



Law and Policy Working Group

Background

Climate change is a complex and far-reaching issue that poses significant risks and challenges to park resources, infrastructure, and visitor experience. To meet its mission and comply with legal mandates, the NPS must address two primary areas of responsibility with respect to climate change:

1. Mitigate climate change impacts from operations and projects within NPS areas.
2. Conserve resources within NPS boundaries in a changing environment.

The long range effects of climate change could impact our ability to meet our mission. In addressing these issues, there is a need for service-wide consistency in interpreting the NPS mission and mandates.

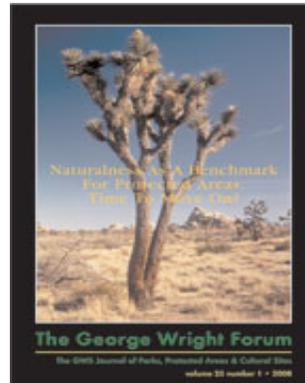
The Climate Change Law and Policy Working Group is one of six working groups developed over the last year to help guide the NPS in building the capacity to effectively cope with this challenge. The purpose of the Law and Policy Working Group is to provide guidance on basic policy issues emerging as a result of climate change and to ensure consistency and adherence to the NPS mission and legal mandates across the Service.

Approach

The Law and Policy Working Group is comprised of representatives from Natural Resource Stewardship and Science; Office of Policy; Park Planning, Facilities and Lands, and Visitor and Resource Protection. The group will consider whether new policy and/or guidance may be necessary to meet the needs of NPS decision makers toward managing resources and facilities in the context of climate change.

As an initial approach, the Working Group is examining existing laws and policies to identify some fundamental policy issues regarding climate change and the two areas of responsibility above. The following questions are being addressed:

- In general, how much flexibility does the NPS have to protect or not protect all individual resources (species) and landscapes under its jurisdiction?
- How does the NPS reconcile the current definition of “natural” (absence of human dominance over the landscape) with the impacts to resources resulting from the changing climate? Specifically, how do managers comply with mandates and policies for conservation and maintenance of natural conditions?
- How does NPS comply with the “no impairment” mandate as the historical state, geographic range and even existence of resources is threatened by climate change?



For many parks, their enabling legislation calls for resources to be preserved unimpaired in perpetuity. Lack of resource impairment is oftentimes related to the concept of maintaining natural conditions, although the definition of “natural” has been subject to debate. Rapid climate change brings an added dimension to these discussions as a mechanism through which virtually no landscape can escape being modified in some way by human activities. Scientists and managers grapple with these and other related issues through forums such as the George Wright Society, shown here (Vol 25, No 8, 2008).

- Do managers assume that active manipulation/intervention (e.g. assisted migration or colonization) is desirable or warranted to save a species?
- Would it be appropriate to put stronger requirements in place for park managers to minimize, prevent or reduce greenhouse gas emissions produced by park operations and activities?
- Should parks be able to sell carbon credits through various sequestration methods (underground, harvesting, land/forest management)?

Status and Next Steps

The Law and Policy Working Group is producing a table of existing laws and management policies to identify what natural resources managers might be prevented from doing, or conversely might be required to do, in the context of climate change. A review of this information indicates that NPS resource managers have significant flexibility in the choice of strategies to conserve resources in the face of climate change.

The group has also produced initial text regarding many of the questions mentioned above in the form of issue papers, which will continue to be developed through the end of 2008.

Results from these efforts will facilitate the development of a draft Director’s Order on responding to climate change. In developing the document, the group will consult with interested regional and national program leads, as well as other NPS staff.

More Information

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