

Department of the Interior Departmental Manual

Effective Date: 08/08/2023

Series: Delegation

Part 245: National Park Service

Chapter 1: General Program Delegation, Director, National Park Service

Originating Office: National Park Service

245 DM 1

1.1 Delegation. The Director, National Park Service (Director) is delegated through the Assistant Secretary for Fish and Wildlife and Parks the following authorities of the Secretary of the Interior (Secretary):

A. Program authority with respect to the supervision, management, and operation of the National Park System, except as provided in 200 DM 1.

B. Authority to issue such rules and regulations as would amend by addition, revision, or revocation, regulations contained in Chapter 1, Title 36, Code of Federal Regulations, and Title 43, Code of Federal Regulations in so far as it relates to the National Recreation Areas of the National Park System.

C. In addition to the above the Director is authorized to:

(1) Carry out the purposes of the Wild and Scenic Rivers Act (82 Stat. 906; 16 U.S.C. 1271 et seq.) and the National Trails System Act (82 Stat. 919; 16 U.S.C. 1241 et seq.) regarding additions to and evaluations of components of the systems and, in accordance with 710 DM 1, the selection and location of boundaries, property acquisition, development, and administration of assigned components of the systems.

(2) Carry out enforcement as specified in Section 8 (b) of the Wild Free-Roaming Horse and Burro Act of 1971 (85 Stat. 649; 16 U.S.C. 1331-1340). This authority will be exercised in accordance with the provisions of 633 DM 1.

(3) Enforce the conditions and provisions of the Act of December 19, 1913; 38 Stat. 242, Chapter 4 (Raker Act) for those parts of right-of-way grants within Yosemite National Park.

(4) Carry out the provisions of the Act of June 23, 1936 (49 Stat. 1894; 16 U.S.C. 17k-17n) relating to the study and planning of park, parkway, and recreational facilities throughout the United States except as provided in 245 DM 1.2.

(5) Perform the requirements of Sections 2 and 3 of the Act of May 28, 1963 (77 Stat. 49; 16 U.S.C. 4601-1 and 2) concerning the coordination and development of effective programs related to outdoor recreation.

(6) Carry out the provisions of Section 809(b) of the Railroad Revitalization and Regulatory Reform Act (90 Stat. 31) relating to the conversion of abandoned railroad rights-of-way to recreation and conservation uses.

(7) Carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 1-11) and Sections 6 and 7 of Executive Order 11200 including the reporting requirements found in 16 U.S.C. 4601-6a(h) and 4601-10d.

(8) Assist the Department of Defense in developing public recreation facilities on military lands as provided in the Act of August 8, 1968, as amended (16 U.S.C. 670c).

(9) Review transportation projects for their possible impact on public parks, recreation areas, or historic sites as provided in the Department of Transportation Act, as amended (P.L. 89-670, dated October 15, 1966; 49 U.S.C. 1653(f)).

(10) Dispose of Federal surplus real property to States and political subdivisions thereof for public park and recreational purposes as provided in the Act of October 22, 1970 (84 Stat. 1084; 40 U.S.C. 484(k) (2)).

(11) Grant permits for archeological and paleontological explorations on all lands under the jurisdiction or control of the National Park Service.

(12) Carry out the purposes of the Historic Sites Act of 1935, as amended, and administer the National Historic and Natural Landmarks Programs and perform related reporting requirements (49 Stat. 666; 94 Stat. 2987; 16 U.S.C. 461-467, 470-470a, and 1a-5).

(13) Review and approve Architectural, Use, and Financial Plans of applicants for surplus historic Federal real property prior to its disposal by the General Services Administration pursuant to Section 203 (k)(3) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484 (k) (3)).

(14) Serve on the Board of Trustees of the National Trust for Historic Preservation pursuant to Section 3 of the Act of October 26, 1949 (63 Stat. 927; 16 U.S.C. 468(b)).

(15) Maintain the National Register of Historic Places, administer the Historic Preservation Fund Program, and perform related reporting requirements (94 Stat. 2987; 80 Stat. 915, as amended; 16 U.S.C. 470-470f and 470h; 16 U.S.C. 1a-5; Section 3 of Executive Order 11593) except as provided in 245 DM 1.2.

(16) Preserve historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam (16 U.S.C. 469-469c).

(17) Certify historic district statutes and State and local districts, significance of historic structures, and rehabilitations of historic structures in connection with Federal historic preservation tax incentives pursuant to Section 48(g) and 170(h) of the Internal Revenue Code of 1986.

(18) Carry out the purposes of the National Parks and Recreation Act of 1978 (92 Stat. 3467) related to the study of unutilized, underutilized, or excess Federal property (Section 303(c) of the Act) and the establishment of an urban park and recreation recovery program (Sections 1001-1015 of the Act).

(19) Review the historical, archeological, and natural science aspects of regional or river basin planning sponsored by the Water Resources Council or a Federal agency and such planning undertaken by other governmental agencies or the private sector pursuant to a Federal grant, license, or permit.

(20) Carry out the provisions in Section 9 of the Act of September 28, 1976, (90 Stat. 1343; 16 U.S.C. 1908) regarding possible adverse impact of surface mining activities on designated natural or historic landmarks.

(21) Release grants to the National Trust for Historic Preservation subsequent to appropriation of funds by the Congress of the United States, as provided by the National Historic Preservation Act, as amended, December 12, 1980, P.L. 96-515, (16 U.S.C. 470).

(22) Carry out the provisions of the Act of June 5, 1978, 16 U.S.C. 410cc relating to the administration of the Lowell Historic Preservation District.

(23) Carry out the duties and responsibilities of the Native American Graves Protection and Repatriation Act (NAGPRA) Program other than those reserved to the Assistant Secretary for Fish and Wildlife and Parks.

(24) Receive and respond to recommendations from the NAGPRA Review Committee. The authority may not be delegated below the level of Associate Director.

(25) Exercise program authority with respect to the administration of the National Heritage Area System under the National Heritage Area Act (P.L. 117-339) and related authorities, including approval of National Heritage Area Management Plans and completion of State and Tribal consultation prior to approval of each plan.

1.2 Limitations. The following authorities are not delegated in the general authorities listed in 245 DM 1.1:

A. Any action to be taken with the approval or concurrence of the President, or the head of any department or independent agency of the Government.

B. Authority related to functions and responsibilities under the Act of June 23, 1936 (49 Stat. 1894), which have been or may be reserved by the Secretary.

C. Making final apportionments of Land and Water Conservation funds to the individual States as required by the factors and formulas specified by the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 et seq.).

D. Establishing the criteria to be followed by the States in preparation of Statewide historic surveys and plans and making final apportionments of funds among the States for such surveys and plans, and for projects in the approved plans as prescribed in Title I of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470).

8/08/2023 #5145

Replaces 5/31/07 #3744