

administration of the park or be an effective management tool for obtaining mutual assistance from other agencies. Furthermore, the authority is intended for use only in response to an unexpected occurrence that requires immediate action, which may include one or more of the following:

- ◆ emergency responses such as life-or-death incidents, serious injury/fatality accident/incident scenes, crime scenes involving the protection of human life, officer needs assistance, threats to health or safety of the public;
- ◆ emergency or law enforcement incidents directly affecting visitor safety or resource protection;
- ◆ probable-cause felonies and felonies committed in the presence of and observed by U.S. Park Rangers, Special Agents, or U.S. Park Police;
- ◆ misdemeanors committed in the presence of U.S. Park Rangers, Special Agents, or U.S. Park Police that present an immediate threat to the health and safety of the public.

Except where specifically provided by acts of Congress codified in the District of Columbia Code, sections 5-201 to 5-208 (2001), the Service may not assume law enforcement responsibility outside of a park in lieu of the legitimate responsibilities of nearby agencies. Cooperative assistance rendered to nearby law enforcement agencies outside park boundaries should be limited to only those actions or efforts that support or assist those agencies.

### 8.3.5 Jurisdiction

The term jurisdiction defines the sphere of authority and outlines the boundaries or territorial limits within which any particular authority may be exercised. Jurisdiction may be either exclusive, partial, concurrent, or proprietary. Insofar as is practicable, the Service will seek to acquire concurrent legislative jurisdiction for all units of the national park system, as required by the 1976 amendment to the General Authorities Act. Concurrent jurisdiction allows the Service to enforce federal criminal statutes and also to assimilate state law under 18 USC 13 when no applicable federal law or regulation exists. Concurrent jurisdiction will allow for the more efficient conduct of both state and federal law enforcement functions within the parks.

### 8.3.6 Use of Force

Commissioned employees may use a wide variety of defensive equipment and force options in response to various threats and other enforcement situations. The primary consideration is the timely and effective application of the appropriate level of force required to establish and maintain lawful control.

### 8.3.7 Law Enforcement Public Information and Media Relations

The National Park Service will provide information to the public and the news media in accordance with applicable laws, departmental policy, and Director's Order #75B: Media Relations. Superintendents should identify appropriate opportunities to (1) enhance deterrence by

publicizing arrests, weapons seizures, and successful prosecutions; (2) highlight cooperation and assistance activities (e.g., Park Watch); and (3) educate the public about the full range of threats to and the difficulty in protecting park resources.

The right of the public to obtain information about government operations and activities is subject to the requirements of the Freedom of Information Act and the Privacy Act.

*(See Civic Engagement 1.7. Also see Director's Order #66: FOIA and Protected Resource Information; Director's Order #75A: Civic Engagement and Public Involvement)*

### 8.3.8 Homeland Security

The Park Service will work cooperatively with the Department of the Interior; Department of Homeland Security; and other federal, state, and local agencies to prevent and respond to foreign and domestic attacks on American soil. The Park Service will maintain a capacity to rapidly move law enforcement personnel to critical asset and infrastructure or other identified areas in the event of a terrorist attack, elevated threat level, or other major emergency incident.

*(See National Emergency Response Plan)*

## 8.4 Overflights and Aviation Uses

A variety of aircraft, including military, commercial, general aviation, and aircraft used for NPS administrative purposes, fly in the airspace over national parks. Although there are many legitimate aviation uses, overflights can adversely affect park resources and values and interfere with visitor enjoyment. The Service will take all necessary steps to avoid or mitigate unacceptable impacts from aircraft overflights.

Because the nation's airspace is managed by the Federal Aviation Administration (FAA), the Service will work constructively and cooperatively with the Federal Aviation Administration and national defense and other agencies to ensure that authorized aviation activities affecting units of the national park system occur in a safe manner and do not cause unacceptable impacts on park resources and values and visitor experiences. The Service will build and maintain a cooperative and problem-solving relationship with national defense agencies to address the congressionally mandated mission of each agency and prevent or mitigate unacceptable impacts of military training or operational flights on park resources, values and the visitor experience. Cooperation is essential because the other agencies involved have statutory authorities and responsibilities that must be recognized by the Service.

*(See Soundscape Management 4.9. Also see Director's Orders #47: Soundscape Preservation and Noise Management; #60: Aviation Management)*

#### 8.4.1 Alaska and Remote Areas

Aviation can provide an important, and in some cases the preferred, means of access to remote areas in certain parks, especially in Alaska. In such cases, access by aircraft may make an important contribution to the protection and enjoyment of those areas. Dependence on aviation will be fully considered and addressed in the planning process for those parks. Alaska parks have specific regulations concerning fixed-wing aircraft, published at 36 CFR Part 13 and 43 CFR 36.11(f).

#### 8.4.2 Education

For the general public and for aviation interests, the Service will develop educational materials describing the importance of the natural soundscape and tranquility to park visitors, as well as the need for cooperation from the aviation community.

*(See Chapter 7: Interpretation and Education; Soundscape Management 4.9)*

#### 8.4.3 General Aviation

The Service will work closely with the Federal Aviation Administration and with general aviation organizations to ensure that general aviation operations over units of the national park system are conducted in accordance with applicable FAA advisories and “fly-friendly” techniques and procedures designed to help pilots minimize impacts on national parks. The Service will seek the assistance of these organizations in problem resolution if general aviation concerns arise over national parks.

#### 8.4.4 Administrative Use

Aviation is a necessary and acceptable management tool in some parks when used in a manner consistent with the NPS mission. Aviation activities will comply with all applicable policies and regulations issued by the Department of the Interior, the Federal Aviation Administration, and the National Park Service. In its administrative use of aircraft, the Service will

- ◆ use, to the maximum extent practicable, the quietest aircraft available for its aviation operations;
- ◆ limit official use of flights over parks to those needed to support or carry out emergency operations or essential management activities in cases where there are no practical alternatives or when alternative methods would be unreasonable;
- ◆ give full consideration to safety; wilderness management implications; impacts on resources, values, and opportunity for visitor enjoyment; impacts on other administrative activities; and overall cost-effectiveness;
- ◆ plan, schedule, and consolidate flights so as to avoid or minimize unacceptable impacts on park resources and values and visitor enjoyment;
- ◆ work cooperatively with other agencies using aircraft and airspace over parks to adhere to the above standards.

*(Also see Director’s Order #60: Aviation Management)*

#### 8.4.5 Military Aviation

The Service will work cooperatively with agencies of the Department of Defense to address the congressionally mandated missions of all agencies. In addition, the Service will prevent or strive to mitigate any unacceptable impacts of overflights related to military training or operational low-level overflights. Superintendents are responsible for opening lines of communication with base commanders controlling military training routes or military operations areas that may affect their parks, and for developing formal agreements that mitigate identified impacts.

#### 8.4.6 Commercial Air Tour Management

The National Parks Air Tour Management Act of 2000 and implementing FAA regulations provide for a joint FAA/NPS planning process that will lead to the management by the Federal Aviation Administration of commercial air tours over national parks (with the exception of parks in Alaska and Rocky Mountain National Park, which are specifically excluded from the process). The Service, as a cooperating agency, will assist the Federal Aviation Administration in developing an air tour management plan (ATMP) for each park with existing or proposed air tours. Superintendents will work cooperatively with the Federal Aviation Administration, air tour operators, and other stakeholders in the development of these plans and will determine the nature and extent of impacts on natural and cultural resources and visitor experience opportunities inside park boundaries. The Federal Aviation Administration, with responsibility for ensuring the safe and efficient use of the nation’s airspace and protecting the public health and welfare from aircraft noise, will implement the air tour management plans and regulate commercial air tours in accordance with it.

#### 8.4.7 Permitted Overflights

When issuing permits for activities such as filming or research in which the use of aircraft is proposed, the superintendent will determine whether use is appropriate and apply conditions to protect park resources and values from unacceptable impacts. Permit requests will be denied if the activity will have unacceptable impacts on a park’s resources, values, or desired visitor experiences.

#### 8.4.8 Airports and Landing Sites

Private or commercial aircraft may be operated in parks only on lands or water surfaces designated by the Park Service as landing sites through special regulation. (See section 8.4.1 regarding Alaska and some remote areas.) The Service will evaluate and manage aircraft landing sites under its jurisdiction to ensure that the use of the sites will have no unacceptable impacts on park resources and values, public safety, or visitor enjoyment. Existing sites that meet these criteria and that have been designated as a result of previously established use may be retained as long as the administrative need for them continues. New sites will be designated only where essential to provide administrative access to remote areas (other than wilderness), and only where the site can be established, used, and maintained without the need for new construction or major site improvements.

The National Park Service will also work with entities having jurisdiction over landing sites and airports adjacent to parks for the purpose of preventing, reducing, or otherwise mitigating the effects of aircraft operations. Whether landing sites or airports are situated within or adjacent to parks, the objective will be to minimize noise and other impacts and confine them to the smallest and most appropriate portion of the park, consistent with safe aircraft operations.

*(Also see 36 CFR 2.17; 43 CFR 36.11 (f))*

### 8.5 Use by American Indians and Other Traditionally Associated Groups

The National Park Service will develop and implement its programs in a manner that reflects knowledge of and respect for the cultures of American Indian tribes or groups with demonstrated ancestral ties to particular resources in parks. Evidence of such ties will be established through systematic archeological or anthropological studies, including ethnographic oral history and ethnohistory studies or a combination of these sources. For purposes of these policies, the term American Indian tribe means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native Village, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. Other groups of people with traditional associations to park lands or resources include native peoples of the Caribbean; Native Hawaiians and other native Pacific islanders; and state-recognized tribes and other groups who are defined by themselves and known to others as members of a named cultural unit that has historically shared a set of linguistic, kinship, political, or other distinguishing cultural features.

The Service will regularly and actively consult with American Indian tribal governments and other traditionally associated groups regarding planning, management, and operational decisions that affect subsistence activities, sacred materials or places, or other resources with which they are historically associated. Information about the outcome of these consultations will be made available to those consulted.

In developing its plans and carrying out its programs, the Service will ensure the following:

- ◆ NPS general regulations governing access to and use of natural and cultural resources in parks will be applied in an informed and balanced manner consistent with park purposes that (1) does not unreasonably interfere with American Indian tribal use of traditional areas or sacred resources, and (2) does not violate the criteria listed in section 8.2 for use of the parks.
- ◆ Superintendents will establish and maintain consulting relationships with potentially affected American Indian tribes or traditionally associated groups.
- ◆ Management decisions will reflect knowledge about and understanding of potentially affected American

Indian cultures and people, gained through research and consultations with the potentially affected groups.

The American Indian Religious Freedom Act (42 USC 1996) states that

Henceforth it shall be the policy of the United States to protect and preserve for American Indians their inherent right to freedom to believe, express, and exercise the traditional religions of the American Indians, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.

The National Park Service recognizes that site-specific worship is vital to Native American religious practices. As a matter of policy and in keeping with the spirit of the law, and provided the criteria listed in section 8.2 for use of the parks are not violated, the Service will be as unrestrictive as possible in permitting Native American tribes access to park areas to perform traditional religious, ceremonial, or other customary activities at places that have been used historically for such purposes. In allowing religious access by other entities, including nonrecognized Indian groups, the Service will consider requests individually, being mindful not to take actions that will either advance or inhibit religion. The Service will not direct visitor attention to the performance of religious observances unless the Native American group so wishes.

With regard to consumptive use of park resources, current NPS policy is reflected in regulations published at 36 CFR 2.1 and 36 CFR Part 13. These regulations allow superintendents to designate certain fruits, berries, nuts, or unoccupied seashells that may be gathered by hand for personal use or consumption if it will not adversely affect park wildlife, the reproductive potential of a plant species, or otherwise adversely affect park resources. The regulations do not authorize the taking, use, or possession of fish, wildlife, or plants for ceremonial or religious purposes, except where specifically authorized by federal statute or treaty rights or where hunting, trapping, or fishing are otherwise allowed.

When authorized under National Historic Preservation Act, the Archeological Resources Protection Act or other provisions of law, the Service will protect sacred resources to the extent practicable and in a manner consistent with the goals of American Indian tribes or other traditionally associated groups. The location and character of sacred sites will be withheld from public disclosure if disclosure will cause significant invasion of privacy, risk harm to the historic resource, or impede the use of a traditional religious site by practitioners.

Members of American Indian tribes or traditionally associated groups may enter parks for traditional nonrecreational activities without paying an entrance fee.

The ceremonial use of peyote will be limited to members of the Native American Church during religious ceremonies,