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## Managing National Park System Resources: A Handbook on Legal Duties, Opportunities, and Tools

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## BOOK REVIEWS

### MANAGING NATIONAL PARK SYSTEM RESOURCES: A HANDBOOK ON LEGAL DUTIES, OPPORTUNITIES, AND TOOLS

MICHAEL A. MANTELL, ed.  
Washington: The Conservation Foundation. 1990.  
Pp. xv, 270. \$23.50, paper.

When Congress established the nation's first national park at Yellowstone in 1872, it could not foresee the eventual extension of the concept to the present system of more than 350 national park units stretching from the National Park of American Samoa to Virgin Islands National Park. Nor could that Congress have envisioned the current complexities involved in managing these parks. National park administration has long been concerned with three primary areas—visitor protection, interpretation of the park physical and cultural landscapes, and facilities maintenance. Scant attention was given to a park's resource base, which often was left unmanaged. Furthermore, many activities unintentionally were counterproductive—bears were enticed into garbage dumps, forest fires were effectively suppressed, and wolves were deliberately exterminated. Park employees rarely were trained in resource management and few carried "resource management" in their job titles or descriptions.

Heavy and increasing public use of the national parks, coupled with exploding environmental pressures—many of which are external to a park's boundaries—make the traditional benign approach to national park resources unacceptable. Recent mandates place great emphasis upon active management of resources within the national park system, and many units now have full time, trained professional staffs responsible for resource management.

*Managing National Park System Resources* presents a valuable, concise overview of the legal obligations and opportunities under which park resource managers operate. The book is an outgrowth of three courses presented to National Park Service resource management trainees and includes fourteen chapters by thirteen authors, most of whom are professionally active in natural resources law.

National parks function under a complex system of laws and regulations: (1) The *Organic* Act sets broad goals. (2) Each national park is subject to the provisions of its individual *enabling* legislation. (3) Superimposed on each park are other applicable federal laws. (4) Federal *regulations* spell out many management details. (5) Each park is subject to a variety of *state* and *local* laws. And (6) all are subject to various *court interpretations*. Three of the book's four parts concentrate on three of these facets.

Part I introduces the reader to some basic legal concepts and to the 1916 National Park Service Organic Act, which is "broad and sweeping without being specific" (p. 20). The Organic Act lays down the general philosophy of park management, not the details and procedures which are developed in other laws and regulations.

Part II, the longest section, examines individual federal environmental laws which, although not designed as national park management tools, have been superimposed upon the national park system. Separate chapters are devoted to the National Environmental Policy Act, the Clean Air Act, the Clean Water Act, the Endangered Species Act, and the National Historic Preservation Act. Because the provisions of these statutes are specific and their consideration is mandatory for park managers, these are the book's most explicit chapters.

Part III, "The Nonfederal Setting," reviews the nature of state and local laws affecting national park resource management and considers the roles of private "Friends of Parks" groups and of land trusts. This section is more general—and less satisfying—than the preceding two. The two chapters of Part IV, "The Challenges Ahead," assist resource managers in preparing for litigation and alert them to some of the emerging legal issues facing national park administrators.

Park managers operate under a variety of constraints—including budget and staff restrictions, political maneuverings, public pressures, as well as legal pressures. In the past the legal restraints and obligations affecting national parks often were viewed as impediments by park managers, getting in the way of their day-to-day operations. A primary theme of this volume is that laws and regulations are not simply impediments, but that they also offer managers a variety of options that facilitate and encourage sound resource management. For example, preparation of environmental impact assessments under NEPA provides a systematized procedure for documenting resources that not only contributes to better understanding of a park, but helps defuse future legal or political complications, and reduces charges of arbitrary and capricious actions. Laws which have seemed to be barriers should be viewed simply as one of the resource manager's available tools.

Because of the tremendous diversity of laws and regulations, no single volume such as this can cover all of the legal aspects affecting the national park system. Consequently, the book's subtitle is misleading. It is less a "handbook" than a "primer." Although it is best at treating the Organic Act and the superimposed federal laws such as NEPA, which are applicable to all parks, it can only be suggestive with respect to enabling legislation and to the multiplicity of state and local laws affecting park resource management. The book necessarily is a broad-brush treatment, often illustrated with examples from individual parks. It is intended to

provide a background to the legal obligations and opportunities, rather than a reference manual. (The individual statutes discussed, for example, are not reproduced in the volume. The resource manager must refer to them elsewhere.)

Although the original audience for this book was the National Park Service resource management trainee, many others also will find this valuable reading. It is an excellent introduction to the subject for the non-specialist—the lay person without a legal background but who is interested in the problems and potentials of park resource management. And it should be required reading for employees of other National Park Service divisions—Protection, Interpretation, and Maintenance—who must be aware of the concerns of their resource management colleagues.

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