



The Challenge of Yellowstone

For the Benefit and Enjoyment of the People

Since the establishment of the world's first national park on March 1, 1872, debate has ensued on how to balance the briefly stated objectives in the Yellowstone Park Act: to preserve and retain the natural wonders within a place recognized as a public pleasure-ground. The subsequent directions provided by Congress have reflected changing times as efforts have been made to refine and expand the mission of the park.

In addition to a small mountain of legal requirements, park management is subject to many other influences: budget constraints, political trends, and “public opinion”—seldom a singular entity. Scientists share their considerable facts and their ever-expanding and sometimes changing definitions of natural conditions. Philosophers wax eloquent about the meaning of terms such as “preserve” and “protect,” while economists and sociologists debate the meaning of “benefit” as it applies to park management. Evolving trends in leisure pursuits and visitor expectations influence how well national parks meet their mission to provide for public enjoyment. For the men and women in charge of the park, it creates an interesting—if not always crystal clear—management challenge.

AN ACT TO SET APART A CERTAIN TRACT OF LAND

“Be it enacted by the Senate and the House of Representatives of the United States of America...that the tract of land in the Territories of Montana and Wyoming, lying near the headwaters of the Yellowstone River... is hereby reserved and withdrawn from settlement, occupancy, or sale...and dedicated and set apart as a public park or pleasuring-ground for the benefit and enjoyment of the people....

That said public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to...provide for the preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. The Secretary may in his discretion, grant leases...of small parcels of ground, at such places...as shall require the erection of buildings for the accommodation of visitors; all of the proceeds of such leases, and all other revenues that may be gained...to be distributed under his direction in the management of the same.... He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction for the purposes of merchandise or profit.”

—U.S.C., title 16, sec. 22 (17 Stat.32)



A Sampling of Laws

A long list of legislation provides park managers with direction that is further defined in policies, regulations, and mission statements. Those most often cited laws that directly relate to the park's mission of today include:

- ⚖ The National Park Service Act of 1916 established the NPS to manage 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.”
- ⚖ The Act of April 9, 1924, authorized the Secretary of the Interior to construct, reconstruct, and improve roads, trails, and bridges in national parks and monuments.
- ⚖ The Concessions Policy Act of 1965 provided for the use of concessioners to offer needed visitor services in national parks, and directed management of concessioner operations.
- ⚖ The National Environmental Policy Act of 1969 established a national policy “to promote efforts which will prevent or eliminate damage to the environment...stimulate the health and welfare of man...and enrich the understanding of ecological systems...” It required that major federal actions significantly affecting the quality of the human environment be subject to detailed analysis of the environmental impacts.
- ⚖ The National Park Service Authorities Act authorized the Secretary to designate certain officers or employees to maintain law and order, and protect persons and property within national park units by carrying firearms, conducting investigations, executing warrants, and making arrests.



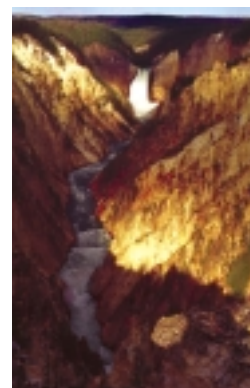
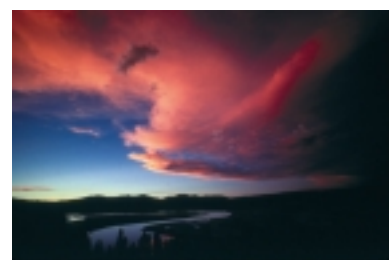
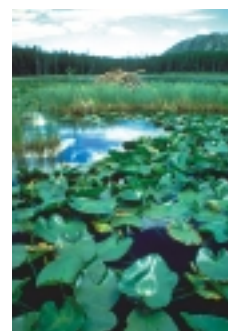
The United States Congress continues to clarify the NPS mission to improve the agency's management and accountability:

- ⚖ “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;...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...preserved and managed for the benefit and inspiration of all the people of the United States....The protection, management, and administration of these areas shall be conducted in light of the high public value and derogation of the values and purposes for which these various areas have been established....”
—The 1978 “Redwood Amendment” to the NPS Organic Act
- ⚖ The National Parks Omnibus Management Act of 1998 provided a clear mandate for parks to use the highest quality science from inventory, monitoring and research to understand trends in the condition of park resources and to aid managers in making decisions.
- ⚖ The National Park Service Concessions Improvement Act of 1998 established a policy that public accommodations, facilities, and services in parks be limited to those that are necessary, appropriate, and consistent to the highest practicable degree with preservation and conservation of the park's resources and values.

Other legislative initiatives have given the National Park Service additional mandates—though not funding—for preserving natural and cultural resources in the parks, and for park administration. Some examples:

OUR LEGAL RESPONSIBILITIES FOR NATURAL RESOURCES

- ⚖ The Act of May 7, 1894, provided for the protection of birds and mammals within Yellowstone, prohibited hunting, and regulated fishing.
- ⚖ The Wilderness Act of 1964 required that undeveloped federal lands of substantial acreage be evaluated for suitability as wilderness and that designated areas be administered to leave them unimpaired for future use as wilderness. NPS policy dictates that proposed wilderness (most of Yellowstone) be managed so as not to preclude eventual designation.
- ⚖ The Endangered Species Act of 1973 required federal agencies to protect species that are (or are likely to become) at risk of extinction throughout all or a significant part of their range. It prohibited taking any action that would jeopardize their continued existence or result in the destruction or modification of their habitat. Five listed species live in Yellowstone as of 1999: grizzly bear, gray wolf, bald eagle, peregrine falcon, and whooping crane.
- ⚖ The Comprehensive Response Compensation and Liability Act of 1980 provided direction for the cleanup and management of environmental contaminants, accidental spills, and hazardous wastes.
- ⚖ The Clean Air Act Amendments of 1991 required air quality monitoring at specified sites including Yellowstone, a Class I airshed—one of the purest in the nation.
- ⚖ The Clean Water Act was enacted to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters” by prohibiting the discharge of pollutants.
- ⚖ Public Law 100-443 of 1988 required the Secretary of Interior to protect geothermal features in national parks from the effect of geothermal development on adjacent federal lands. It directed the Secretary to establish a research program, carried out by the U.S. Geological Survey in consultation with the NPS, to study the impacts from present and potential geothermal developments.





OUR LEGAL RESPONSIBILITIES FOR CULTURAL RESOURCES

- ⚖ The Antiquities Act of 1906 provided for the protection of historic, prehistoric, and scientific features on and artifacts from federal lands.
- ⚖ The Historic Sites Act of 1935 set a national policy to “preserve for future public use historic sites, buildings, and objects.”
- ⚖ The National Historic Preservation Act of 1966 declared a national policy of historic preservation. It authorized the creation of the National Register of Historic Places and gave extra protection to national historic landmarks and properties on the national register.
- ⚖ The Archeological and Historic Preservation Act of 1974 provided for the preservation of significant scientific, historic, and archeological material and data that might be lost or destroyed by federally sponsored projects.
- ⚖ The Archeological Resources Protection Act of 1979 provided for the preservation and custody of excavated materials, records, and data.
- ⚖ The Native American Graves Protection and Repatriation Act of 1990 assigned ownership or control of Native American human remains, funerary objects, and sacred objects of cultural patrimony to culturally affiliated Native American groups.



OUR LEGAL RESPONSIBILITIES FOR PARK ADMINISTRATION

- ⚖ The Civil Service Reform Act of 1883 marked the beginning of the end of the spoils system, where government jobs were given out as political pay-offs, and provided the foundation for a federal workforce composed of employees selected on the basis of their ability to do the job. Later related Acts included the Retirement Act of 1920; the Classification Act of 1923; the Veteran's Preference Act of 1944; the Annual and Sick Leave Act of 1951; the Health Benefits Act of 1959; the Federal Salary Reform Act of 1962; the Civil Service Reform Act of 1978; the Pay Comparability Act of 1970 and 1990; and Public Law 99-335, which established the Federal Employees Retirement System.
- ⚖ The Civil Rights Act of 1964 (Public Law 88-352) forbade discrimination on grounds of race, color, sex, religion, or national origin. Other related laws include the Age Discrimination in Employment Act of 1968; the Architectural Barriers Act of 1968; the Equal Employment Opportunity Act of 1972; the Age Discrimination Act of 1975; the Rehabilitation Act of 1973; and the Americans with Disabilities Act of 1990.
- ⚖ The Occupational Safety and Health Act of 1970, 42 U.S.C., defined policies, programs, and standards necessary to carry out effective park programs to ensure public safety and health of workers.
- ⚖ The Federal Managers' Financial Integrity Act of 1982 and the Chief Financial Officers Act of 1990 directed government agencies to accomplish their objectives efficiently and effectively within the planned time and approved cost limitations.
- ⚖ The Appropriation Act of 1994 changed the laws that governed the use of monies paid for recreational use of federal lands, so that park entrance fees that used to be deposited in the general treasury could be retained in the parks.
- ⚖ The Telecommunications Act of 1996 encouraged the rapid deployment of new technologies affecting park telecommunication systems.

