

To Mike Murray

Fr Bob Eakes

Below is yet another opinion on the recreational area designation for CHNSRA. Please pass this on to the solicitor's office. Thanks.

1) OK again, the 1970 general Authorities act may have regrouped how the NPS distinguishes certain type of parks, however, 16USC1a-1 still makes them manage each area set up iaw applicable chapters/sections of Title 16 as defined iaw 16USC1c. In addition, the 1970 General Authority act did not change any wording or designation on each individual Park, Sea Shore recreational Area, National Monument etc. Furthermore, Congress re-affirmed in 1978 by amendment to 16USC1a-1. Amendments

"1978--Pub. L. 95-250 provided that the promotion and regulation of the various areas of the National Park System, as defined in section 1c of this title, be consistent with and founded in the purpose established

by section 1 of this title, to the common benefit of all the people of the United States, and that the authorization of activities be construed

and the protection, management, and administration of these areas be conducted in light of the high public value and integrity of the National Park System and 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."

2) Here is Cornell's rendition of 16USC1c

1c. General administration provisions; system defined; particular areas

(a) "National park system" defined

The "national park system" shall include any area of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes.

(b) Specific provisions applicable to area; uniform application of sections 1b to 1d and other provisions of this title to all areas when not in conflict with specific provisions; references in other provisions to national parks, monuments, recreation areas, historic monuments, or

parkways not a limitation of such other provisions to those areas. Each area within the national park system shall be administered in accordance with the provisions of any statute made specifically applicable to that area. In addition, the provisions of sections 1b to 1d of this title, and the various authorities relating to the administration and protection of areas under the administration of the Secretary of the Interior through the National Park Service, including but not limited to the Act of August 25, 1916 (39 Stat. 535), as amended [16 U.S.C. 1, 2, 3, and 4], the Act of March 4, 1911 (36 Stat. 1253), as amended (16 U.S.C. 5) relating to rights-of-way, the Act of June 5, 1920 (41 Stat. 917), as amended (16 U.S.C. 6), relating to donation of land and money, sections 1, 4, 5, and 6 of the Act of April 9, 1924 (43 Stat. 90), as amended (16 U.S.C. 8 and 8a-8c), relating to roads and trails, the Act of March 4, 1931 (46 Stat. 1570; 16 U.S.C. 8d), relating to approach roads to national monuments, the Act of June 3, 1948 (62 Stat. 334), as amended (16 U.S.C. 8e-8f), relating to conveyance of roads to States, the Act of August 31, 1954 (68 Stat. 1037), as amended (16 U.S.C. 452a), relating to acquisitions of inholdings, section 1 of the Act of July 3, 1926 (44 Stat. 900), as amended (16 U.S.C. 12), relating to aid to visitors in emergencies, the Act of March 3, 1905 (33 Stat. 873; 16 U.S.C. 10), relating to arrests, sections 3, 4, 5, and 6 of the Act of May 26, 1930 (46 Stat. 381), as amended (16 U.S.C. 17b, 17c, 17d, and 17e), relating to services or other accommodations for the public, emergency supplies and services to concessioners, acceptability of travelers checks, care and removal of indigents, the Act of October 9, 1965 (79 Stat. 696; 16 U.S.C. 20-20g), [1] relating to concessions, the Land and Water Conservation Fund Act of 1965, as amended [16 U.S.C. 4601-4 et seq.], and the Act of July 15, 1968 (82 Stat. 355), shall to the extent such provisions are not in conflict with any such specific provision, be applicable to all areas within the national park system and any reference in such Act to national parks, monuments, recreation areas, historic monuments, or parkways shall hereinafter not be construed as limiting such Acts to those areas. "

3) I do not see MBTA, Endangered Species act anywhere listed in here. I do see Right Of WaY, Roads and Trails, and the kicker I see the words

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4) Once again, when do I get my Recreational Area back that is not applicable to ESA or MBTA requirements?

5) And oh by the way, at the discretion of the Secretary, he can still set up a Advisory Committee as he see's fit under 16USC1a-14, but he has to follow the rules of Federal Advisoray Committee Act, appendix to US Code Title 5

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