

TITLE 16 - CONSERVATION**CHAPTER 1 - NATIONAL PARKS, MILITARY PARKS, MONUMENTS, AND SEASHORES****SUBCHAPTER I - NATIONAL PARK SERVICE****§ 1a–5. Additional areas for National Park System****(a) General authority**

The Secretary of the Interior is directed to investigate, study, and continually monitor the welfare of areas whose resources exhibit qualities of national significance and which may have potential for inclusion in the National Park System. Accompanying the annual listing of areas shall be a synopsis, for each report previously submitted, of the current and changed condition of the resource integrity of the area and other relevant factors, compiled as a result of continual periodic monitoring and embracing the period since the previous such submission or initial report submission one year earlier. The Secretary is also directed to transmit annually to the Speaker of the House of Representatives and to the President of the Senate, at the beginning of each fiscal year, a complete and current list of all areas included on the Registry of Natural Landmarks and those areas of national significance listed on the National Register of Historic places which areas exhibit known or anticipated damage or threats to the integrity of their resources, along with notations as to the nature and severity of such damage or threats. Each report and annual listing shall be printed as a House document: Provided, That should adequate supplies of previously printed identical reports remain available, newly submitted identical reports shall be omitted from printing upon the receipt by the Speaker of the United States House of Representatives of a joint letter from the chairman of the Committee on Natural Resources of the United States House of Representatives and the chairman of the Committee on Energy and Natural Resources of the United States Senate indicating such to be the case.

(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 November 13, 1998, 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 [42 U.S.C. 4321 et seq.].
- (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.

(f) Authorization of appropriations

For the purposes of carrying out the studies for potential new Park System units and for monitoring the welfare of those resources, there are authorized to be appropriated annually not to exceed \$1,000,000. For the purposes of monitoring the welfare and integrity of the national landmarks, there are authorized to be appropriated annually not to exceed \$1,500,000. For carrying out subsections (b) through (d) of this section there are authorized to be appropriated \$2,000,000 for each fiscal year.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

(Pub. L. 91–383, § 8, as added Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1940; amended Pub. L. 95–625, title VI, § 604(1), Nov. 10, 1978, 92 Stat. 3518; Pub. L. 96–199, title I, § 104, Mar. 5, 1980, 94 Stat. 68; Pub. L. 96–344, § 8, Sept. 8, 1980, 94 Stat. 1135; Pub. L. 103–437, § 6(b), Nov. 2, 1994, 108 Stat. 4583; Pub. L. 104–333, div. I, title VIII, § 814(d)(1)(I), Nov. 12, 1996, 110 Stat. 4196; Pub. L. 105–391, title III, § 303, Nov. 13, 1998, 112 Stat. 3501.)

References in Text

This Act, referred to in subsec. (b)(4), means Pub. L. 91–383, Aug. 18, 1970, 84 Stat. 825, as amended, known as the “National Park System General Authorities Act”. As originally enacted, Pub. L. 91–383 contained sections 1 to 4, the first 3 of which enacted sections 1a–1 and 1a–2 and amended sections 1b and 1c of this title. Pub. L. 94–458 amended Pub. L. 91–383 by adding sections 5 to 12, which enacted sections 1a–3 to 1a–7, amended sections 17j, 460n–5, 463, 470a, and 559, and repealed sections 10, 10a, 17b–1, and 415 of this title. Pub. L. 103–322 amended Pub. L. 91–383 by adding section 13, which enacted section 1a–7a of this title. For complete classification of this Act to the Code, see Short Title of 1970 Amendment note set out under section 1 of this title and Tables.

The National Environmental Policy Act of 1969, referred to in subsec. (c)(4), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

Amendments

1998—Subsec. (a). Pub. L. 105–391, § 303(1), (2), inserted heading and struck out after first sentence “At the beginning of each fiscal year, the Secretary shall transmit to the Speaker of the House of Representatives and to the President of the Senate, comprehensive reports on each of those areas upon which studies have been completed. Each such report shall indicate and elaborate on the theme(s) which the area represents as indicated in the National Park System Plan. On this same date, and accompanying such reports, the Secretary shall transmit a listing, in generally descending order of importance or merit, of not less than twelve such areas which appear to be of national significance and which may have potential for inclusion in the National Park System. Threats to resource values, and cost escalation factors shall be considered in listing the order of importance or merit. Such listing may be comprised of any areas heretofore submitted under terms of this section, and which at the time of listing are not included in the National Park System.”

Pub. L. 105–391, § 303(3), redesignated last two sentences as subsec. (f).

Subsecs. (b) to (e). Pub. L. 105–391, § 303(4), added subsecs. (b) to (e).

Subsec. (f). Pub. L. 105–391, § 303(3), (5), redesignated last two sentences of subsec. (a) as (f), inserted heading, and inserted at end “For carrying out subsections (b) through (d) of this section there are authorized to be appropriated \$2,000,000 for each fiscal year.”

1996—Subsec. (b). Pub. L. 104–333 struck out subsec. (b) which read as follows: “The Secretary shall submit to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a comprehensive, ‘National Park System Plan’, which document shall constitute a professional guide for the identification of natural and historic themes of the United States, and from which candidate areas can be identified and selected to constitute units of the National Park System. Such plan shall be revised and updated annually.”

1994—Subsec. (a). Pub. L. 103–437, § 6(b)(1), substituted “Natural Resources” for “Interior and Insular Affairs” after “Committee on”.

Subsec. (b). Pub. L. 103–437, § 6(b)(2), substituted “The Secretary shall submit to the Committee on Natural Resources” for “Within six months of March 5, 1980, the Secretary shall submit to the Committee on Interior and Insular Affairs”.

1980—Subsec. (a). Pub. L. 96–344 inserted provisions requiring that each report indicate and elaborate on the theme or themes which the area represents as indicated in the National Park System Plan and the annual priority listing of areas be accomplished by a synopsis, for each report previously submitted, of current and changed conditions of the resource integrity of the area or other relevant factors, to cover the period since the previous such submission or initial report submission one year earlier.

Pub. L. 96–199, § 104(a), (b), designated existing provisions as subsec. (a) and inserted provision that should adequate supplies of previously printed identical reports remain available, newly submitted identical reports shall be omitted from printing upon the receipt by the Speaker of the United States House of Representatives of a joint letter from the chairman of the Committee on Interior and Insular Affairs of the United States House of Representatives and the chairman of the Committee on Energy and Natural Resources of the United States Senate indicating such to be the case.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

Subsec. (b). Pub. L. 96–199, § 104(b), added subsec. (b).

1978—Pub. L. 95–625 authorized annual appropriations of \$1,000,000 for studies for potential new Park System units and for monitoring the welfare of those resources and \$1,500,000 for monitoring the welfare and integrity of the national landmarks.

National Park Service Studies

Pub. L. 106–113, div. B, § 1000(a)(3) [title III, § 326], Nov. 29, 1999, 113 Stat. 1535, 1501A–194, provided that:

“(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 [16 U.S.C. 1a–5], as amended by section 303 of the National Parks Omnibus Management Act (Public Law 105–391; 112 Stat. 3501) [16 U.S.C. 1a–5].

“(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 [now Committee on Natural 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.”

Purpose of 1998 Amendment

Pub. L. 105–391, title III, § 302, Nov. 13, 1998, 112 Stat. 3501, provided that: “It is the purpose of this title [amending this section and enacting provisions set out as a note under section 1 of this title] to reform the process by which areas are considered for addition to the National Park System.”

Revolutionary War and War of 1812 Historic Preservation Study

Section 603 of title VI of div. I of Pub. L. 104–333, as amended by Pub. L. 106–176, title I, § 114, Mar. 10, 2000, 114 Stat. 27, enacted the Revolutionary War and War of 1812 Historic Preservation Study Act of 1996 which made congressional findings as to importance of such preservation study, defined various terms, directed Secretary of the Interior as to preparation of, matters to be included in, consultation with respect to, and report concerning such study, and authorized appropriations.

Lower Mississippi Delta Region Initiatives

Pub. L. 103–433, title XI, Oct. 31, 1994, 108 Stat. 4512, directed Secretary of the Interior, in consultation with Delta Region States, the Lower Mississippi Delta Development Center, the Chairs of the National Endowment for the Arts and the National Endowment for the Humanities, the Director of the Smithsonian Institution, Historically Black Colleges and Universities, State Archaeological Surveys and Regional Archaeological Centers and other appropriate institutions, to prepare and transmit to Congress a series of studies involving Delta Region heritage particularly development of Delta Region Corridors and Heritage and Cultural Centers, preservation of historic and prehistoric sites and structures, Delta antiquities survey, and comprehensive historic and archaeological resources program.

Boston Harbor Islands Study

Pub. L. 102–525, title V, § 501, Oct. 26, 1992, 106 Stat. 3442, directed Secretary of the Interior to study within one year after Oct. 26, 1992, opportunities for National Park Service to promote conservation and use by the public of Boston Harbor Islands, and in so doing to consult local governmental authorities, to evaluate suitability of establishing Boston Harbor Islands as unit of National Park System, to assess tourism and public education opportunities of management in conjunction with nearby units of National Park System, to evaluate possible transportation links with those units, and to submit, not later than one year after Oct. 26, 1992, a report of findings, conclusions, and recommendations to Congress.

National Historic Landmark Theme Study on American Labor History

Pub. L. 102–101, Aug. 17, 1991, 105 Stat. 493, directed Secretary of the Interior, in consultation with workers, workers' representatives, scholars, and preservationists, and under cooperative agreements with scholarly and public historic organizations, to prepare and transmit to Congress, within 3 years of date of funding, a theme study to identify key sites in American labor history, to nominate districts, sites, etc., as national historic landmarks, to identify possible new park units, and to prepare a list of the most appropriate sites, and authorized appropriations of \$250,000 to carry out study.

African-American History Landmark Theme Study

Pub. L. 102–98, Aug. 17, 1991, 105 Stat. 485, directed Secretary of the Interior, in consultation with scholars and preservationists, and under cooperative agreements with scholarly and public historic organizations, to prepare and transmit to Congress, within 3 years of date of funding, a theme study to identify key sites in history and experience of African-Americans, to nominate districts, sites, etc. as national historic landmarks, to identify possible new park units, and to prepare a list of most appropriate sites, and authorized appropriations of \$500,000 to carry out study.

Niobrara-Buffalo Prairie National Park Study

Pub. L. 102–50, § 8, May 24, 1991, 105 Stat. 257, directed Secretary of the Interior to study within 18 months after May 24, 1991, feasibility and suitability of establishing Niobrara-Buffalo Prairie National Park in Nebraska, including assessment of significance of natural, cultural, historic, scenic, and recreational resources and study of feasibility of managing the area by various methods, in consultation with appropriate Federal agencies, Nature Conservancy, and Nebraska Game and Parks Commission, and directed Secretary to submit study to Congress, prior to repeal by Pub. L. 105–362, title IX, § 901(g)(1), Nov. 10, 1998, 112 Stat. 3290.

Underground Railroad Study

Pub. L. 101–628, title VI, Nov. 28, 1990, 104 Stat. 4495, directed Secretary of the Interior to conduct a study of alternatives for commemorating the Underground Railroad in order to preserve and protect this aspect of American history, directed preparation of an interpretive handbook on the Underground Railroad in larger context of American antebellum society, including history of slavery and abolitionism, and authorized establishment of Underground Railroad Advisory Committee to meet and consult with Secretary on matters relating to the study.

Civil War and Other Studies

Pub. L. 101–628, title XII, §§ 1201–1210, Nov. 28, 1990, 104 Stat. 4503–4507, as amended by Pub. L. 102–166, title V, § 501, Nov. 21, 1991, 105 Stat. 1100, provided that title XII of Pub. L. 101–628 could be cited as the “Civil War Sites Study Act of 1990”, directed Secretary of the Interior to prepare a study of Shenandoah Valley Civil War sites in order to obtain information on significance of such sites, threats to their integrity, and alternatives for their preservation, authorized establishment of Civil War Sites Advisory Commission, directed such Commission to prepare a study of historically significant sites other than Shenandoah Valley Civil War sites, and directed Secretary to undertake a complete revision of National Park Service “Thematic Framework” to reflect current scholarship on American history and culture, historic and prehistoric archeology, and architecture.

Report to Congress on Criteria for Inclusion as Affiliated Area of National Park System

Pub. L. 100-336, § 2, June 17, 1988, 102 Stat. 617, directed Secretary, in consultation with interested conservation, professional, and park management organizations and individuals, to prepare and submit to Committee on Interior and Insular Affairs of House of Representatives and Committee on Energy and Natural Resources of Senate a report of criteria for elements of national significance and other factors necessary for a proposed area to be considered appropriate for inclusion as an affiliated area of National Park System including an analysis of applicability to Wildlife Prairie Park, this report to address responsibilities to be required of operators of an affiliated area and responsibilities of National Park Service to any such designated area, with report to be submitted not later than two years from June 17, 1988, and to provide recommendations by Secretary of the Interior including but not limited to how criteria for national significance and other factors should be made applicable to future proposed affiliated areas, when such areas are considered by the Secretary, and any criteria or procedures for such considerations by Congress including recommendations for legislative action.

Study of Historical Camden, South Carolina, Regarding Establishment as Unit of National Park System; Transmittal to President and Congressional Committees

Pub. L. 95-629, title IV, § 401, Nov. 10, 1978, 92 Stat. 3640, directed Secretary of the Interior to prepare and transmit to President, Committee on Interior and Insular Affairs of House of Representatives, and Committee on Energy and Natural Resources of Senate a study of Historical Camden, consisting of approximately ninety acres of land in Camden, South Carolina, to determine feasibility and desirability of establishing such area as a unit of the National Park System, with study to be transmitted not later than two years following date on which funds are appropriated for study and to include cost estimates for any necessary acquisition, development, operation and maintenance, as well as any alternatives for administration and protection of area.

Crow Creek Village Archeological Site, South Dakota; Feasibility/Suitability Study; Transmittal to Congressional Committees; Cost Estimates; Site Preservation

Section 512 of Pub. L. 95-625 directed Secretary to prepare and transmit to Committee on Energy and Natural Resources of Senate and Committee on Interior and Insular Affairs of House of Representatives within two years from Nov. 10, 1978, a feasibility/suitability study of Crow Creek Village archeological site, Buffalo County, South Dakota, as a unit of National Park System, including cost estimates for any necessary acquisition, development, operation and maintenance, as well as any feasible alternatives for administration and protection of area, including, but not limited to, Federal financial and technical assistance to State of South Dakota, Buffalo County or other suitable entity, and directed Secretary of the Army to take such actions as may be necessary to preserve and protect such site from any adverse impact on site and to refrain from any activities which might cause such impact until two years from date of submission of study by Secretary.

Ridgeland Area Study; Consultation and Coordination; Report to President and Congress; Authorization of Appropriations

Section 602 of Pub. L. 95-625 directed Secretary to study feasibility and desirability of establishing Ridgeland area east of San Francisco Bay as a unit of National Park System, to consult with other Federal, State, and local agencies in conduct of this study, to coordinate this study with applicable local and State plans and planning activities relating to Ridgeland, and to report findings and recommendations to President and Congress not later than one year after Nov. 10, 1978.

Oak Creek Canyon, Yavapai, Soldiers Wash-Mormon Canyon, and Chiricahua National Monument, Arizona; Studies by Secretaries of the Interior and Agriculture

Section 605 of Pub. L. 95-625 directed Secretary, in cooperation with Secretary of Agriculture where national forest lands are involved, to conduct a study to determine suitable boundaries for Oak Creek Canyon, Yavapai, Soldiers Wash-Mormon Canyon areas in Arizona as a unit or units of National Park System, and to conduct a study of boundary of Chiricahua National Monument, Arizona, to determine appropriate location of a boundary line for additions to monument, with both reports to be submitted by Secretary to Committee on Interior and Insular Affairs of House of Representatives and Committee on Energy and Natural Resources of Senate not later than one year following date on which funds are appropriated for purpose of study.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

Irvine Coast-Laguna, California Study

Section 608 of Pub. L. 95-625 directed Secretary to study feasibility and desirability of establishing Irvine Coast-Laguna beach area as a unit of National Park System, to consult with other Federal, State, and local agencies in conduct of this study, and to report findings and recommendations to President and Congress within six months after Nov. 10, 1978.