

LEGAL REQUIREMENTS

LEGISLATIVE BACKGROUND

Unlike many units of the National Park System, Catoctin has no single comprehensive enabling legislation. Rather the establishment and operation of the park is influenced by numerous pieces of federal legislation and Executive Orders. Emerging as a 10,000 acre Recreational Demonstration Area (RDA) out of New Deal legislation in the 1930s, Catoctin was transferred to the National Park Service by Executive Order 7496 dated November 14, 1936. Public Law 2852 dated June 6, 1942 required that all RDA project areas be maintained for “public park, recreational and conservation purposes.”

In the spring of 1942, at the request of the White House, the National Park Service began to consider several areas for a Presidential Retreat as a result of America’s entrance into World War II. Camp Hi-Catoctin was selected by President Franklin Roosevelt. In 1945, with the added significance of the establishment of the Presidential Retreat and “the historical events of national and international interest” that occurred there, President Harry S Truman determined that the area would continue to be part of the National Park Service “in accord with the position expressed by ... President Roosevelt.” Subsequently, in 1954, 4400 acres of Catoctin Mountain Recreation Demonstration Area south of Route 77 were transferred to the State of Maryland to become Cunningham Falls State Park. The remaining acreage was designated Catoctin Mountain Park by the Director of the National Park Service.

Much of the legislation since that time has centered on Service or Government wide issues, such as accessibility for the disabled and various resource protection requirements.



Catoctin Recreational Demonstration Area entrance sign.
Photo by NPS.

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LEGISLATIVE HISTORY

PARK ENABLING LEGISLATION	Date	Description
Emergency Relief and Construction Act of 1932 47 Stat. 717.	July 21, 1932	Authorizes the acquisition of land by purchase, condemnation, or otherwise that would be needed for “emergency construction of public building projects outside the District of Columbia.”
Federal Emergency Relief Act	May 12, 1933	Created Federal Emergency Relief Administration (FERA) with responsibilities to conduct investigations dealing with problems of employment relief,” provide “grants to several States to aid meeting the costs of furnishing relief and work relief ...”
National Industrial Recovery Act 48 Stat. 200.	June 16, 1933	Authorized the President to establish agencies for the purpose of implementing the Act with termination of agencies, etc. ..., “at the expiration of two years after the date of enactment of this Act ...”Also authorized the establishment of public works programs and projects.
Fourth Deficiency Act	June 16, 1933	During Fiscal Year 1933 this act provided funding for activities approved under the National Industrial Recovery Act.
Emergency Appropriation Act	June 19, 1933	During Fiscal Year 1935, authorized appropriations pursuant to title II of the National Industrial Recovery Act and the Federal Emergency Relief Act of 1933 for the benefits of public works and “to meet the emergency and necessity for relief in stricken agricultural areas.”
56 Stat.326 Public Law 2852	June 6, 1942	Required that all RDA project areas be maintained for “public park, recreational and conservation purposes.” Authorized the conveyance of “recreation demonstration project lands to the States with the approval of the President.”
Public Law 640	August 3, 1950	“To authorize grantees of recreation demonstration project lands to make land exchanges relating to such properties, and for other purposes.”
68 Stat. 791 Public Law 654	August 24, 1954	Authorizes the exchanges of lands acquired by the United States for Catoctin Recreation Demonstration Area, Frederick County, Maryland for the purposes of exchanging lands therein.

PARK ENABLING EXECUTIVE ORDERS	Date	Description
6747	June 23, 1934	Allocated funds to “meet the Emergency and Necessity for relief in stricken Agricultural Areas” and specifically to FERA for making grants to States ...”
6910-B	December 1, 1934	Allocated to FERA the sum of \$5,000,000 for the purpose of affording relief through the purchase of sub-marginal lands in the stricken agricultural areas including the necessary costs of administration of such lands as may be acquired for such purpose, and to the Emergency Conservation Fund the sum of \$10,000,000, for the establishment and maintenance of Civilian Conservation Corps camps.
6983	March 6, 1935	Authorizes FERA to acquire property “connection with the construction or carrying on of any project or program financed by allocations, allotments, or transfers made, or to be made, to FERA under the authority and in accordance with the provisions of the said National Industrial Recovery Act...”
7027	April 30, 1935	Established the “Resettlement Administration” to “initiate and administer a program of approved projects with respect to soil erosion, stream pollution, seacoast erosion, reforestation, forestation, and flood control.”
7028	April 30, 1935	Transfers from FERA to the Resettlement Administration all the real and personal property or any interest therein ..., acquired by the FERA administrator and the Director of the Land Program.
7034	May, 6, 1935	The Works Progress Administration was established as a successor to the Civil Works Administration.
7496	November 14, 1936	Transferred recreation demonstration project lands from the Resettlement Administration to the Secretary of Interior for NPS to complete and administer the projects being transferred.
10752	February 12, 1958	Designates the Secretary of the Interior to execute certain powers and functions vested in the President by the Act of February 22, 1935, 49 Stat. 30, as Amended. Supersedes: EO 6979, February 28, 1935; EO 7756 , December 1, 1937; EO 9732 , June 3, 1946; EO 10250 , June 5, 1951 (in part).

PARK ENABLING EXECUTIVE ORDERS	Date	Description
Presidential Letter	December 4, 1945	From President Harry S Truman to MD Governor O'Connor indicating that Catoctin would remain in federal ownership as per the authority found in a Federal act dated June 6, 1942.
Letter from the Secretary of Interior	February 29, 1952	Requesting approval from President Truman of "that portion of the Catoctin area that lies south of the Thurmont-Foxville Road, paralleling Hunting Creek ... are no longer essential as a part of the National Capital Parks System."
Land Record No. 150	July 28, 1954	On July 12, 1954 NPS Director Conrad Wirth changed the name of Catoctin Mountain Recreational Demonstration Area to Catoctin Mountain Park.

GENERAL LEGISLATION	Date	Description
Federal Lands Recreation Enhancement Act Public Law 108-447	2004	The Act authorizes the Secretaries of the Interior and Agriculture for the next 10 years to establish, modify, charge and collect recreation fees at Federal recreation lands and waters as provided for in the Act.
National Parks Omnibus Management Public Law 105-391	November 13, 1998.	Authorized new natural resources and concessions policies.
Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) 7 USC 136 et seq.	1996	The primary focus of FIFRA was to provide federal control of pesticide distribution, sale, and use.
Hazardous Materials Transportation Act of 1994, as amended by Section 1711 of the Homeland Security Act of 2002. 49 CFR Part 172.101	1994	The Hazardous Materials Transportation Act designates specific materials as hazardous for the purpose of transportation and specifies requirements pertaining to its packaging, labeling, and transportation.
Government Performance and Results Act. 31 USC 1115 et. seq. Public Law 103-62	1993	Requires the federal government to undertake strategic planning.
Energy Policy Act Public Law 102-486	1992	Established energy efficiency standards for buildings and appliances and required the National Park Service to submit an annual energy report.
Intermodal Surface Transportation Act Public Law 102-240	1991	Establishes Federal Lands Highway Program for park roads.
Pollution Prevention (P2) Act 42 USC 13101 and 13102 et seq.	1990	<p>Establishes P2 as national environmental policy. Codifies the pollution prevention hierarchy of approaches to waste management: source reduction is the preferred approach, followed by recycling, treatment, and disposal as the last resort.</p> <p>Pollution Prevention: "... any practice which reduces the amount of any hazardous substance, pollutant, or contaminant, entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment or disposal; and any practice which reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants."</p>
Americans with Disabilities Act 42 USC 12111 et seq. Public Law 101-336	1990	Section 512 of the Americans with Disabilities Act (ADA) amends definitions applicable to the Rehabilitation Act.

GENERAL LEGISLATION	Date	Description
Emergency Planning and Community Right to Know Act 42 USC 11001 et seq.	1986	Also known as Title III of SARA, EPCRA was enacted by Congress as the national legislation on community safety. This law was designated to help local communities protect public health, safety, and the environment from chemical hazards.
Conservation Programs on Military Installations 16 USC 5 § 670a 100 Stat. 3149 , Public Law 99-561 ,	Oct. 27, 1986	(a) (1) (B) Integrated natural resources management plan To facilitate the program, the Secretary of each military department shall prepare and implement an integrated natural resources management plan for each military installation in the United States under the jurisdiction of the Secretary.
Robert T. Stafford Disaster Relief Act 42 USC 5195-5197g	1984 as amended in 1988	Title VI requires that each agency develop a program of emergency preparedness. Active duty soldiers can be deployed by FEMA after governor requests a Presidential declaration of a state of emergency.
Volunteers in the Park Act Public Law 98-540	1984	Authorized the use of volunteers in national parks.
Resource Conservation and Recovery Act Public Law 96-510 , 94 Stat. 2767 42 USC 4321-4347	Dec. 11, 1980 as amended in 1996	Section 6002 requires agencies to develop affirmative procurement programs to purchase EPA-designated recycled content products. Requires Hazardous Waste Generator Number, Hazard Communication Plan, Emergency Response Plan, Annual Environmental Audit.
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 42 U.S.C. s/s 9601 et seq.	December 11, 1980 as amended Superfund Amendments and Reauthorization Act (SARA) on October 17, 1986.	CERCLA (pronounced SIR-cla) provides a Federal “Superfund” to clean up uncontrolled or abandoned hazardous waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment that may endanger public health or the environment. The Act created a tax on the chemical and petroleum industries and the EPA was given authority to seek out those parties responsible for any release and assure their cooperation in the cleanup.
Paperwork Reduction Act 44 USC 3501-3520 Public Law 104-13	1980	Minimized the paperwork burden for individuals, small businesses including the reduction of information collection burdens on the public.
Archaeological Resources Protection Act 16 USC 470aa-mm Public Law 96-95	October 31, 1979	ARPA was specifically designed to prevent looting and destruction of archeological resources. ARPA has both an enforcement and a permitting component.

GENERAL LEGISLATION	Date	Description
Redwoods Act 16 USC 1(a) 1 Public Law 95-250	March 27, 1978	<i>“Congress further reaffirms, declares, and directs the promotion and regulation of the various areas of the National Park System . . . shall be consistent with and founded in the purpose established by the first section of the Act of August 25, 1916, 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.”</i>
Toxic Substances Control Act 15 USC 2601 et seq.	1976	The Toxic Substances Control Act (TSCA) was enacted to give EPA the ability to track the 75,000 industrial chemicals currently produced or imported into the United States. EPA repeatedly screens these chemicals and can require reporting or testing of those that may pose an environmental or human-health hazard. EPA can ban the manufacture and import of those chemicals that pose an unreasonable risk.
Solid Waste Disposal Act 42 USC 6901-6992 (k)	1976	This Act provides for comprehensive cradle-to-grave regulation of hazardous waste and authorizes environmental agencies to order the cleanup of contaminated sites.
Privacy Act 5 USC 552(b)	1974	Established guidelines for the release of personal information to the public.
Safe Drinking Water Act 42 USC 490	1974 as amended in 1986 and 1996	The Act establishes standards and treatment requirements for drinking water, controls underground injection of wastes that might contaminate water supplies, and protects ground water.
Rehabilitation Act 29 USC 791 et seq. Public Law 93-112 as amended by PL 102-559 in 1998	1973	Section 501 prohibits employment discrimination against individuals with disabilities in the federal sector. Section 502 establishes the Access Board to set accessibility standards. Section 505 contains provisions governing remedies and attorney's fees under Section 501. Section 508 requires that all technology solutions be accessible to all persons with disabilities. Section 512 of the Americans with Disabilities Act of 1990 (Pub. L. 101-336) (ADA) amends definitions applicable to the Rehabilitation Act.

GENERAL LEGISLATION	Date	Description
Noise Control Act 42 USC 4901-4918	1972	Authorizes the establishment of Federal noise emissions standards for products distributed in commerce.
Endangered Species Act	1973 as amended by P.L. 94-325, June 30, 1976; P.L. 94-359, July 12, 1976; P.L. 95-212, December 19, 1977; P.L. 95-632, November 10, 1978; P.L. 96-159, December 28, 1979; 97-304, October 13, 1982; P.L. 98-327, June 25, 1984; and P.L. 100-478, October 7, 1988; P.L. 100-653, November 14, 1988; and P.L. 100-707, November 23, 1988; and P.L. 24108-136, November, 2003.	Established a federal list of threatened and endangered species
Clean Water Act 33 USC 1251-1387	1972	The Act established the basic structure for regulating discharges of pollutants into the waters of the United States. It gave EPA the authority to implement pollution control programs such as setting wastewater standards for industry. The Clean Water Act also set water quality standards for all contaminants in surface waters. The Act made it unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a permit was obtained under its provisions. It also funded the construction of sewage treatment plants under the construction grants program. pollution.
General Authorities Act 16 USC 1(a) et. al.	August 18, 1970	Unites all areas under NPS jurisdiction into one system governed by a single set of policies.
National Environmental Policy Act. Public Law 91-190, 42 USC 4321-4347	January 1, 1970 as amended by Public Law 94-52, July 3, 1975.	NEPA also identifies requirements for Federal agencies. Federal agencies are directed to integrate the natural sciences, the social sciences, and the environmental design arts in planning and decision making, through a “systematic, interdisciplinary approach” (Section 102(2)(A)). And for major Federal actions, agencies are directed to prepare a detailed statement on the impact of the proposed action, and of alternatives to the proposed action (Section 102 (2) (C)).
Clean Air Act 42 USC 7401-7671q PL 95-95; 91 Stat. 685 (1977)	1970 as amended in 1977	The primary objective of the Clean Air Act is to establish Federal standards for various pollutants and to provide for the regulation via state implementation plans. Federal facilities are required to comply with air quality standards to the same extent as nongovernmental entities (42 U.S.C. 7418). Part C of the 1977 amendments stipulates requirements to preserve air quality in national parks, national wilderness areas, national monuments and national seashores (42 U.S.C. 7470).

GENERAL LEGISLATION	Date	Description
Occupational Safety and Health Act 29 USC 651 et seq.	1970	Congress passed the Occupational and Safety Health Act to ensure worker and workplace safety. Their Goal was to make sure employers provide their workers a place of employment free from recognized hazards to safety and health.
Architectural Barriers Act 42 USC 4151 et seq. Public Law 90-480	1968	The ABA requires access to facilities designed, built, altered, or leased with Federal funds. The Access Board, (Departments of Defense, and Housing and Urban Development, General Services Administration, and the U.S. Postal Service) established by Section 502 of the Rehabilitation Act develops and maintains accessibility guidelines known as the Uniform Federal Accessibility Standards (UFAS) and investigates complaints. Federal agencies must comply with UFAS when funding the design, construction, alteration, or leasing of facilities. Some departments have, as a matter of policy, also required compliance with ADA Accessibility Guidelines (which otherwise do not apply to the Federal sector) in addition to UFAS.
Freedom of Information Act 5 USC 552	1966	The Freedom of Information Act provides specifically that “any person” can make requests for government information. Citizens who make requests are not required to identify themselves or explain why they want the information they have requested.
Historic Preservation Act 16 USC 470	1966	Section 106 directs historic resource compliance efforts.
NPS Organic Act 16 USC 1 et seq. 39 Stat. 535	August 25, 1916	The National Park Service Organic Act of 1916 created today’s National Park Service (NPS) within the U.S. Department of the Interior. The Organic Act charges the NPS with a dual mandate to promote and regulate the use of the national parks “by such means and measures as conform to the fundamental purpose to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment for the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”

EXECUTIVE ORDERS AFFECTING ENVIRONMENTAL COMPLIANCE AT FEDERAL FACILITIES	Date	Description
13164	July 26, 2000	Requires Federal agencies to develop written procedures for providing reasonable accommodation.
13149	2000	Greening the Government Through Federal Fleet Management
13148	2000	Greening the Government Through Efficient Energy Management
13132	1999	Federalism- repealed EO 12875
13123	1999	Sections 202-206 set goals for various environmental initiatives
13101	1998	Greening the Government through Waste Prevention and Recycling created the White House Task Force on Waste Prevention and Recycling.
13045	1997	Protection of Children from Environmental Health Risks and Safety Risks
13031	1996	Federal Alternative Fueled Vehicle Leadership
12969	1994	Federal Acquisition and Community Right-to-Know
12902	1994	Energy Efficient and Water Conservation at Federal Facilities
12898	1994	Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations
12875	1993	Enhancing the Intergovernmental Partnership
12873	1993	Acquisition, Recycling and Waste Prevention: created the position of the Federal Environmental Executive (designated by the President), as well as Agency Environmental Executives. This order also set the standard that all federal office paper is to contain at least 30 percent post-consumer recycled content.
12866	1993	Regulatory Planning and Review
12862	1993	Setting Customer Service Standards

EXECUTIVE ORDERS AFFECTING ENVIRONMENTAL COMPLIANCE AT FEDERAL FACILITIES	Date	Description
12856	1993	Federal Compliance with Right-to-Know Laws and Pollution Prevention: Directs Federal agencies to develop pollution prevention strategies that commit each agency to incorporate P2 through source reduction in facility management. Establishes the Federal Government Environmental Challenge Program, under which EPA developed the Code of Environmental Management Principles for Federal Agencies (CEMP).
12845	1993	Requiring Agencies to purchase Energy Efficient Computer Equipment
12844	1993	Federal Use of Alternative Fuel Vehicles
12843	1993	Procurement Requirements and Policies for Federal Water Pollution Control Act of 1972.
12759	1991	Federal Emergency Management
12780	1991	Federal Agency Recycling and the Council on Federal Recycling and Procurement Policy. This order created the Federal Recycling Coordinator (designated by the EPA Administrator), the Council on Federal Recycling and Procurement Policy, and agency recycling coordinators within each of the major agencies, all in order to increase the level of recycling and purchase of recycled-content products.
12580	1987	Superfund Implementation
12549	1986	Debarment and Suspension
12372	1982	Intergovernmental Review of Federal Programs
12088	1978	Federal compliance with Pollution Control
11990	1977	Protection of Wetlands
11988	1977	Floodplain Management
11593	1971	Protection and Enhancement of the Cultural Environment
11514	1970	Protection and Enhancement of Environmental Quality