

Appendix A. Study Authorization

(113 STAT. 1501A PUBLIC LAW 106-113-APPENDIX C)

SEC. 326. (a) SHORT TITLE.—This section may be cited as the “National Park Service Studies Act of 1999”.

(b) AUTHORIZATION OF STUDIES.—

(1) IN GENERAL.—The Secretary of the Interior (“the Secretary”) shall conduct studies of the geographical areas and historic and cultural themes described in subsection (b)(3) to determine the appropriateness of including such areas or themes in the National Park System.

(2) CRITERIA.—In conducting the studies authorized by this Act, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System in accordance with section 8 of Public Law 91-383, as amended by section 303 of the National Parks Omnibus Management Act (Public Law 105-391; 112 Stat. 3501).

(3) STUDY AREAS.—The Secretary shall conduct studies of the following:

- (A) Anderson Cottage, Washington, District of Columbia.
- (B) Bioluminescent Bay, Puerto Rico.
- (C) Civil Rights Sites, multi-State.
- (D) Crossroads of the American Revolution, Central New Jersey.
- (E) Fort Hunter Liggett, California.
- (F) Fort King, Florida.
- (G) Gaviota Coast Seashore, California.
- (H) Kate Mullany House, New York.
- (I) Loess Hills, Iowa.
- (J) Low Country Gullah Culture, multi-State.
- (K) Nan Madol, State of Ponape, Federated States of Micronesia (upon the request of the Government of the Federated States of Micronesia).
- (L) Walden Pond and Woods, Massachusetts.
- (M) World War II Sites, Commonwealth of the Northern Marianas.
- (N) World War II Sites, Republic of Palau (upon the request of the Government of the Republic of Palau).

(c) REPORTS.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report on the findings, conclusions, and recommendations of each study under subsection (b) within three fiscal years following the date on which funds are first made available for each study.

Appendix B. New Area Studies Act

(112 STAT. 3501 PUBLIC LAW 105-391-NOV. 13, 1998)

TITLE III—STUDY REGARDING ADDITION OF NEW NATIONAL PARK SYSTEM AREAS

SEC. 301. SHORT TITLE.

This title may be cited as the “National Park System New Areas Studies Act”.

SEC. 302. PURPOSE.

It is the purpose of this title to reform the process by which areas are considered for addition to the National Park System.

SEC. 303. STUDY OF ADDITION OF NEW NATIONAL PARK SYSTEM AREAS.

Section 8 of Public Law 91-383 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a-5) is amended as follows:

(1) By inserting “GENERAL AUTHORITY.—” after “(a)”.

(2) By striking the second through the sixth sentences of subsection (a).

(3) By redesignating the last two sentences of subsection (a) as subsection (f) and inserting in the first of such sentences before the words “For the purposes of carrying” the following: “(f) AUTHORIZATION OF APPROPRIATIONS.—”.

(4) By inserting the following after subsection (a):

“(b) STUDIES OF AREAS FOR POTENTIAL ADDITION.—(1) At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas recommended for study for potential inclusion in the National Park System.

“(2) In developing the list to be submitted under this subsection, the Secretary shall consider—

“(A) those areas that have the greatest potential to meet the established criteria of national significance, suitability, and feasibility;

“(B) themes, sites, and resources not already adequately represented in the National Park System; and

“(C) public petition and Congressional resolutions.

“(3) No study of the potential of an area for inclusion in the National Park System may be initiated after the date of enactment of this subsection, except as provided by specific authorization of an Act of Congress.

“(4) Nothing in this Act shall limit the authority of the National Park Service to conduct preliminary resource assessments, gather data on potential study areas, provide technical and planning assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance surveys of individual areas requiring a total expenditure of less than \$25,000.

“(5) Nothing in this section shall be construed to apply to or to affect or alter the study of any river segment for potential addition to the national wild and scenic rivers system or to apply to or to affect or alter the study of any trail for potential addition

to the national trails system.

“(c) REPORT.—(1) The Secretary shall complete the study for each area for potential inclusion in the National Park System within 3 complete fiscal years following the date on which funds are first made available for such purposes. Each study under this section shall be prepared with appropriate opportunity for public involvement, including at least one public meeting in the vicinity of the area under study, and after reasonable efforts to notify potentially affected landowners and State and local governments.

“(2) In conducting the study, the Secretary shall consider whether the area under study—

“(A) possesses nationally significant natural or cultural resources and represents one of the most important examples of a particular resource type in the country; and

“(B) is a suitable and feasible addition to the system.

“(3) Each study—

“(A) shall consider the following factors with regard to the area being studied—

“(i) the rarity and integrity of the resources;

“(ii) the threats to those resources;

“(iii) similar resources are already protected in the National Park System or in other public or private ownership;

“(iv) the public use potential;

“(v) the interpretive and educational potential;

“(vi) costs associated with acquisition, development and operation;

“(vii) the socioeconomic impacts of any designation;

“(viii) the level of local and general public support;

and

“(ix) whether the area is of appropriate configuration to ensure long-term resource protection and visitor use;

“(B) shall consider whether direct National Park Service management or alternative protection by other public agencies or the private sector is appropriate for the area;

“(C) shall identify what alternative or combination of alternatives would in the professional judgment of the Director of the National Park Service be most effective and efficient in protecting significant resources and providing for public enjoyment; and

“(D) may include any other information which the Secretary deems to be relevant.

“(4) Each study shall be completed in compliance with the National Environmental Policy Act of 1969.

“(5) The letter transmitting each completed study to Congress shall contain a recommendation regarding the Secretary’s preferred management option for the area.

“(d) NEW AREA STUDY OFFICE.—The Secretary shall designate a single office to be assigned to prepare all new area studies and to implement other functions of this section.

“(e) LIST OF AREAS.—At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a list of areas which have been previously studied which contain primarily historical resources, and a list of areas which

have been previously studied which contain primarily natural resources, in numerical order of priority for addition to the National Park System. In developing the lists, the Secretary should consider threats to resource values, cost escalation factors, and other factors listed in subsection (c) of this section. The Secretary should only include on the lists areas for which the supporting data is current and accurate.”.

(5) By adding at the end of subsection (f) (as designated by paragraph (3) of this section) the following: “For carrying out subsections (b) through (d) there are authorized to be appropriated \$2,000,000 for each fiscal year.”

Appendix C. NPS Management Policies, 2001 (Sections 1.2 and 1.3)

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 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 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— repositories of outstanding recreation 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 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 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 process contained in 36 CFR 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 protected 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 protected 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 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 protection 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 at a reasonable cost.

In evaluating feasibility, the Service considers a variety of factors, such as: size; boundary configurations; current and potential uses of the study area and surrounding lands; land ownership patterns; 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 funding and personnel.

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 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 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. Either of these two alternatives would recognize an area’s importance to the nation without requiring or implying management by the National Park Service.

Appendix D. National Historic Landmark Criteria

(36 CFR, Sec. 65.4)

The criteria applied to evaluate properties for possible designation as National Historic Landmarks or possible determination of eligibility for National Historic Landmark designation are listed below. These criteria shall be used by NPS in the preparation, review and evaluation of National Historic Landmark studies. They shall be used by the Advisory Board in reviewing National Historic Landmark studies and preparing recommendations to the Secretary. Properties shall be designated National Historic Landmarks only if they are nationally significant. Although assessments of national significance should reflect both public perceptions and professional judgments, the evaluations of properties being considered for landmark designation are undertaken by professionals, including historians, architectural historians, archeologists and anthropologists familiar with the broad range of the nation's resources and historical themes. The criteria applied by these specialists to potential landmarks do not define significance nor set a rigid standard for quality. Rather, the criteria establish the qualitative framework in which a comparative professional analysis of national significance can occur. The final decision on whether a property possesses national significance is made by the Secretary on the basis of documentation including the comments and recommendations of the public who participate in the designation process.

- (a) Specific Criteria of National Significance: The quality of national significance is ascribed to districts, sites, buildings, structures and objects that possess exceptional value or quality in illustrating or interpreting the heritage of the United States in history, architecture, archeology, engineering and culture and that possess a high degree of integrity of location, design, setting, materials, workmanship, feeling and association, and:
- (1) That are associated with events that have made a significant contribution to, and are identified with, or that outstandingly represent, the broad national patterns of United States history and from which an understanding and appreciation of those patterns may be gained; or
 - (2) That are associated importantly with the lives of persons nationally significant in the history of the United States; or
 - (3) That represent some great idea or ideal of the

American people; or

- (4) That embody the distinguishing characteristics of an architectural type specimen exceptionally valuable for a study of a period, style or method of construction, or that represent a significant, distinctive and exceptional entity whose components may lack individual distinction; or
 - (5) That are composed of integral parts of the environment not sufficiently significant by reason of historical association or artistic merit to warrant individual recognition but collectively compose an entity of exceptional historical or artistic significance, or outstandingly commemorate or illustrate a way of life or culture; or
 - (6) That have yielded or may be likely to yield information of major scientific importance by revealing new cultures, or by shedding light upon periods of occupation over large areas of the United States. Such sites are those which have yielded, or which may reasonably be expected to yield, data affecting theories, concepts and ideas to a major degree.
- (b) Ordinarily, cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings and properties that have achieved significance within the past 50 years are not eligible for designation. Such properties, however, will qualify if they fall within the following categories:
- (1) A religious property deriving its primary national significance from architectural or artistic distinction or historical importance; or
 - (2) A building or structure removed from its original location but which is nationally significant primarily for its architectural merit, or for association with persons or events of transcendent importance in the nation's history and the association consequential; or
 - (3) A site of a building or structure no longer standing but the person or event associated

with it is of transcendent importance in the nation's history and the association consequential; or

- (4) A birthplace, grave or burial if it is of a historical figure of transcendent national significance and no other appropriate site, building or structure directly associated with the productive life of that person exists; or
- (5) A cemetery that derives its primary national significance from graves of persons of transcendent importance, or from an exceptionally distinctive design or from an exceptionally significant event; or
- (6) A reconstructed building or ensemble of buildings of extraordinary national significance when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other buildings or structures with the same association have survived; or
- (7) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own national historical significance; or
- (8) A property achieving national significance within the past 50 years if it is of extraordinary national importance.