

carry out the Secretary's responsibilities.

[45 FR 81190, Dec. 9, 1980. Redesignated at 46 FR 34329, July 1, 1981, and amended at 52 FR 5458, Feb. 23, 1987]

### § 62.3 Authority.

The policies and procedures contained herein are based on the authority of the Secretary of the Interior under the Historic Sites Act of 1935 (Pub. L. 74-292, 49 Stat. 666, 16 U.S.C. 461 et seq.).

### § 62.4 Natural landmark designation and recognition process.

(a) *Identification.* (1) Suggestions for potential natural landmarks are derived from the following sources:

(i) *Natural Region Studies.* The National Park Service (NPS) conducts studies of the ecological and geological features in each natural region to provide a scientific basis for identifying potential national natural landmarks. NPS is responsible for monitoring these studies, which are usually done under contract with natural scientists. A study of each natural region produces a classification and description of ecological and geological features in that natural region and an annotated list of areas that best illustrate those features.

(ii) *Federal Agency Programs.* Certain Federal agencies conduct inventories in order to identify areas of special concern to their programs, for example: essential wildlife habitat, research natural areas, and areas of critical environmental concern.

(iii) *State Natural Area Programs.* These programs systematically and comprehensively classify, identify, locate, and assess the relative value and protection status of the ecological and geological features located in the respective States.

(iv) *Other Sources.* Any other source, public or private, may recommend an area to NPS for consideration for landmark study and designation.

(2) After receiving the suggestions from a completed natural region study, Federal agency, State natural area program, and/or other source, the NPS Division of Natural Landmarks determines which areas merit further study as potential natural landmarks. NPS

receives suggestions from paragraphs (a)(1) (ii), (iii), and (iv) of this section through a Suggested Natural Landmark Form available from NPS. This form provides NPS with information on an area's location, ownership, natural values, condition, and other factors that is needed to evaluate an area's potential for landmark designation. This determination is based on comparison with existing and potential natural landmarks in the natural region, the landmark criteria (see § 62.5), and other information and studies, as available.

(b) *First Notification.* (1) Before a potential natural landmark is evaluated by scientists as described in paragraph (c) of this section, NPS notifies the area's owner(s) in writing, except as specified in paragraph (b)(2) of this section. This notice advises the owner(s) that the area is being considered for study for possible natural landmark designation and solicits comments on the significance of the area's natural values, including information on current or anticipated land use, threats that may affect the area's natural values, or other matters of concern. Owner notice includes information on the National Natural Landmarks Program, available information describing the area and its significance, and a request for permission to conduct an on-site evaluation.

(2) Before a potential natural landmark that has more than 50 owners is evaluated by scientists as described in paragraph (c) of this section, NPS provides general notice to the owners that the area is being studied for possible natural landmark designation and solicits comments on possible designation. This general notice includes information on the National Natural Landmarks Program, available information describing the area and its significance, and notification that NPS representatives may conduct an on-site evaluation. Owner permission is required before NPS representatives enter onto the land. This notice is published in one or more local newspapers of general circulation in the area in which the potential national natural landmark is located.

(c) *Evaluation.* NPS evaluates areas identified as potential national natural

landmarks to assess their natural values using the criteria for national significance (§ 62.5). The evaluation of potential natural landmarks is completed on a natural region basis, i.e., similar areas that represent a particular type of feature located in the same natural region are evaluated and compared in order to identify examples which best represent the feature. Evaluators develop a detailed description of the area, and assess the significance of the areas under study using the natural landmark criteria (§ 62.5). On the basis of evaluation report(s) which include information on an area's location, ownership, natural features and significance, the NPS Division of Natural Landmarks makes a decision that: (i) the area does not qualify for landmark designation; (ii) the area appears to qualify for landmark designation; or (iii) additional information is required before a decision can be made regarding the area's status.

(d) *Second Notification.* (1) When an area appears to qualify for designation as a national natural landmark, NPS notifies the owner(s) in writing, except as specified in paragraph (d)(2) of this section. In addition, NPS notifies:

(i) The executive of the local governmental jurisdiction in which the area is located;

(ii) The Governor of the State;

(iii) The A-95 Clearinghouse for the State;

(iv) The Members of Congress who represent the district and the State in which the area is located; and

(v) Other interested authorities, organizations, and individuals as deemed appropriate.

These notices advise the recipients of the proposed action, reference these rules, and notify the owner(s) of the procedures that NPS will follow. Notice of this proposed action also appears in the FEDERAL REGISTER. Those individuals notified have 60 days from the date of the notice within which to provide comments before any decision is made to nominate the area to the Secretary. To assist in the evaluation of an area's features, comments should, among other factors, discuss the significance of the area's natural values, including information on current or anticipated land use or threats that

may affect the area's natural values. Any party may request a reasonable extension of the comment period when additional time is required to study and comment on the landmark proposal. All comments received are considered in the natural landmark designation process.

(2) When an area appears to qualify for designation as a national natural landmark and has more than 50 owners, NPS again provides general notice to the owners of the area, as specified in paragraph (b)(2) of this section. Notification to local and State officials, and Members of Congress is undertaken and comments are received as specified in paragraph (d)(1) of this section. Notice of this proposed action also appears in the FEDERAL REGISTER.

(3) When an area is determined not to satisfy the natural landmark criteria (see § 62.5), NPS notifies the owner(s), as outlined in paragraph (b) of this section, that no further action will be taken regarding landmark designation. NPS places areas which do not appear to qualify for landmark designation on a list of areas that will not be nominated for landmark status.

(e) *Nomination and Designation.* The Director, NPS, reviews the documentation for each area which appears to qualify for landmark designation, and ensures that the procedural requirements set forth in this section have been met. Once he or she determines that the area(s) satisfy the landmark criteria, the Director, NPS, nominates the area(s) to the Secretary, through the Assistant Secretary for Fish and Wildlife and Parks, for review and designation as natural landmarks. The nomination(s) includes information on the area's natural values and comments received on the potential designation. Areas which the Secretary designates as natural landmarks are included on the National Registry of Natural Landmarks.

(f) *Third Notification.* When the Secretary designates an area as a national natural landmark, the Secretary notifies:

(1) The landmark owner(s), as outlined in paragraph (b) of this section,

(2) The executive of the local governmental jurisdiction in which the landmark is located,

(3) The Governor of the State,

(4) The Members of Congress who represent the District and State in which the landmark is located, and

(5) Other interested authorities, organizations, and individuals as deemed appropriate.

NPS prepares the notification documents and is responsible for their distribution. Notice of new designations is included in the annual October FEDERAL REGISTER listing and April update of the National Registry of Natural Landmarks.

(g) *Owner Agreement.* (1) After the Secretary designates an area as a national natural landmark, the owner(s) may enter into a voluntary agreement with NPS indicating a willingness to protect the landmark's nationally significant values. NPS provides owners with sample letters of agreement. When NPS receives agreements from all the owner(s) of a landmark, NPS, through its appropriate Regional Office, provides each owner with a certificate signed by the Secretary of the Interior and the Director of the National Park Service at no cost to the owner(s). This certificate recognizes the voluntary commitment which the owner(s) has made to protect, use, and manage the area in a manner which prevents the destruction or deterioration of the natural values on which landmark designation is based. The agreement is nonbinding and may be terminated by either the owner(s) or the Director, NPS. The owner(s) gives up none of the legal rights and privileges of ownership or use of the area. The Department of the Interior does not gain any property interest in these lands. The NPS Regional Office will provide a bronze plaque, free of charge, for display at the site if such display is deemed appropriate. Upon request and to the extent NPS resources permit, representatives from the Regional Office help arrange and participate in a presentation ceremony.

(2) If the agreement is not signed by all the owner(s) of a landmark, the area retains its status as a national natural landmark, but the owner(s) is awarded neither the certificate nor the plaque.

(3) There is no time limit for signing the agreement and accepting the cer-

tificate and/or plaque. The owner(s) may choose to do so at any time following the designation of the area as a national natural landmark.

(4) When the owner agreement in paragraph (g)(1) of this section no longer exists due to a change in ownership, a new agreement is required to maintain the landmark's recognition status.

(5) Following presentation, the certificate and plaque remain the property of NPS. Should any owner no longer voluntarily agree to protect the landmark's natural values as described in paragraph (g)(1) of this section, or if the landmark designation is removed in accordance with the procedures specified in § 62.8, NPS may reclaim the plaque and certificate(s).

#### **§ 62.5 National natural landmark criteria.**

(a) *Introduction.* "National Significance" denotes a site which exemplifies one of a natural region's characteristic biotic or geologic features which has been evaluated, using Department of Interior standards, as one of the best examples of that feature known. Such features include terrestrial and aquatic ecosystems, geologic structures, exposures, and landforms that record active geologic processes or portions of earth history; and fossil evidence for biological evolution. Because the general character of natural diversity is regionally distinct according to broad patterns of physiography, many types of natural features lie wholly within one of the 33 physiographic provinces of the Nation, as defined by Fenneman (1928) and modified by the National Park Service. For that reason, and because no uniform, nationally applicable classification schemes for biotic communities or geologic features have gained wide acceptance and use in lieu of other classification schemes by the majority of organizations involved in natural area inventory activities, individual classification systems are developed for each inventory study of a physiographic province to identify the types of regionally characteristic natural features sought for representation on the National Registry of Natural Landmarks. Most types represent the scale