

## Appendix A: Summary of Laws, Policies, and Guidance

In addition to the legislation directing the formation and function of the National Park System, there are several other pieces of legislation intended not only to protect the natural resources within national parks and other federal lands, but also to address concerns about environmental conditions in the United States. Many of these federal laws also require natural resource monitoring within national park units. As NPS units are among the most secure areas for numerous threatened, endangered or otherwise compromised natural resources in the country, the particular guidance offered by federal environmental legislation and policy is an important component to the development and administration of a natural resource inventory and monitoring system in the National Parks.

The following legislation, policy and executive guidance all have an important and direct bearing on the development and implementation of natural resource monitoring in the National Parks.

**Table A1. Summary of federal legislation and policy related to Inventory and Monitoring**

PUBLIC LAWS	SIGNIFICANCE TO INVENTORY AND MONITORING
<p><b>National Park Service Organic Act (16 USC 1 et seq. [1988], Aug. 25, 1916).</b></p>	<p>The 1916 National Park Service Organic Act is the core of park service authority and the definitive statement of the purposes of the parks and of the National Park Service mission. The act establishes the purpose of national parks: “... 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.”</p>
<p><b>General Authorities Act of 1970 (16 USC 1a-1—1a-8 (1988), 84 Stat. 825, Pub. L. 91-383</b></p>	<p>The General Authorities Act amends the Organic Act to unite individual parks into the ‘National Park System’. The act states that areas of the National Park System, “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 superb 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...”</p>
<p><b>National Parks Omnibus Management Act, 1998 (P.L. 105-391)</b></p>	<p>Requires the Secretary of the Interior to continually improve NPS’ ability to provide state-of-the-art management, protection, and research on NPS resources. Section 5939 states that the purpose of this legislation is to:</p> <ol style="list-style-type: none"> <li>(1) Enhance management and protection of national park resources by providing clear authority and direction for the conduct of scientific study in the National Park System and to use the information gathered for management purposes;</li> <li>(2) Ensure appropriate documentation of resource conditions in the National Park System;</li> <li>(3) Encourage others to use the National Park System for study to the benefit of park management as well as broader scientific value; and</li> <li>(4) Encourage the publication and dissemination of information derived from studies in the NPS.</li> </ol>
<p><b>National Historic Preservation Act of 1966, as amended (16 USC 470 et seq.)</b></p>	<p>The NHPA mandate includes preserving ‘the historical and cultural foundations of the Nation’ and preserving irreplaceable examples important to our national heritage to maintain ‘cultural, educational, aesthetic, inspirational, economic, and energy benefits.’ NHPA established the National Register of Historic Places composed of places and objects ‘significant in American history, architecture, archeology, engineering, and culture.’ NHPA requires federal agencies to account for effects of actions on historic (state and federal) properties.</p>
<p><b>National Environmental Policy Act of 1969 (42 USC 4321-4370)</b></p>	<p>The purposes of NEPA include encouraging ‘harmony between [humans] and their environment and promoting efforts which will prevent or eliminate damage to the environment... and stimulate the health and welfare of [humanity].’ NEPA requires a systematic analysis of major federal actions that includes a consideration of all reasonable alternatives as well as an analysis of short-term and long-term, irretrievable, irreversible, and unavoidable impacts. Within NEPA the environment includes natural, historical, cultural, and human dimensions. Within the NPS emphasis is on minimizing negative impacts and preventing “impairment” of park resources as described and interpreted in the NPS Organic Act. The results of evaluations conducted under NEPA are presented to the public, federal agencies, and public officials in document format (e.g. EAs and EISs) for consideration prior to taking official action or making official decisions.</p>

<b>PUBLIC LAWS</b>	<b>SIGNIFICANCE TO INVENTORY AND MONITORING</b>
<b>Clean Water Act (33 USC 1251-1376)</b>	The Clean Water Act, passed in 1972 as amendments to the Federal Water Pollution Control Act, and significantly amended in 1977 and 1987, was designed to restore and maintain the integrity of the nation's water. It furthers the objectives of restoring and maintaining the chemical, physical and biological integrity of the nation's waters and of eliminating the discharge of pollutants into navigable waters by 1985. It also establishes effluent limitation for new and existing industrial discharge into U.S. waters, provides an enforcement procedure for water pollution abatement, and requires conformance to a permit required under S404 for actions that may result in discharge of dredged or fill material into a tributary, wetland, or associated water source for a navigable river.
<b>Clean Air Act (42 USC 7401-7671q, as amended in 1990)</b>	Establishes a nationwide program for the prevention and control of air pollution and establishes National Ambient Air Quality Standards. Under the Prevention of Significant Deterioration provisions, the act requires federal officials responsible for the management of Class I Areas (some national parks and wilderness areas) to protect the air quality related values of each area and to consult with permitting authorities regarding possible adverse impacts from new or modified emitting facilities. The act establishes specific programs that provide special protection for air resources and air quality related values associated with NPS units. The EPA has been charged with implementing this act.
<b>Endangered Species Act of 1973, as amended (ESA) (16 USC 1531-1544)</b>	The purposes of the ESA include providing "a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved. According to the ESA 'all federal departments and agencies shall seek to conserve endangered species and threatened species ' and '[e]ach federal agency shall...insure that any action authorized, funded, or carried out by such agency...is not likely to jeopardize the continued existence of any endangered species or threatened species.' The effects of any agency action that may affect endangered, threatened, or proposed species must be evaluated in consultation with either the USFWS (non-marine species) or the National Marine Fisheries Service (all marine species) as appropriate.
<b>Wilderness Act of 1964 (16 USC 1131 et seq.)</b>	Establishes the National Wilderness Preservation System. Wilderness Areas designated by Congress are made of existing federal lands that have retained a wilderness character and meet the criteria found in the act. Federal officials are required to manage Wilderness Areas in a manner conducive to retention of their wilderness character and must consider the effect upon wilderness attributes from management activities on adjacent lands.
<b>Federal Advisory Committee Act</b>	Creates a formal process for federal agencies to seek advice and assistance from citizens. Any council, panel, conference, task force or similar group used by federal officials to obtain consensus advice or recommendations on issues or policies fall under the purview of FACA.
<b>Government Performance and Results Act (GPRA)</b>	Requires the NPS to set goals (strategic and annual performance plans) and report results (annual performance reports). The NPS Strategic Plan contains four GPRA goal categories: park resources, park visitors, external partnership programs, and organizational effectiveness all focused on measurable outcomes.
<b>Other Related Public Laws &amp; Executive Orders</b>	Redwood National Park Act (16 USC 79a-79q (1988), 82 Stat. 931, Pub. L. 90-545; Environmental Quality Improvement Act of 1970 (42 U.S.C. 56 § 4371); Off-Road Vehicle Use (Executive Orders 11644 and 11989); Floodplain Management (Executive Order 11988); Protection of Wetlands (Executive Order 11990); and Executive Order 13112 on Invasive Species

NPS POLICIES AND GUIDANCE	SIGNIFICANCE TO INVENTORY AND MONITORING
<b>NPS Management Policies – 2001 (NPS Directives System)</b>	This is the basic NPS service wide policy document. The Directives System is designed to provide NPS management and staffs 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.
<b>NPS Directors Orders</b>	Directors Orders serve a vehicle to clarify or supplement <i>Management Policies</i> to meet the needs of NPS managers. Relevant Directors Orders: DO-2.1 Resource Management Planning DO-12 Environmental Impact Assessment DO-14 Resource Damage Assessment & Restoration DO-24 Museum Collections Management DO-41 Wilderness Preservation & Management DO-47 Sound Preservation & Noise Management DO-77 Natural Resource Protection
<b>NPS Handbooks and Reference Manuals</b>	These documents are issued by Associate Directors and 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 <i>Management Policies</i> 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. Relevant Handbooks and Reference Manuals: NPS-75 Natural Resources Inventory & Monitoring NPS-77 Natural Resources Management Guidelines NPS Guide to Fed. Advisory Committee Act Website: Monitoring Natural Resources in our National Parks, <a href="http://science.nature.nps.gov/im/monitor/index.cfm">http://science.nature.nps.gov/im/monitor/index.cfm</a>

**Table A2. SCPN Park Units' enabling legislation and significance to Inventory and Monitoring Program**

SCP Park Unit	Enabling Legislation*	Significance to Inventory and Monitoring
AZRU	Presidential Proclamation 1650 (42 Stat. 2295, appended)	In recognition of a "ruin of great antiquity and historical interest," President Warren G. Harding established the national monument "with a view to the preservation of said ruin for the enlightenment and culture of the Nation."
BAND	Presidential Proclamation 1322 (39 Stat. 1764)	". . .certain prehistoric aboriginal ruins... are of unusual ethnologic, scientific, and educational interest, and it appears that the public interests would be promoted by reserving these relics of a vanished people, with as much land as may be necessary for the proper protection thereof. . ."
CACH	Presidential Proclamation 1945 (35 Stat. 2119)	"To care for, maintain, preserve, and restore the prehistoric ruins, or other features of scientific or historical interest within the area."
CHCU	Presidential Proclamation 740 (35 Stat.2119)	". . . the extensive prehistoric communal or pueblo ruins . . . are of extraordinary interest because of their number and their great size and because of the innumerable and valuable relics of a prehistoric people which they contain, and it appears that the public good would be promoted by preserving these prehistoric remains as a National Monument with as much land as may be necessary for the proper protection thereof."
ELMA	Public Law 100-225	" In order to preserve for the benefit and enjoyment of present and future generations, that area in western New Mexico containing the nationally significant Grants lava flow, the Las Ventanas (Candelaria) Chacoan Outlier Archaeological Site, and other significant natural and cultural resources, there is hereby established the El Malpaís National Monument. . ."
ELMO	Presidential Proclamation 695 (34 Stat. 3264)	To protect "...the rocks known as El Morro and Inscription Rock in the Territory of New Mexico . . . which are of the greatest historical value . . ."
GLCA	Public Law 92-593 (86 Stat. 1311)	To ". . .provide for public outdoor recreation use and enjoyment of Lake Powell and lands adjacent thereto in the states of Arizona and Utah and to preserve the scenic, scientific, and historic features contributing to public enjoyment of the area. . ."
GRCA	40 Stat. 1175	Grand Canyon National Park was first set aside as a "Public park for the benefit and enjoyment of the people"
HUTR	Public Law 89-148	The national historic site was set aside "...to preserve and protect the post and its environs for the benefit and enjoyment of the public..."
MEVE	34 Stat. 616	The designation of the park "...shall provide specifically for the preservation from injury or spoliation of the ruins and other works and relics or primitive man within said park."
NAVA	Presidential Proclamation 873 (36 Stat. 3266)	"Whereas, a number of prehistoric cliff dwelling and pueblo ruins, situated within the Navajo Indian Reservation, Arizona, and which are new to science and wholly unexplored, and because of their isolation and size are of the very greatest ethnological, scientific, and educational interest, and it appears the public interest would be promoted by reserving these extraordinary ruins of an unknown people, with as much land as may be necessary for the proper protection thereof. . ."
PEFO	Presidential Proclamation 697 (34 Stat. 3266)	"And, whereas, the mineralized remains of Mesozoic forests, commonly known as the 'Petrified Forest' ...are among the greatest of scientific interest and value and it appears that the public good would be promoted by preserving these deposits...with as much land as may be necessary for proper protection thereof."

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SCPN Park Unit	Enabling Legislation*	Significance to Inventory and Monitoring
PETR	Public Law 101-313	"In order to preserve, for the benefit and enjoyment of present and future generations, that area in New Mexico containing the nationally... significant natural and cultural resources, and to facilitate research activities associated with the resources, there is hereby established the Petroglyph National Monument ...as a unit of the National Park System."
RABR	Presidential Proclamation 1043 (36 Stat. 225)	"Whereas, an extraordinary natural bridge, having an arch which is in form and appearance much like a rainbow...it appears that the public interest would be promoted by reserving this bridge...together with as much land as may be needed for its protection."
SAPU	Public Law 96-550	The Monument was established to "... set apart and preserve for the benefit and enjoyment of the American people the ruins of prehistoric Indian pueblos and associated seventeenth century Franciscan Spanish mission ruins. . ."
SUCR	Presidential Proclamation 1911 (46 Stat. 3023)	" Whereas, certain geologic formation on lands of the United States within Coconino National Forest...are of scientific and public interest, and whereas proper protection of such formations appear desirable...the national monument hereby established shall be the dominant reservation, and any use of the land which interferes with its preservation or protection as a national monument is hereby forbidden."
WACA	Presidential Proclamation 1318 (39 Stat. 1761)	"Whereas, certain prehistoric ruins of ancient cliff dwellings situated upon public lands of the United States, and located in what is commonly known as Walnut Canyon . . . are of great ethnologic, scientific, and educational interest, . . . it appears that the public interests would be promoted by reserving those relics of a vanished people . . ."
WUPA	Presidential Proclamation 1721 (43 Stat 1977)	Wupatki National Monument was set aside because of its "...two groups of prehistoric ruins" and "... the public interest would be promoted by reserving these prehistoric ruins...with as much land as may be necessary for proper protection thereof."
YUHO	Presidential Proclamation 1549 (41 Stat. 1781)	This monument was established "...with a view to the preservation of said ruin and preservation deemed to be in the public interest."

\* Legislation included in the table are those that authorized the original establishment of land reservation, along with their particular and original relevance to the I&M program. Subsequent changes in boundaries or status (i.e., from national historic monument to national historic park) are not considered here.