



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

AMM 117499

COMMUNITY AND ECONOMIC
DEVELOPMENT DIVISION

February 5, 1982

The Honorable G. Ray Arnett
Assistant Secretary of the Interior
for Fish and Wildlife and Parks



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Dear Mr. Arnett:

The General Authorities Act, as amended in 1976, authorizes the Secretary of the Interior to negotiate with States for concurrent jurisdiction in the National Park System.^{1/} Under concurrent jurisdiction, Federal, State and local governments jointly provide traditional government services to residents and visitors to the National Park System such as law enforcement, sewage disposal, fire protection, rescue operations, and trash removal.

In April 1976, the Department of the Interior in commenting on proposed amendments to the General Authorities Act stated it would be beneficial to relinquish to the States the Federal legislative jurisdiction relative to some areas of the National Park System. It pointed out that administration of units of the system under exclusive jurisdiction can deny the National Park Service (NPS), its employees, and citizens residing in such units important rights and privileges of State and local government normally provided to them.

NPS, however, does not have policies and procedures for implementing the act, has not been actively pursuing concurrent jurisdiction transfers with States, and does not know how many areas in the National Park System have potential for concurrent jurisdiction status. We received different opinions from various NPS officials on the merits of concurrent jurisdiction and do not know whether the Department still believes concurrent jurisdiction is a good idea. We therefore are asking you to review the matter and inform us of the Department's position.

^{1/}There are three different legislative jurisdictional statuses in which Federal lands may be held. In some areas, exclusive jurisdiction rests with the United States, thus precluding the exercise of any legal authority by State and local agencies. Other areas fall under concurrent jurisdiction, which allows the exercise of appropriate authority by State, local, and Federal agencies. Many National Park System areas are also subject to proprietary jurisdiction, wherein the Federal Government has acquired title to land within a State but has not received any measure of the State's authority over the land.

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THE GENERAL AUTHORITIES ACT, AS AMENDED

The Congress passed the General Authorities Act (Public Law 91-383, 84 Stat. 825 (16 U.S.C. 1a-1 et seq.)) on August 18, 1970, to improve the administration of the National Park System by clarifying and specifically defining certain authorities of the Secretary of the Interior. Addressing the legislative jurisdiction problem, the Congress later passed Public Law 94-458 (90 Stat. 1939), on October 7, 1976, which amended the General Authorities Act. Public Law 94-458 authorized the Secretary of the Interior to relinquish to a State part of the legislative jurisdiction exercised by the United States over the National Park System, thus permitting a change in status of some lands from exclusive to concurrent jurisdiction. Any relinquishment of legislative jurisdiction by the Secretary of the Interior is subject to legislative veto by the Committees on Interior and Insular Affairs of the Congress. The act also directed the Secretary to negotiate with each State where a unit of the park system is located, in an effort to secure concurrent jurisdiction, thus moving toward the goal of concurrent jurisdiction, insofar as practical, over the National Park System.

INTERIOR'S VIEWS IN 1976

In April 1976, the Department of the Interior, in commenting on the bill to amend the 1970 act, said it would be beneficial to relinquish to the States the Federal legislative jurisdiction relative to some areas of the National Park System. It pointed out that administration of units of the system pursuant to exclusive jurisdiction can deny the NPS, its employees, and citizens residing in such units important rights and privileges otherwise extended to those lands on the part of the State in which they are located.

For example, in exclusive jurisdiction areas, residents cannot legally participate in State elections and have their children educated in public school systems. States also lack authority to enforce their laws in such areas. The Department of the Interior in April 1976 concluded that where National Park System units are administered by the United States pursuant to concurrent legislative jurisdiction the above problems do not arise as much, because legislative jurisdiction over the lands is exercised jointly by the States and the Federal Government.

NPS'S CURRENT VIEWS

The Chief of the Ranger Activities and Protection Division told us that concurrent jurisdiction is a means of providing increased protection to park visitors and natural resources. He

said the establishment of concurrent legislative jurisdiction provides for the assimilation of State law relating to criminal activity into Federal law. Further, he pointed out that jurisdiction transfer does not diminish the Secretary's ability or responsibility to protect or manage park areas. For example, the taking of wildlife would continue to be prohibited by Federal regulations and fishing would continue in accordance with State law unless restricted by the Secretary.

However, during field visits in 1981, NPS management and law enforcement officials told us that both the quality and the image of law enforcement could be lowered if NPS, through concurrent jurisdiction transfers, becomes dependent on State and local governments for law enforcement assistance.

OBSERVATION

If the Department still supports the General Authorities Act, as amended, then NPS should move more rapidly toward securing concurrent jurisdiction over the park system by:

- developing policies and procedures for pursuing jurisdictional transfer efforts at headquarters and field offices,
- determining the number, location, and type of potential jurisdictional transfers, and
- setting forth timeframes for negotiating with States to achieve concurrent jurisdiction.

We received different opinions from NPS about concurrent jurisdiction and therefore, we would like to know Interior's position on the issue. We would appreciate your response not later than 30 days after the date of this letter. If you have any questions, please call me or Joe Maranto on 376-8212.

Sincerely yours,



Roy J. Kirk
Senior Group Director