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# Federal Land Designations: A Brief Guide

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# Federal Land Designations: A Brief Guide

This report provides a brief guide to selected titles—such as national park, national wildlife refuge, national monument, national conservation area, national recreation area, and others—that Congress and the executive branch have used to designate certain U.S. lands. These designations primarily apply to federal lands administered by land management agencies, including the Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (FWS), and National Park Service (NPS) in the Department of the Interior and the U.S. Forest Service (FS) in the Department of Agriculture. The report also discusses certain designations that Congress and executive branch entities have bestowed on nonfederally managed lands to recognize their national significance. It addresses questions about what the different land titles signify, which entity confers each designation, who manages the land under each designation, which statutes govern management decisions, and what types of uses may be allowed or prohibited on the land. Depending on the authorities governing each land designation, congressional and executive designations may bring few management changes to a site or may involve significant management changes. The designations may authorize new federal funding for an area, but they do not always do so.

The report begins by briefly discussing some general factors that Congress may consider when contemplating which, if any, federal designation might be suitable for a given area. It then compares selected designations across multiple attributes.

SUMMARY

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Congress regularly considers legislative proposals to designate lands using a variety of titles, such as national park, national wildlife refuge, national monument, national conservation area, national recreation area, and many others. Additionally, Congress provides oversight of land designations made by executive branch entities. These congressional and executive land designations may bring few management changes to a site or may involve significant management changes, based on individual designating laws and/or general authorities governing a land system. Often, the designations are applied to federally owned lands (including lands already under federal administration and those that the designating law may authorize for federal acquisition), but some federal designations are conferred on lands that remain nonfederally owned and managed.[1] The designations may authorize federal funding for an area, but they do not always do so.

This report addresses questions about which federal title or designation might be appropriate for particular areas. What do the different land titles signify, and how does each type of unit differ? Who has authority to confer each designation? Which agency or nonfederal entity is responsible for managing the land under each designation, and which statutes would govern management decisions? What types of uses would be allowed on the land under each designation, and what uses would be prohibited? The report compares a variety of federal land designations with respect to these factors.[2] It is beyond the scope of this report to assess the benefits or drawbacks of conferring federal designations on lands, although such questions often arise when federal designations are contemplated. For any given area, some stakeholders might favor a federal designation (for example, to bring federal funding to an area, to promote visitation, or to bring new resource protections) and others might oppose one (for example, to forestall the federal government's becoming a stakeholder in regional land use decisions or to preserve federal funds that might be spent on area management for allocation to other priorities). Additional CRS products, cited at the end of this report, explore such questions in greater detail for specific land designations.

This report begins by briefly discussing some general factors that Congress may consider when determining which, if any, federal land designations might be suitable for a given area. It then compares selected designations across multiple attributes (**Table 1**).

# Selected Factors in Determining Land Designations

## Managing Agency

A primary question for stakeholders often is which federal agency would manage the land under a given designation. **Table 1** indicates the federal agency or agencies that have responsibilities for area management under selected designations. It also lists some designations in which lands typically remain in nonfederal management (while receiving technical and/or financial assistance from a federal agency).

Four agencies manage almost all federal land in the United States: the Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (FWS), and National Park Service (NPS) in the Department of the Interior (DOI), and the U.S. Forest Service (FS) in the Department of

[1] State and local governments also confer designations on nonfederal lands, such as state parks, state historic sites, or city parks. State and local designations are not discussed in this report.

[2] In this report, the term *federal land designation* means a *federal designation* for lands (rather than a designation for *federal lands*). In other words, the designations are not confined solely to federal lands.

Agriculture.[3] These agencies administer their lands under different statutorily defined missions.[4] Both BLM and FS manage most of their lands for sustained yields of multiple uses, including recreation, grazing, timber, mineral production, watershed, wildlife and fish habitat, and conservation.[5] FWS, by contrast, has a dominant-use mission for most of its lands—to conserve plants and animals for the benefit of present and future generations—although other priority uses are provided for if compatible.[6] NPS administers its lands with the dual purpose of preserving valued resources and providing for their enjoyment by the public.[7] Within these broad missions, each agency manages sites with a variety of titles, management provisions, and allowed uses. In some cases, the management framework for an individual site may differ from the overall framework for the agency, depending on the statutory authorities pertaining to the specific site.

## Physical Characteristics of the Area

An area's physical characteristics may suggest certain types of designations over others. For example, specific natural features may suit themselves to some designations, such as national seashore or wild and scenic river. Some features may suggest management by a particular agency—for example, FS in the case of a forest—although in practice Congress has assigned a range of sites to each agency (e.g., agencies other than FS manage many forested areas). If the site consists primarily of built structures with historical, cultural, or commemorative significance, designations such as national historic site or national memorial might be considered. Each agency manages some historic and cultural assets, but many sites with primarily historical and cultural features either are managed by NPS or are federally designated but nonfederally owned and managed.

## Values to Be Emphasized

A closely related question concerns the values for which designation is sought. Stakeholders may seek to protect a site's scenic qualities, its flora and fauna, its historical and cultural significance, its recreational opportunities, or combinations of these or other values. Some land designations may indicate the importance Congress places on a particular value—for instance, public recreation in the case of a national recreation area, or history in the case of a national historic site. Additionally, certain values (such as wildlife conservation) may be particularly aligned with the mission of a certain agency (such as FWS). Although the agency missions provide a broad guide, each agency also manages sites whose congressionally established values differ from the overall mission. For example, in national monuments or wilderness areas on BLM or FS lands, certain uses typically associated with these agencies' multiple-use, sustained-yield missions often are restricted or prohibited.

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[3] Collectively, these four agencies manage about 95% of the roughly 640 million acres of federal land in the United States. A variety of other agencies manage the remainder of the lands, which may have specific designations that are not covered in this report. For more information on federal land ownership, see CRS Report R42346, *Federal Land Ownership: Overview and Data*, by Carol Hardy Vincent, Laura A. Hanson, and Carla N. Argueta.

[4] For further discussion of the missions of each federal land management agency, see CRS Report R43429, *Federal Lands and Related Resources: Overview and Selected Issues for the 115th Congress*, coordinated by Katie Hoover.

[5] BLM's mission is defined in the Federal Land Policy and Management Act of 1976 (43 U.S.C. §§1701 et seq.), and FS's is defined in the Multiple Use-Sustained Yield Act of 1960 (16 U.S.C. §§528-531).

[6] National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. §668dd et seq.); Fish and Wildlife Act of 1956 (16 U.S.C. §§742 et seq.).

[7] NPS Organic Act (54 U.S.C. §§100101 et seq.).

## Statutory Requirements in Land System Laws

Some designations pertain to statutorily defined land systems,[8] whose laws may specify requirements for areas to qualify for the system designation. For example, under the Wild and Scenic Rivers Act,[9] a water body designated as a *wild river* is to be free from any impoundments (e.g., dams), among other attributes. Congress could choose to ignore or modify system requirements when designating a new site in the system, but the criteria typically have been given weight when Members contemplate applying a designation.

Other designations are not associated with statutorily defined land systems. For example, Congress has established 49 individual national heritage areas (primarily on nonfederal lands) but has not enacted a law defining a system of heritage areas with parameters for area inclusion.[10] Where no law defines qualifying criteria for a particular designation, Congress has often, but not always, followed past precedents when conferring the same designation on a new site.

## Designating Authority

Most federal land designations are made by an act of Congress, but in some cases Congress has authorized executive branch officials, such as the President and the Secretaries of Agriculture and the Interior, to confer specific land designations. For example, under the Antiquities Act of 1906, the President may proclaim national monuments on federally owned land.[11] Individual agencies may establish some protective designations on lands they manage (such as BLM's Areas of Critical Environmental Concern), and the Secretaries of the Interior and Agriculture may make certain designations on nonfederal lands.[12]

Members sometimes choose to work with executive entities to pursue a federal designation for a site rather than introducing legislation to designate the site. Among other reasons, an executive designation may be seen as a faster route to achieve the designation than moving a bill through the legislative process. (Typical timelines for executive designations vary widely, however, and can extend to several years or more.) Alternatively, limitations on executive authorities, such as a lack of federal funding associated with the designation, might make executive designations less attractive in some cases. Some executive designations—especially the President's authority to proclaim national monuments under the Antiquities Act—have been controversial at times, because the designations may restrict previously available uses of public land.[13]

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[8] Such systems may cut across lands of multiple agencies, as is the case for the National Wild and Scenic Rivers System, the National Trails System, and the National Wilderness System. For more information, see **Table 1** and CRS products cited at the end of this report.

[9] 16 U.S.C. §§1271 et seq.

[10] For more information, see CRS Report RL33462, *Heritage Areas: Background, Proposals, and Current Issues*, by Laura B. Comay and Carol Hardy Vincent.

[11] 54 U.S.C. §§320301-320303. For more information on presidentially proclaimed monuments, see CRS Report R41330, *National Monuments and the Antiquities Act*, by Carol Hardy Vincent. Congress also has established national monuments outside of the Antiquities Act authority.

[12] For example, both Secretaries have authority to add certain types of rivers and trails to the National Wild and Scenic Rivers System (16 U.S.C. §§1271 et seq.) and the National Trails System (16 U.S.C. §§1241-1251). Also, the National Historic Preservation Act of 1966, as amended (NHPA; 54 U.S.C. §§300101 et seq.) and the Historic Sites Act of 1935 (54 U.S.C. §§320101-320106) authorize the Secretary of the Interior to make certain historic designations, such as listing properties on the National Register of Historic Places, establishing national historic landmarks, and others. For more information, see **Table 1** and CRS products cited under "For Additional Reading."

[13] For more information, see CRS Report R41330, *National Monuments and the Antiquities Act*, by Carol Hardy

## Land Uses

**Table 1** discusses some of the uses typically permitted or prohibited in different types of designated areas, based on authorities pertaining to the administering agency and/or land system. In general, National Park System lands are among those most strictly protected from uses that may consume or damage resources (sometimes called *consumptive uses*), given NPS's mandate to preserve park resources "unimpaired" while providing for their enjoyment by the public.[14] On FWS lands in the National Wildlife Refuge System, wildlife-related activities such as hunting, fishing, and bird-watching are considered priority uses; other uses (motorized recreation, timber cutting, grazing, mineral development) may be allowed to the extent that they are compatible with the mission of the system and the purposes of a specific unit. BLM and FS lands, as discussed, generally allow consumptive uses such as timber production, grazing, and mineral development. Also, some cross-cutting land systems affect certain lands across all four land management agencies. Of these, the Wilderness Act provides the highest level of protection.[15] On designated wilderness lands, commercial activities, motorized uses, roads, structures, and facilities generally are prohibited, and resources are to be preserved "untrammeled" by human presence.[16]

Regardless of such general authorities, Congress may decide to allow, limit, or prohibit particular uses in an individual area through site-specific laws. Within all four agencies' lands are units with varying restrictions or allowances of land uses. For example, although hunting typically is prohibited in the National Park System, some individual units, such as many national preserves, allow hunting as authorized or mandated by site-specific laws. Mineral development is allowed on most BLM lands, but new development is prohibited by law or executive action in some BLM areas, such as many national monuments.

In contrast to federal lands, Congress has limited authority to control uses of nonfederal land. Accordingly, congressional designations for nonfederal lands typically do not prohibit the nonfederal landowner from engaging in particular land uses, even where the use might adversely affect the values for which the area was designated. However, activities incompatible with the values of a designation—such as modernizing a designated national historic landmark—may lead to a withdrawal of the federal designation; also, federal funds or permits to carry out projects that compromise these values may be restricted.[17]

## Federal vs. Nonfederal Ownership and Management

When a federal designation is contemplated for land not already in federal management, Members may consider whether or not the federal government should acquire the land. Many designations involve federal land acquisition, but as shown in **Table 1**, under certain designations nonfederal entities typically continue to own and manage the land. Also, for any specific site, Congress may make individual provisions regarding federal land acquisition. Members may weigh, among other issues, the cost and effort to the federal government of acquiring and managing the land; the resources available to state, local, or private owners to maintain and

Vincent.

[14] 54 U.S.C. §100101.

[15] 16 U.S.C. §§1131-1136.

[16] Wilderness Act (16 U.S.C. §1131(c)). For more information, see CRS Report RL31447, *Wilderness: Overview, Management, and Statistics*, by Katie Hoover.

[17] In particular, §§106 and 110(f) of the NHPA impose conditions on federal funding or permitting of projects that may impact federally qualified historic properties.

protect the land; potential benefits of federal management (such as ongoing federal funding or a potentially higher public profile for the land if managed as part of a federal system); potential drawbacks of federal management (such as a loss of local control over management decisions or a reduction to the state and local tax base); and stakeholder positions on the size of the federal estate generally.[18]

# Examples of Federal Land Designations

**Table 1**, below, compares selected designations used by Congress and the executive branch for federal lands and other areas. The table begins with designations that are common to multiple agencies and then lists designations exclusively or primarily related to an individual agency. The four agencies appear in order of the overall amount of land each agency manages (BLM, then FS, FWS, and NPS).[19] The table provides information on the entity that confers each designation (e.g., Congress, the President, the Interior or Agriculture Secretary); statutory authorities for the designation; the agency or agencies that administer each type of area (also noting designations for which the area typically remains in nonfederal management); selected characteristics of the areas; and examples of each type of area. Designations for nonfederally owned and managed sites are listed according to the agency with administrative responsibility for the designation (e.g., responsibility for evaluating site qualifications and providing technical and/or financial assistance to designated sites).

The table reflects a selection of titles that have been used repeatedly for multiple areas. It is not comprehensive. For example, Congress has designated many sites with unique titles (such as "national park for the performing arts" or "national tallgrass prairie") that are not reflected in the table.

[18] For discussion of the size of the federal estate and stakeholder views, see CRS Report R42346, *Federal Land Ownership: Overview and Data*, by Carol Hardy Vincent, Laura A. Hanson, and Carla N. Argueta.

[19] This does not include offshore submerged lands. For information on total acreage managed by each agency, see CRS In Focus IF10585, *The Federal Land Management Agencies*; and CRS Report R42346, *Federal Land Ownership: Overview and Data*, by Carol Hardy Vincent, Laura A. Hanson, and Carla N. Argueta.

## Table 1. Comparison of Selected Federal Lands and Protected Area Designations

| Designation | Authorizing Entity | Authority for Designation[a] | Administering Agency[b] | Selected Characteristics | Examples[c] |
|---|---|---|---|---|---|
| **Designations Common to Multiple Agencies** | | | | | |
| National Monument | Congress, President | Congressional designations: Individual statutes<br>Presidential proclamations: Antiquities Act of 1906 (54 U.S.C. §§320301-320303) | NPS, BLM, FS, FWS, other agencies | • Sites include both natural areas and areas of cultural, historical, and archaeological significance.<br>• Presidentially proclaimed monuments must be on federal lands that contain historic landmarks, historic and prehistoric structures, or other objects of historic or scientific interest. The President is to reserve "the smallest area compatible with the proper care and management of the objects to be protected" (54 U.S.C. §320301(b)).<br>• Allowed uses vary according to the establishing law or proclamation, and the management framework of the administering agency. | Petroglyph National Monument (NM), P.L. 101-313<br>Grand Canyon-Parashant National Monument (AZ), Presidential Proclamation no. 7265<br>Pullman National Monument (IL), Presidential Proclamation no. 9233 |
| National Recreation Area | Congress[d] | Individual statutes | NPS, FS, BLM | • Sites have a recreation focus, and their establishing legislation often authorizes activities such as boating, fishing, and hunting.<br>• Many older national recreation areas surround Bureau of Reclamation reservoirs and feature water-based recreation. Some more recently created areas are in or near urban centers. | Lake Mead National Recreation Area (NV, AZ), P.L. 88-639<br>Allegheny National Recreation Area (PA), P.L. 98-585<br>White Mountains National Recreation Area (AK), P.L. 96-487, §403 |
| Wilderness | Congress | Wilderness Act of 1964 (16 U.S.C. §§1131-1136), plus individual statutes[e] | NPS, FS, FWS, BLM | • Wilderness areas are partly defined in the act as areas of undeveloped federal lands "where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain" (16 U.S.C. §§1131(c)).<br>• Areas are subject to management provisions of the administering agency.<br>• Commercial activities, motorized access, and human infrastructure, among other activities, generally are prohibited in designated wilderness areas, unless specifically allowed by statute. Hunting and fishing may be allowed. | Wheeler Peak Wilderness (NM), P.L. 113-291, §3061<br>Lee Metcalf Wilderness (MT), P.L. 98-140 |

| Designation | Authorizing Entity | Authority for Designation[a] | Administering Agency[b] | Selected Characteristics | Examples[c] |
|---|---|---|---|---|---|
| Wilderness Study Area (WSA) | Congress, Secretary of the Interior[f] | Federal Land Policy and Management Act of 1976 (FLPMA; 43 U.S.C. §1782), plus individual statutes | BLM, FS, FWS | • Most BLM wilderness study areas are lands BLM identified and reviewed for potential wilderness designation. These lands are managed as if they were wilderness until Congress either designates them as wilderness or releases them. Some BLM WSAs may have been designated by statute.<br>• FS and FWS WSAs have been designated primarily by individual statutes. | Dry Valley Rim WSA (NV)<br>Burnt Creek WSA (ID)<br>High Lakes WSA (Shoshone National Forest, WY), P.L. 98-550 |
| Wild and Scenic River | Congress, Secretary of the Interior | Wild and Scenic Rivers Act of 1968, as amended (16 U.S.C. §§1271 et seq.), plus individual statutes | FS, NPS, BLM, FWS, states[g] | • *Wild rivers* are free from impoundments (e.g., dams) and generally inaccessible except by trail, with primitive watersheds and undeveloped shorelines.<br>• *Scenic rivers* are free from impoundments and in generally undeveloped areas, but are accessible in places by roads.<br>• *Recreational rivers* are readily accessible by road, may have shoreline development, and may have been subject to impoundment in the past. | Eightmile Scenic River (CT), P.L. 110-229, §344<br>Black Butte Wild and Scenic River (CA), P.L. 109-362, §7<br>Missisquoi & Trout Recreational River (VT), P.L. 113-291, §3072 |
| National Scenic Trail, National Historic Trail, National Recreation Trail | Congress, Secretary of the Interior, Secretary of Agriculture[h] | National Trails System Act of 1968, as amended (16 U.S.C. §§1241-1251), plus individual statutes | NPS, FS, BLM, nonfederal entities[i] | • *National scenic trails* provide for outdoor recreation and for the conservation and enjoyment of significant scenic, historic, natural, or cultural qualities.<br>• *National historic trails* identify and protect travel routes of national historic significance.<br>• *National recreation trails* are often on state, local, or private lands and provide for a variety of outdoor recreation uses. | New England National Scenic Trail (MA/CT), P.L. 111-11, §5202<br>Selma to Montgomery National Historic Trail (AL), P.L. 104-333, §501 |
| **Designations Exclusively or Primarily Related to BLM[j]** | | | | | |
| Public Lands (general nomenclature for BLM lands) | Congress | FLPMA (43 U.S.C. §§1701 et seq.) | BLM | • The National System of Public Lands includes grasslands, forests, high mountains, arctic tundra, and deserts. These are largely lands reserved from the public domain, but BLM has authority to acquire land. Some of the lands in this system have special designations.<br>• BLM generally manages lands for sustained yields of multiple uses, including recreation, grazing, timber, watershed, wildlife and fish habitat, and conservation. | *Not individually designated* |

| Designation | Authorizing Entity | Authority for Designation[a] | Administering Agency[b] | Selected Characteristics | Examples[c] |
|---|---|---|---|---|---|
| National Conservation Area | Congress | Individual statutes | BLM | • These areas contain diverse features encompassing natural, scientific, cultural, ecological, geological, scenic, historical, and recreational values. Congress establishes the management emphasis in the individual statute.<br>• The areas differ in landscape and size, and may contain other protected areas such as areas of critical environmental concern, wilderness, or wild/scenic rivers. | Gila Box Riparian National Conservation Area (AZ), P.L. 101-628, Title II<br>Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area (NV), P.L. 106-554, Appendix D-1<br>Steese National Conservation Area (AK), P.L. 96-487, Title IV |
| Area of Critical Environmental Concern (ACEC)[k] | BLM | FLPMA (43 U.S.C. §1702(a), §1712(c)(3)) | BLM | • Under 43 U.SC §1702(a), these areas require "special management attention ... to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards."<br>• The public and BLM may nominate areas. Areas must meet criteria of relevance and importance and are designated through the resource management planning process. Management varies, with the focus on the resource or natural hazard of concern. | Fairview Area of Critical Environmental Concern (CO)<br>Little Creek Mountain Area of Critical Environmental Concern (UT)<br>Simon Canyon Area of Critical Environmental Concern (NM) |

| Designation | Authorizing Entity | Authority for Designation[a] | Administering Agency[b] | Selected Characteristics | Examples[c] |
|---|---|---|---|---|---|
| **Designations Exclusively or Primarily Related to FS[l]** | | | | | |
| National Forest System (NFS) designations | Congress. President, Secretary of Agriculture | Organic Administration Act of 1897 (16 U.S.C. §§473 et seq.) and others | FS | • The NFS consists of 154 national forests and 20 national grasslands, along with purchase units, research and experimental forests, land utilization areas, and other areas. NFS lands may consist of lands reserved from the public domain or acquired lands. The Secretary of Agriculture has the authority to acquire land.<br>• The system's mission is to provide a variety of uses and values—timber production, watershed management, livestock grazing, energy and mineral development, outdoor recreation, fish and wildlife habitat management, and wilderness—without impairing the land's productivity.<br>• Only Congress can establish an entirely new unit of the NFS, although the President and Secretary of Agriculture have various authorities to modify existing NFS units. | Willamette National Forest (OR)<br>George Washington-Jefferson National Forest (VA, WV)<br>Black Kettle National Grassland (OK, TX) |
| National Scenic Area, National Scenic Research Area, National Scenic Recreation Area, National Scenic and Wildlife Area | Congress | Individual statutes | FS | • Congress has designated 11 scenic areas within the NFS, each with distinct management direction. These areas generally contain outstanding scenic characteristics; recreational values; and geologic, ecological, and cultural resources. | Mono Basin National Forest Scenic Area (CA), P.L. 98-425, Title III<br>Columbia River Gorge National Scenic Area (OR, WA), P.L. 99-663 |
| National Volcanic Monument | Congress | Individual statutes | FS | • Congress has designated two national volcanic monuments within the NFS. | Mount St. Helens National Volcanic Monument (WA), P.L. 97-243<br>Newberry National Volcanic Monument (OR), P.L. 101-522 |
| Special Management Area, National Protection Area, Others | Congress | Individual statutes | FS | • Congress has designated more than 50 areas within the NFS for some sort of special protection. Each has distinct purposes and management direction enacted in the designating statute. | James Peak Protection Area (CO), P.L. 107-216<br>Kings River Special Management Area (CA), P.L. 100-150, §2 |

| Designation | Authorizing Entity | Authority for Designation[a] | Administering Agency[b] | Selected Characteristics | Examples[c] |
|---|---|---|---|---|---|
| Inventoried Roadless Area | FS | National Forest Management Act of 1976 (16 U.S.C. §1604) | FS | • Inventoried roadless areas are those areas reviewed by FS for their wilderness potential upon enactment of the Wilderness Act. Activities such as timber harvests and road construction are prohibited in most areas, with some limited exceptions. Different management policies apply in Colorado and Idaho. | Mount Bailey Roadless Area (Umpqua National Forest, OR)<br>Boulder-White Clouds Roadless Area (Sawtooth National Forest, ID) |
| **Designations Exclusively or Primarily Related to FWS[m]** | | | | | |
| National Wildlife Refuge | Congress, President, Secretary of the Interior | National Wildlife Refuge Administration Act (16 U.S.C. §668dd); Alaska National Interest Lands Conservation Act (16 U.S.C. §§3101 et seq.); Migratory Bird Conservation Act (16 U.S.C. §§715 et seq.); Endangered Species Act (ESA; 16 U.S.C. §§1531-1544); Fish and Wildlife Coordination Act (16 U.S.C. §§661-667e); FLPMA; and individual statutes | FWS[n] | • National wildlife refuges focus on conservation of fish and wildlife, with priority given to wildlife-dependent recreation. | Arctic National Wildlife Refuge (AK), Public Land Order 2214<br>Quivira National Wildlife Refuge (KS)<br>Florida Panther National Wildlife Refuge (FL)<br>Protection Island National Wildlife Refuge (WA), P.L. 97-333 |
| Waterfowl Production Area | Secretary of the Interior, Migratory Bird Conservation Commission | Migratory Bird Conservation Act (16 U.S.C. §§715 et seq.)<br>Migratory Bird Hunting and Conservation Act (16 U.S.C. §§718 et seq.) | FWS | • Waterfowl production areas are small wetlands and grasslands with migratory bird habitat.<br>• Nearly all are in Iowa, Minnesota, Montana, North Dakota, and South Dakota.<br>• Waterfowl production areas include federal lands as well as areas that are managed by FWS under permanent conservation easements. | Dickinson Waterfowl Production Area (IA)<br>Detroit Lakes Wetland Management District (MN) |
| Wildlife Coordination Area | Secretary of the Interior | Fish and Wildlife Coordination Act (16 U.S.C. §§661-667e)<br>Bankhead-Jones Farm Tenant Act (7 U.S.C. §1010) | FWS, with states | • Coordination areas focus on the conservation, maintenance, and management of wildlife. They are managed with or by states through cooperative agreements, easements, and leases. | Beltrami Wildlife Coordination Area (MN)<br>Gila River Wildlife Coordination Area (AZ) |

| Designation | Authorizing Entity | Authority for Designation[a] | Administering Agency[b] | Selected Characteristics | Examples[c] |
|---|---|---|---|---|---|
| National Fish Hatchery | Congress | Fish and Wildlife Act (16 U.S.C. §§742a-742j)<br>Fish and Wildlife Coordination Act (16 U.S.C. §§661-667e), and individual statutes | FWS[o] | • National fish hatcheries often are created as mitigation for federal dams. They may supply hatchlings for fish stocking and for ESA-listed species.<br>• National fish hatcheries work to promote and maintain healthy populations for fish and other aquatic species, provide resources to help conserve imperiled species, and conduct scientific research. Some facilities also may provide visitation opportunities. | Wolf Creek National Fish Hatchery (KY), 16 U.S.C. §760 (with U.S. Army Corps of Engineers)<br>Hotchkiss National Fish Hatchery (CO), 43 U.S.C. §§620-620o |
| **Designations Exclusively or Primarily Related to NPS[p]** | | | | | |
| ***Primarily Natural NPS Areas*** | | | | | |
| National Park | Congress | Individual statutes | NPS | • National parks generally are large, diverse areas with outstanding natural features and ecological resources.<br>• Consumptive activities such as hunting or mining typically are prohibited.<br>• Many current national parks were established originally with other designations, such as national monument. | Arches National Park (UT), P.L. 92-155<br>Great Smoky Mountains National Park (TN, NC), Act of February 21, 1925, 43 Stat. 958<br>Glacier Bay National Park (AK), P.L. 96-487, §202 |
| National Preserve | Congress | Individual statutes | NPS | • National preserves are similar to national parks in their size and natural assets, but allow activities not generally permitted in national parks, such as hunting or oil and gas exploration. Off-road vehicle use may be permitted. | Big Thicket National Preserve (TX), P.L. 93-439<br>Valles Caldera National Preserve (NM), P.L. 113-291, §3043 |
| National Seashore, National Lakeshore | Congress | Individual statutes | NPS | • These designations preserve shoreline areas and offshore islands on the Atlantic, Gulf, and Pacific coasts (national seashores) and the Great Lakes (national lakeshores).<br>• Along with conservation, water recreation is a primary focus. Off-road vehicle use may be permitted. | Cumberland Island National Seashore (GA), P.L. 92-536<br>Apostle Islands National Lakeshore (WI), P.L. 91-424 |

| Designation | Authorizing Entity | Authority for Designation[a] | Administering Agency[b] | Selected Characteristics | Examples[c] |
|---|---|---|---|---|---|
| ***Primarily Historical/Cultural NPS Areas and Related Areas*** | | | | | |
| National Historic Site | Congress or (for earlier sites) the Secretary of the Interior[q] | Congressional designations: Individual statutes<br>Secretarial designations: Historic Sites Act of 1935 (54 U.S.C. §§320101 et seq.) | NPS, FS, nonfederal entities[r] | • Most sites feature buildings of historical interest, such as the homes of notable individuals, public buildings where significant events occurred, or military forts. | Little Rock Central High School National Historic Site (AR), P.L. 105-356<br>Lower East Side Tenement National Historic Site (NY), P.L. 105-378<br>Grey Towers National Historic Site (PA), P.L. 108-447, §348 |
| National Memorial | Congress | Memorials in Washington, DC: Commemorative Works Act of 1986 (40 U.S.C. §§8901-8909)<br>Other memorials: Individual statutes | NPS, nonfederal entities[s] | • Most national memorials are structures erected to commemorate people or events of national importance. They need not be located at historically significant sites. | Flight 93 National Memorial (PA), P.L. 107-226<br>Oklahoma City National Memorial (OK), P.L. 108-199, §544<br>Distinguished Flying Cross National Memorial (CA), P.L. 113-132 |
| National Battlefield, National Battlefield Park, National Battlefield Site, National Military Park | Congress | Individual statutes | NPS | • These sites commemorate landscapes where battles occurred (primarily in the American Revolution and the Civil War), as well as military and civil structures. | Wilson's Creek National Battlefield (MO), P.L. 91-554<br>River Raisin National Battlefield Park (MI), P.L. 111-11, §7003<br>Horseshoe Bend National Military Park (AL), P.L. 84-800 |
| National Historical Park | Congress | Individual statutes | NPS | • National historical parks preserve sites related to events or people of national historical significance.<br>• They generally extend beyond a single building or property. | Blackstone River Valley National Historical Park (RI), P.L. 113-291, §3031<br>Cedar Creek and Belle Grove National Historical Park (VA), P.L. 107-373 |
| National Heritage Area | Congress | Individual statutes | Nonfederal entities | • Congress has established national heritage areas in support of community-centered initiatives to preserve historical, cultural, and natural resources.<br>• Areas remain under state, local, and/or private control, while receiving financial and technical aid from NPS. | Mississippi Delta National Heritage Area (MS), P.L. 111-11, §8008<br>Freedom's Frontier National Heritage Area (KS, MO), P.L. 109-338, Subtitle E |

| Designation | Authorizing Entity | Authority for Designation[a] | Administering Agency[b] | Selected Characteristics | Examples[c] |
|---|---|---|---|---|---|
| NPS Affiliated Area | Congress, Secretary of the Interior | Congressional designations: Individual statutes<br>Secretarial designations: Historic Sites Act of 1935 (54 U.S.C. §§320101 et seq.) | Nonfederal entities[t] | • When studying an area for possible addition to the National Park System, NPS may recommend affiliated status, if the area meets some but not all criteria for joining the park system.<br>• NPS provides financial assistance to some but not all affiliated areas.<br>• Most of the affiliated areas have a historical and cultural focus, but some are primarily natural areas. | Aleutian World War II National Historic Area (AK), P.L. 104-333, §513<br>Roosevelt-Campobello International Park (ME), P.L. 88-363 |
| National Historic Landmark | Secretary of the Interior | National Historic Preservation Act of 1966, as amended (NHPA; 54 U.S.C. §§300101 et seq.) | Mainly nonfederal entities[u] | • There are more than 2,500 national historic landmarks, selected for exceptional value or quality in illustrating or interpreting the heritage of the United States.<br>• Most national historic landmarks are nonfederal properties that remain in nonfederal ownership and management. NPS provides technical but not financial assistance. Properties may qualify for historic preservation grants and historic tax credits.<br>• Under Section 110(f) of the National Historic Preservation Act (54 U.S.C. §306107), prior to approving any federal undertaking that may directly and adversely affect a national historic landmark, federal agencies must engage in planning and action to minimize harm to the landmark.<br>• Under the NHPA, all national historic landmarks are also added to the National Register of Historic Places, the broader federal list of areas, buildings, and objects significant to American history, architecture, archeology, engineering, and culture. | Medgar and Myrlie Evers House National Historic Landmark (MS) (designated 2017)<br>Chicano Park National Historic Landmark (CA) (designated 2017)<br>Deer Medicine Rocks National Historic Landmark (designated 2011)<br>Juliette Gordon Low Historic District (GA) (designated 1965) |

**Source:** CRS.

a. In addition to these statutory authorities for designation, the agencies more broadly administer lands under their "organic acts" and other statutory authorities. These include, among others, for NPS, the National Park Service Organic Act of 1916, as amended (54 U.S.C. §100101 et seq.); for BLM, the Federal Land Policy and Management Act of 1976, as amended (FLPMA, 43 U.S.C. §§1701 et seq.); for FWS, the Fish and Wildlife Act of 1956, as amended (16 U.S.C. §§742a-m), and the National Wildlife Refuge System Administration Act (16 U.S.C. §668dd); and, for FS, the Forest Service Organic Administration Act of 1897, as amended (16 U.S.C. §§473 et seq.), and the Multiple Use-Sustained Yield Act of 1960 (16 U.S.C. §§528-531).

b. BLM = Bureau of Land Management; FS = U.S. Forest Service; FWS = U.S. Fish and Wildlife Service; NPS = National Park System. The column lists the agency or agencies that typically serve as primary administrators for each type of area. Although an agency serves as the overall administrator for a given area, some parcels of land within the area's boundaries may be owned and/or managed by another federal agency; by states, tribes, or localities; or by private owners. For example, the

area may contain inholdings within its boundaries that are under private ownership, or part of the land may be set aside for military activities and managed by the Department of Defense, or a marine national monument may be cooperatively managed by FWS and the National Oceanic and Atmospheric Administration. For designations common to multiple federal land management agencies, the agencies are listed in order of most to least responsibility, either in terms of the number of designated units the agencies manage (national monuments, national recreation areas, national trails) or the acreage or mileage they manage (wilderness, wild and scenic rivers).

c. For areas that were designated by individual statutes, this column shows the public law number and, where applicable, the relevant title or section of the law. In cases where a systemic law authorized the executive branch to make individual designations, the governing law is shown in the "Authority for Designation" column.

d. Some early national recreation areas were established by interagency agreements between the Department of the Interior's Bureau of Reclamation and NPS.

e. There are more than 130 individual wilderness designation statutes. These statutes are not amendments to the Wilderness Act, but they typically refer to the act for management guidance.

f. FLPMA §603(a) required the Secretary of the Interior to identify wilderness study areas by 1991 and to submit wilderness recommendations to Congress by 1993. These WSAs may be modified only by an act of Congress. FLPMA §202 authorizes the Secretary of the Interior to identify WSAs through its land and resource management planning process. The Secretary may release those areas from further study area status if determined to be unsuitable for a wilderness recommendation.

g. Wild and scenic rivers generally are managed by the federal land management agencies (BLM, FS, NPS, or FWS), but certain rivers nominated for inclusion by the states are managed by state agencies. Also, for federally managed rivers that cross state, county, or other public or private land, the federal agencies are directed to cooperate with state and local governments in developing corridor management plans.

h. National scenic trails and national historic trails are designated by acts of Congress. National recreation trails may be designated by the Secretary of the Interior or the Secretary of Agriculture with the consent of the federal agency, state, or political subdivision with jurisdiction over the lands involved.

i. For national scenic and historic trails, a single federal agency typically serves as the overall administrator, but lands along the trail may be owned and managed by multiple federal agencies, state and local governments, private groups, and individuals. National recreation trails are mainly on nonfederal lands and typically are administered by states, localities, and private organizations.

j. For more information on BLM areas, please contact Carol Hardy Vincent, CRS Specialist in Natural Resources Policy.

k. BLM also has created subsets of ACECs, including Research Natural Areas and Outstanding Natural Areas.

l. For more information on FS areas, please contact Katie Hoover, CRS Specialist in Natural Resources Policy.

m. For more information on FWS areas, please contact R. Eliot Crafton, CRS Analyst in Natural Resources Policy.

n. Sometimes jurisdiction is secondary to the U.S. Army Corps of Engineers, Bureau of Reclamation, Department of Defense, Department of Energy, and others.

o. Often jurisdiction is secondary to a water management agency.

p. For more information on NPS areas, please contact Laura Comay, CRS Specialist in Natural Resources Policy.

q. The Secretary of the Interior has the authority to designate national historic sites under the Historic Sites Act of 1935 (54 U.S.C. §§320101 et seq.). However, this authority was limited in 1992 by an amendment to the Historic Sites Act stipulating that Congress must authorize the appropriation of any funds used to carry out secretarial designations. Since then, only Congress has established national historic sites.

r. NPS administers 78 national historic sites and one international historic site (St. Croix Island on the Canadian border). FS manages one national historic site (Grey Towers National Historic Site in Pennsylvania). An additional 10 national historic sites are nonfederally owned and administered, but are NPS "affiliated areas," receiving technical and/or financial assistance from NPS.

s. NPS administers 30 national memorials as part of the National Park System. Another 5 are nonfederally owned and administered, but are NPS "affiliated areas," receiving technical and/or financial assistance from NPS. Other congressionally designated national memorials are nonfederal and not associated with NPS.

t. One NPS affiliated area, American Memorial Park in the Northern Mariana Islands, is administered by NPS under P.L. 95-348.

u. Some national historic and natural landmarks are on federal lands and are managed by the federal agency that controls the land.

# For Additional Reading

CRS Report R41658, *Commemorative Works in the District of Columbia: Background and Practice*, by Jacob R. Straus.

CRS Report R41285, *Congressionally Designated Special Management Areas in the National Forest System*, by Katie Hoover.

CRS In Focus IF10585, *The Federal Land Management Agencies*, by Katie Hoover.

CRS Report R43429, *Federal Lands and Related Resources: Overview and Selected Issues for the 115th Congress*, coordinated by Katie Hoover.

CRS Report RL33462, *Heritage Areas: Background, Proposals, and Current Issues*, by Laura B. Comay and Carol Hardy Vincent.

CRS Report R41330, *National Monuments and the Antiquities Act*, by Carol Hardy Vincent.

CRS Report R41816, *National Park System: What Do the Different Park Titles Signify?*, by Laura B. Comay.

CRS Report R43868, *The National Trails System: A Brief Overview*, by Sandra L. Johnson and Laura B. Comay.

CRS Report R42614, *The National Wild and Scenic Rivers System: A Brief Overview*, by Sandra L. Johnson and Laura B. Comay.

CRS Report RL31447, *Wilderness: Overview, Management, and Statistics*, by Katie Hoover.

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