may not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value from a concessioner or other person who conducts operations and activities that are regulated by the Department of the Interior. Employees should consult with their ethics counselor regarding the limited exceptions to the general prohibition on accepting gifts from outside sources.

10.2.8.2 Employment of NPS Personnel or Family Members by Concessioners

Federal law prohibits government employees from making recommendations, decisions, or approvals relating to applications, contracts, controversies, or other matters in which the employee or the employee's spouse or minor child has a financial interest. Park employees may not make decisions, approvals, or recommendations related to concession activities when their spouse or dependent child is employed by a park concessioner in that particular park. For example, the spouse or dependent child of the superintendent, assistant superintendent, concession staff, environmental manager, or public health specialist may not be employed by a concessioner in the specific park in which the NPS employee works.

(Also see Director's Order #37: Home Businesses in Parks)

10.2.8.3 NPS Employee Ownership or Investment in Concession Businesses

Department of the Interior policy prohibits employees and their spouses and minor children from acquiring or retaining for commercial purposes any permit, lease, or other rights granted by the Department for conducting commercial services on federal lands. Therefore, no NPS concession contract or commercial use authorization to conduct commercial services in a park will be issued to NPS employees or their spouses and minor children who are owners, partners, corporate officers, or general managers of any business seeking such a contract in federal land managed by the Department of the Interior. Further, to avoid the appearance of partiality and conflicts of interest, and to comply with ethics laws that apply to all federal employees, NPS employees may not work on any matter involving a business in which they, their spouse, or their minor children have a financial interest.

10.2.8.4 Concession Management Personnel Qualifications

To effectively carry out the concession management program, managers and supervisors will make every effort to ensure that personnel selected for positions meet the essential competencies established for the position being filled. When concession management personnel lack the full complement of essential competencies or require refresher training for their position, managers and supervisors will ensure that those employees are trained

and certified as competent. All personnel vacancy announcements issued for concession management must include program competencies.

10.3 Commercial Use Authorizations

Commercial use authorizations (CUAs)—which are distinguished from concession contracts—may be issued pursuant to section 418 of the National Park Service Concessions Management Improvement Act of 1998 (16 USC 5951—5966). As the statute is quite prescriptive, it should be carefully considered in addition to the policies contained in this section. A more detailed discussion of commercial use authorizations will be included at a later date in implementing regulations and in Director's Order #48B: Commercial Use Authorizations.

10.3.1 General

Commercial use authorizations may be issued only to authorize services that (1) are determined to be an appropriate use of the park, (2) will have minimal impact on park resources and values, and (3) are consistent with the purpose for which the unit was established, as well as all applicable management plans and park policies and regulations.

10.3.2 Requirements

By law, a CUA must provide for

- payment of a reasonable fee, such fees to be used, at a minimum, to recover associated management and administrative costs,
- provision of services in a manner consistent to the highest practicable degree with the preservation and conservation of park resources and values, and
- limitation of liability of the Federal government arising from the commercial use authorization.

No park may issue commercial use authorizations in a quantity inconsistent with the preservation and proper management of park resources and values. Each park issuing commercial use authorizations will ensure that they contain provisions for the protection of visitors and the resources and values of the park.

10.3.3 Limitations

By law, commercial use authorizations may be issued only for

- commercial operations with annual gross receipts of not more than $25,000 resulting from services originating and provided solely within a unit of the national park system pursuant to such authorization,
- the incidental use of resources of the unit by commercial operations that provide services originating and terminating outside of the boundaries of the unit, or
- such uses by organized children's camps, outdoor clubs, nonprofit institutions (including backcountry use), and such other uses as the Secretary of the Interior deems appropriate.

Nonprofits will be required to obtain commercial use authorizations only when they generate taxable income from the authorized use.

10.3.4 Construction Prohibition

By law, under no circumstances will a commercial use authorization provide for or allow construction of any structure, fixture, or improvement on federally owned land within any unit of the national park system.

10.3.5 Duration

By law, the maximum term for any commercial use authorization is two years in length. No rights of renewal are associated with commercial use authorizations.

10.3.6 Other Contracts

Holding or seeking to obtain a commercial use authorization does not preclude a person, corporation, or other entity from submitting proposals for concessions contracts.

Glossary

Accessibility—individuals with disabilities are able to reach, use, understand or appreciate NPS programs, facilities and services, or those individuals have the same benefits available to persons without disabilities. See also, "universal design."

Accession— a transaction whereby a museum object or specimen is acquired for a museum collection. Accessions include gifts, exchanges, purchases, field collections, loans, and transfers.

Adaptive management—[is a decision process that] promotes flexible decision-making that can be adjusted in the face of uncertainties as outcomes from management actions and other events become better understood. Careful monitoring of these outcomes both advances scientific understanding and helps adjust policies or operations as part of an iterative learning process. Adaptive management also recognizes the importance of natural variability in contributing to ecological resilience and productivity. It is not a "trial and error" process, but rather emphasizes learning while doing. Adaptive management does not represent an end in itself, but rather a means to more effective decisions and enhanced benefits. Its true measure is how well it helps meet environmental, social, and economic goals, increases scientific knowledge, and reduces tensions among stakeholders. *(Source: National Research Council)*

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

Appropriate use— see "Terms and Concepts" in the Introduction.

Archeological resource— any material remains or physical evidence of past human life or activities that 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.

Backcountry— refers to primitive, undeveloped portions of parks, some of which may be categorized as "wilderness."

Best available technology – the use of the latest technology that will result in fewer impacts at the same level of use.

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

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.

Civic Engagement – is a continuous, dynamic conversation with the public on many levels that reinforces the commitment of both NPS and the public to the preservation of heritage resources, both cultural and natural, and strengthens public understanding of the full meaning and contemporary relevance of these resources.

Commemorative work— any statue, monument, sculpture, plaque, memorial, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate the memory of a person, group, event, or other significant element of history.

Conserve (and Preserve and Protect)—see "Terms and Concepts" within the Introduction.

Consultation— a discussion, conference, or forum in which advice or information is sought or given, or information or ideas are exchanged. Consultation generally takes place on an informal basis; formal consultation requirements for compliance with section 106 of NHPA are published in 36 CFR Part 800.

Cooperating associations— private, nonprofit corporations established under state law which support the educational, scientific, historical, and interpretive activities of the NPS in a variety of ways, pursuant to formal agreements with the Service.

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.

Cultural landscape— a geographic area, including 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.

Cultural resource— an aspect of a cultural system that is valued by or significantly representative of a culture, or that contains significant information about a culture. A cultural resource may be a tangible entity or a cultural practice. Tangible cultural resources are categorized as districts, sites, buildings, structures, and objects for the National Register of Historic Places, and as archeological resources, cultural landscapes, structures, museum objects, and ethnographic resources for NPS management purposes.

Defensible space— the space needed for firefighters to adequately defend structures from oncoming wildland fires, or to stop a structural fire before it ignites wildland vegetation. Defensible space describes the desired result of planning, siting, landscaping and constructing developed facilities in a way that minimizes their vulnerability to wildfire threats and maximizes their protection against wildfire hazards.

Derogation— see "impairment."

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.

Directives system— policy guidance system established by Director's Order #1 in 1996. The system replaces and updates guidance documents formerly known as NPS Guidelines, Special Directives, and Staff Directives. The system consists of 3 levels:

> **Level 1— NPS Management Policies**— first overview level of the Directives system.
>
> **Level 2— Director's Orders**— operational policies and procedures that supplement Level 1.
>
> **Level 3—** Reference Manuals and other detailed guidance on how to implement Service-wide policies and procedures.

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

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

Environmental impact statement— a detailed NEPA analysis document prepared, with extensive public involvement, when a proposed action or alternatives have the potential for significant impact on the human environment.

Environmental leadership— advocating, on a personal and organizational level, cooperative conservation, best management practices, best available technology, adaptive management, and the principles of sustainability, and making decisions that demonstrate a commitment to those practices and principles.

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.

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

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.

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.

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.

Impact— the likely effects of an action or proposed action upon specific natural, cultural, or socioeconomic resources. Impacts may be direct, indirect, individual, cumulative, beneficial, or adverse. (Also see **Unacceptable impacts** in "Terms and Concepts" within the Introduction.)

Impairment—see "Terms and Concepts" in the Introduction.

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.

Integrated pest management— a decision-making process that coordinates knowledge of pest biology, the environment, and available technology to prevent unacceptable levels of pest damage, by cost- effective means, while posing the least possible hazard to people, resources, and the environment.

Leave-no-trace (LNT)— principles and practices that emphasize the ethic of leaving a place free and clear of the residual evidence of human presence; applied to all forms of recreation management within wilderness or backcountry areas.

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.

Lightscape management (natural ambient)— the effective use of good design to appropriately light areas and minimize or eliminate light clutter, the spill over of light into areas where light is not wanted and light pollution, all of which wastes energy, and impacts park visitors, neighbors and resources.

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.

Mission-critical— something that is essential to the accomplishment of an organization's core responsibilities.

Mitigation— a modification of a proposal to lessen the intensity of its impact on a particular resource.

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

Native Americans— includes American Indians, Alaska Natives, native peoples of the Caribbean, native Hawaiians, and other native Pacific islanders.

NEPA process— the objective analysis of a proposed action to determine the degree of its impact on the natural, physical, and human environment; alternatives and mitigation that reduce that impact; and the full and candid presentation of the analysis to, and involvement of, the interested and affected public – as required of federal agencies by the National Environmental Policy Act of 1969.

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."

Preserve (and Conserve and Protect)—see "Terms and Concepts" in the Introduction.

Professional Judgment—One of the major responsibilities of park superintendents is to make decisions that affect the future of the parks they manage. Some of these decisions, and those made by other managers at the park, regional, and national level, have the potential for major and long-term consequences. These Management Policies are intended to help shape those decisions, promote a degree of consistency in the decision-making process, and help to ensure the long-term protection of each park's integrity. However, in virtually all situations, the quality of the decisions that are made will depend largely on the professional judgment of the decision-maker. That is why these Management Policies frequently refer to management decisions being based on the "professional judgment" of NPS managers. For the purposes of these Management Policies, professional judgment means a decision or opinion that is shaped by study and analysis and full consideration of all the relevant facts, and taking into account

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

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

Record of decision (ROD)— the document which is prepared to substantiate a decision based on an analysis of a range alternatives (e.g., an EIS). When applicable, it includes a detailed discussion of rationale and reasons for choosing a particular alternative or not adopting all mitigation measures analyzed.

Sacred sites— certain natural and cultural resources treated by Native Americans as sacred places having established religious meaning, and as locales of private ceremonial activities.

Scholarship—knowledge resulting from study and research in a particular field, or the mastery of a particular area of learning reflected in a scholar's work. A scholar is a learned person; someone who by long study has gained mastery in one or more disciplines and practices, and whose mastery is recognized by a peer group.

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.

Stewardship— the cultural and natural resource protection ethic of employing the most effective concepts, techniques, equipment, and technology to prevent, avoid, or mitigate impacts that would compromise the integrity of park resources.

Strategic plan— a Service-wide, 5-year plan required by GPRA (5 USC 306) in which the NPS states (1) how it plans to accomplish its mission during that time, and (2) the value it expects to produce for the tax dollars expended. Similarly, each park, program, or central office has its own strategic plan, which considers the Service-wide mission plus its own particular mission. Strategic plans serve as "performance agreements" with the American people.

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

Sustainable design— design that applies the principles of ecology, economics, and ethics to the business of creating necessary and appropriate places for people to visit, live, and work. Development that has a sustainable design, sits lightly upon the land, demonstrates resource efficiency, and promotes ecological restoration and integrity, thus improving the environment, the economy, and society.

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

Traditional— pertains to recognizable, but not necessarily identical, cultural patterns transmitted by a group across at least two generations. Also applies to sites, structures, objects, landscapes, and natural resources associated with those patterns. Popular synonyms include "ancestral" and "customary."

Traditionally associated peoples—. For purposes of these Management Policies, social/ cultural entities such as tribes, communities, and kinship units, as well as park neighbors, traditional residents, and former residents who remain attached to a park area despite having relocated, are "traditionally associated" with a particular park when (1) the entity regards park resources as essential to its development and continued identity as a culturally distinct people; (2) the association has endured for at least two generations (40 years); and (3) the association began prior to establishment of the park.

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

Tread Lightly ®-- a private, nonprofit organization that promotes responsible outdoor use to help recreationists minimize their impact on the environment, with a core focus on the ethical use of motorized and mechanized vehicles on both land and water.

Unacceptable impacts—see "Terms and Concepts" in the Introduction.

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

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

Visitor— anyone who visits a park.

Visitor Experience and Resource Protection (VERP) framework— a visitor carrying capacity planning process applied to determine the desired resource and visitor experience conditions, and used as an aid to decision-making.

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

Wilderness (area)— federal land that has been designated by Congress as a component of the national wilderness preservation system. For the purpose of applying these policies, "wilderness" includes the categories of proposed, recommended, and designated wilderness. Potential wilderness may be a subset of any of these five categories.