

Limits of Acceptable Change: Laws

Antiquities Act of 1906

Prevents the appropriation, excavation, injury, or destruction of any historic or prehistoric ruin or monument on federal land

Weeks Act of 1911

This is the primary land acquisition authority for the Forest Service.

Historic Sites Act of 1935

Establishes a policy to preserve for public use historic sites, buildings, & objects of national significance.

Multiple-Use Sustained-Yield Act of 1960

States that National Forests are to be administered for outdoor recreation, range, timber, watershed, and wildlife & fish purposes.

Fish and Wildlife Conservation Act of 1960

Requires the Sec of Agriculture, in cooperation with state agencies, to plan, develop, maintain, and coordinate programs for the conservation & rehabilitation of wildlife, fish, & game on public lands under their jurisdiction.

Land & Water Conservation Fund Act of 1964

Authorizes the appropriation of funds for federal acquisition & development of certain lands for the purposes of preserving, developing, & assuring accessibility to outdoor recreation resources.

Wilderness Act of 1964

Establishes a National Wilderness Preservation System to be composed of federal land designated by Congress as "wilderness". Provides for protection of these areas & preservation of their wilderness character. No area can be designated as "wilderness" except as provided for in this Act or by a subsequent Act.

National Historic Preservation Act of 1966

Authorized the federal government to accelerate its historic preservation programs & activities.

Section 106 of NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Council a reasonable opportunity to comment on such undertakings.

Section 110 of NHPA - Each Federal agency shall establish a preservation program for the identification, evaluation, and nomination to the National Register of Historic Places, and protection of historic properties.

Wild & Scenic Rivers Act of 1968

Institutes a National Wild & Scenic Rivers System & prescribes methods by which new rivers can be added. States that such rivers shall remain in a "free-flowing condition".

National Environmental Policy Act of 1970

Directs all federal agencies to consider & report the potential environmental impacts of proposed federal actions.

Volunteers in the National Forests Act of 1972

Enables National Forests to recruit, train, & accept volunteers.

Federal Advisory Committee Act of 1972

Sets standards and uniform procedures to govern the establishment, operation, administration, and duration of advisory committees.

Endangered Species Act of 1973

Authorizes the determination and listing of species as endangered & threatened. Sec. 7 of the Act requires federal agencies to insure that any action authorized, funded or carried out by them is not likely to jeopardize the continued existence of listed species or modify their critical habitat.

Archaeological & Historical Preservation Act of 1974

Authorizes Secretary of the Interior to undertake the recovery, protection, and preservation of significant scientific, prehistoric, and historic data which otherwise may be damaged or destroyed as a result of a federal project, activity, or program.

Eastern Wilderness Act of 1975

Established several new wildernesses in the more populous eastern half of the United States.

Federal Noxious Weed Act of 1975

Authorizes Secretary of Agriculture to designate plants as noxious weeds and to cooperate with other federal, state & local agencies, farmers associations, & private individuals to control such weeds.

National Forest Mgmt Act of 1976

Primary statute governing administration of National Forests. Directs each national Forest to prepare management plans.

Federal Land Policy & Management Act of 1976

Requires that public lands be managed to protect quality of scientific, scenic, historical, ecological, environmental, air & atmospheric, water resource, & archaeological values.

American Indian Religious Freedom Act of 1978

Protects & preserves for American Indians their inherent right of freedom to believe, express, & exercise their traditional religions, including limited access to sites, use & possession of sacred objects & the freedom to worship.

Archaeological Resources Protection Act of 1979, amended 1988

Enacted to ensure the protection of archaeological resources & sites on public lands and to foster cooperation & exchange of

information between governmental authorities, professional archaeological community & private individuals having access to & information related to these sites.

Kentucky Wilderness Act of 1985

Establishes Clifty Wilderness.

Federal Cave Resources Protection Act of 1988

Establishes requirements for the management & protection of caves on federal lands, including allowing land managers to withhold the location of caves from the public.

Native American Graves Protection & Repatriation Act of 1990

Directs that ownership and control of Native American human remains & objects shall be given to the appropriate tribe.

PL 103-170 Red River Wild & Scenic River

Establishes 19.4 miles of Red as Wild & Scenic River. Upper 9.1 miles is "wild", lower 10.3 miles is "recreational".

Recreation Fee Demonstration Program of 1996

Intent of the program is to test application of recreation fees that are reinvested in recreation areas on federal lands & used to maintain & improve natural resources, recreation facilities, and services.

Executive Orders Affecting the Red River Gorge Area

EO 11593 Protection & Enhancement of the Cultural Environment (1971)

The Federal Government shall provide leadership in preserving, restoring & maintaining the historic & cultural environment of the Nation. Federal agencies shall 1) administer the cultural properties under their control in a spirit of stewardship for future generations, 2) preserve, restore & maintain federally owned sites, structures, & objects of historical, architectural or archaeological significance for the benefit of the people, & (3) assure that Federal plans and programs contribute to the preservation & enhancement of non-federally owned sites, structures & objects of historical, architectural or archaeological significance.

EO 13007 Indian Sacred Sites (1996)

Requires each executive branch agency with responsibility for the management of Federal lands, to the extent practicable, permitted by law, & not clearly inconsistent with essential agency functions, (1) accommodate access to & ceremonial use of Indian sacred sites by Indian religious practitioners & (2) avoid adversely affecting the physical integrity of such sacred sites. Where appropriate, agencies shall maintain the confidentiality of sacred sites.

EO 13175 Consultation & Coordination with Indian Tribe Governments (2000)

Recognizes the unique legal relationship between the US government & Indian tribal governments. Requires agencies to respect Indian tribal government sovereignty, to have an accountable process to ensure meaningful input into policies having tribal implications, review processes under which Indian tribes apply for waivers of statutory or regulatory requirements, and strive to meet responsibilities arising from the unique Government-to-Government relationship.

EO 13287 Preserve America (2003)

Requires each agency to prepare an assessment of the current status of its inventory of historic properties required by section 110 of the NHPA, the general condition & mgmt needs of such properties, & the steps underway or planned to meet those mgmt needs. Assessment shall also include an evaluation of the suitability of historic properties to contribute to community economic development initiatives, including heritage tourism.

Other Orders Affecting the Red River Gorge Area

Forest Supervisors Orders, 2000 Forest-wide

- Dogs or any other animal must be restrained after being directed by a Forest Service officer to restrain the animal.
- You may not possess or consume alcohol in violation of any Kentucky law.
- You may not be publicly nude.
- You may not hunt within 150 yards of a residence, building or developed recreation area.
- You may not camp in violation of posted signs.
- You may not shortcut a switchback on a trail.
- You may not be on a trail in any manner other than what is designated for that use.

Forest Supervisors Orders, 2000, Red River Gorge Geological Area only

- No camping or firebuilding within 100' of the base of any cliff or back of any rockshelter.
- No camping within 300' of any developed road or trail.
- No camping within 600' of Gray's Arch
- No climbing or repelling within 300' of Sky Bridge, Gray's Arch, Nada Tunnel, or Chimney Top overlook.

Author: Tim Eling

Last Updated: April 12, 2005