



United States Department of the Interior

NATIONAL PARK SERVICE
NATIONAL CAPITAL REGION
1100 OHIO DRIVE, S. W.
WASHINGTON, D.C. 20242

In Reply Refer To:
L54 (ORMV)

AUG 13 1985

Memorandum

To: Superintendents for C&O Canal National Historical Park, George Washington Memorial Parkway, Harpers Ferry National Historical Park, National Capital Parks-Central, National Capital Parks-East, Prince William Forest Park, and Rock Creek Park; General Manager, Kennedy Center For The Performing Arts; Associate Regional Director, Land Use Coordination; Associate Regional Director, Professional Services; and Chief of Resources Management and Visitor Protection, National Capital Region

From: ~~For the~~ Regional Director, National Capital Region

Subject: Floodplain Management and Wetland Protection Guidelines
Reply Due: (COB) September 5, 1985

The enclosed August 5th memorandum, Glossary, Decision Making Process, and Floodplain Management Guidelines, have been received from the Water Resources Division, WASO, for our review. In Mr. Lucke's memorandum, he has requested the enclosed to be reviewed by personnel from natural resources, cultural resources, planning, and environmental compliance disciplines so that his office may proceed further with the Service's concerns regarding floodplain management and wetland protection. You should comply with this request by sending your comments to Resource Management Specialist Stan Lock by the above due date in preparation for the Region's reply.

If there are any questions, please direct them to Ed Drotos or Stan Lock, Division of Resource Management and Visitor Protection at 472-7996.

Samuel V. Thurgill

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON

8/14/85

To: Regional Environmental
Coordinators

A. safety copy, to
assure that you've
polled on this. Respond
through Regional Water
Resources Contacts, but
please also send copies
of any substantive comments
to Tim Daugherty by
9/3/85.

Dave Jervis



United States Department of the Interior

NATIONAL PARK SERVICE

WATER RESOURCES DIVISION
301 SOUTH HOWES ST., ROOM 343
FT. COLLINS, COLORADO 80521

REPLY REFER TO:

August 5, 1985

L54 (479)

Memorandum

To: Regional Directors, Attention: Water Resources Contacts
Manager DSC; WASO 762, 763, 610, 418, Manager Harper's Ferry Center

From: ~~Acting~~ Chief, Water Resources Division
Fort Collins, Colorado

Subject: Floodplain Management and Wetland Protection Guidelines

Numerous inquirers and concerns have been voiced to the Water Resources Division regarding the Park Service Guidelines as they were published in 47 FR 36718, 1982. We are proposing the enclosed revisions and additions to those guidelines, subject to your review and comments. In the regional offices, we would also appreciate review and comments by Natural Resource specialists, planners and cultural resources staff.

The enclosed revisions are the result of careful consideration by the WRD professional staff of concerns and suggestions received from guideline users, primarily environmental compliance folks. This revision is an attempt to correct unclear or outdated policies and procedures and apparent contradictions. The most substantive revisions are in the following areas:

- a. Concern about consistent/correct use of important terms: We need a glossary of terms, some from WRC Guidelines and some relevant to NPS.
- b. High Hazard Areas: This subject is of particular concern to NPS because of rugged terrain and hydrologic characteristics of some park areas. Biggest concern is for safety, resulting tort claims, etc. We must recognize that each high hazard situation is unique. It is difficult to "cookbook" a solution and is our most difficult policy area.
- c. Need for clarification of the decision-making process, consistent with the WRC Guidelines.
- d. Need to clearly describe exceptions; those actions that fall outside the intent of the E.O.'s and clarification of policy regarding historic and archeological sites, objects and structures and their interpretive importance.

We have also included minor updates and corrections. Please note that the three column review format shows, first the unaltered text, followed by text

specific comments and then proposed revisions responding to the comments. We are proposing addition of a Glossary of Terms and a flow chart of the decision-making process steps; also enclosed for your review. Your comments received by September 13 would be most helpful in allowing us to procede.

We anticipate the need for more detailed guidance than is appropriate for the Federal Register release; particularly dealing with high hazard areas. Again, based on your comments and expressions of need, the Water Resources Division is prepared to work on technical guidelines in FY 1986.

Please direct any review comments you have to Mike Whittington [(303) 221-5341] in Fort Collins.

Sincerely,

Richard W. Hetchum

for Thomas W. Lucke

cc: Dick Briceland, 470, WASO-w/attachment
Vic Berte, 475-w/attachment
Dan Kimball, DEN-w/attachment
Bill Werrell, 479-w/attachment
Carol Bickley, 470, WASO-w/attachment

GLOSSARY

Throughout this document the following basic definitions shall apply:

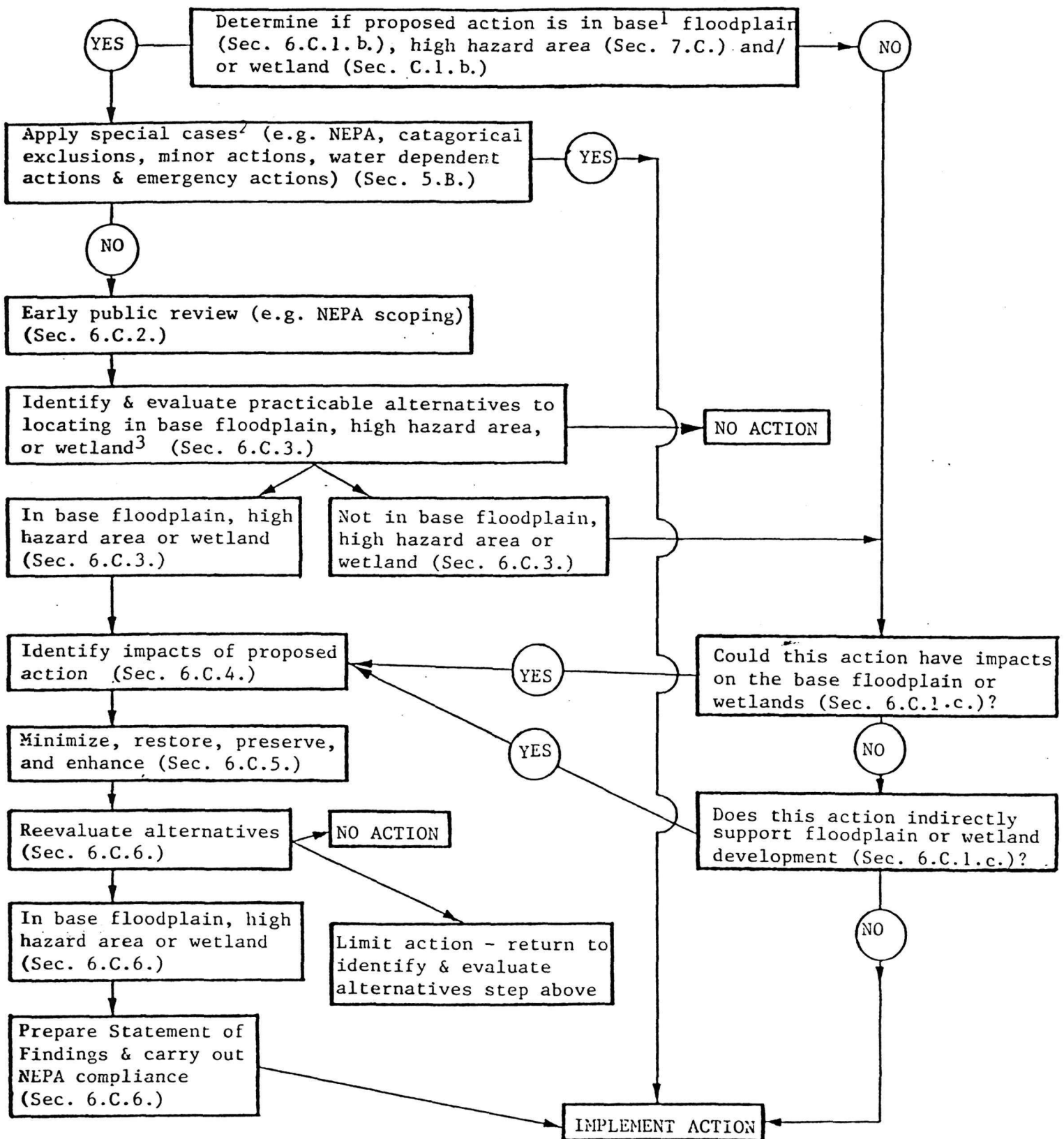
- * **Action** - any Federal activity including: "* * * (1) acquiring, managing, and disposing of Federal lands and facilities; (2) providing federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities. From: 43 FR 6030, February 10, 1978, Floodplain Management Guidelines, Water Resources Council, p. 5.
- * **Base Flood** - is that flood which has a one percent chance of occurrence in any given year (also known as a 100-year flood). This term is used in the National Flood Insurance Program (NFIP) to indicate the minimum level of flooding to be used by a community in its floodplain management regulations. From: U.S. WRC, p. 5.
- * **Base Floodplain** - the 100-year floodplain (one percent chance flood-plain). Also see definition of floodplain. From: U.S. WRC, p. 5.
- * **Channel** - a natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. From: U.S. WRC p. 5.
- * **Critical Action** - any activity for which even a slight chance of flooding would be too great. From: U.S. WRC p. 5. Examples include: facilities for human care from which evacuation would be difficult, or storage facilities for highly toxic or dangerous substances.
- * **Facility** - any man-made or man-placed item other than a structure. From: U.S. WRC, p. 5.
- * **Flash Flooding** - a flood event in which water rises or approaches so rapidly that it is unreasonable to ensure evacuation of people (including elderly, physically impaired, etc) and protection of property that could be threatened; without the use of special planning and warning systems.
- * **Flood or Flooding** - a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland and/or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source. From: U.S. WRC, p. 5.
- * **Floodplain** - the lowland and relatively flat areas adjoining inland and coastal waters including floodprone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year. The base floodplain shall be used to designate the 100-year floodplain (one percent chance floodplain).

The critical action floodplain is defined as the 500-year floodplain (0.2 percent chance floodplain). From U.S. WRC, p. 5.

- * Floodproofing - the modification of individual structures and facilities, their sites, and their contents to protect against structural failure, to keep water out or to reduce effects of water entry. From: U.S.WRC p. 5.
- * Floodway - the channel of a river or other water course and the adjacent land area that must remain unconfined or unobstructed either horizontally or vertically to provide for the discharge of the base flood.
- * High Hazard Areas - those portions of riverine or coastal floodplains nearest the source of flooding or areas subject to flooding events which are so unexpected, violent, or otherwise devastating that human lives are placed in immediate and grave danger. High Hazard Areas include, but are not limited to, areas where floodwaters exert their maximum force, areas subject to flash flooding, areas below dams known to be structurally unsound, areas from which escape would be difficult, areas subject to coastal flood hazards. Coastal high hazard areas are usually confined to the beach area in front of high bluffs or foredunes where wave impact is the most significant factor, or areas subject to tsunamis.
- * Mitigation - these are measures which serve to minimize the potential of flooding or adverse impacts of actions in floodplain and wetland areas. These measures may be used for either present or planned actions. Examples of these measures include:
 - * Dikes and/or conveyance ditches built to divert and carry flood flows away from the site.
 - * Dams build to impound flood flows above the site and to release the captured waters at a slow, moderate rate which will not result in flooding of the site.
 - * Modificationion of the structure to provide sufficient elevation to be above the flood crest, (e.g., building to be placed on columns, walls, pilers, or piers). See: floodproofing.
 - * Closure of the area to the public during seasons which historically produce flood events.
 - * Replacement or compensation for lost natural floodplain or wetland values.
 - * Development of an adequate flood warning system which monitors one or more physical parameters (e.g. rainfall and/or surface water runoff) and provides warning of an impending flood to visitors and park personnel with adequate time to permit evacuation.

- * Minimize - to reduce to the smallest possible amount or degree. From: U.S. WRC, p. 5.
- * Practicable - capable of being done within existing constraints. The test of what is practicable depends upon the situation and includes consideration of the pertinent factors, such as environment, cost or technology. From: U.S. WRC, p. 5.
- * Preserve - to prevent modification to the natural floodplain environment or to maintain it as closely as possible to its natural state. From: U.S. WRC, p. 5.
- * Restore - to re-establish a setting or environment in which the natural functions of the floodplain can again operate. From: U.S. WRC, p. 6.
- * Structures - walled or roofed buildings, including mobile homes and gas or liquid storage tanks that are primarily above ground. From U.S. WRC, p. 6.
- * Wetlands - "those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds" (as defined in Executive Order 11990, Protection of Wetlands). From: U.S. WRC, p. 6.

DECISION MAKING PROCESS
NPS FLOODPLAIN MANAGEMENT & WETLAND PROTECTION
GUIDELINES



¹For critical actions, substitute "500-year" for "base"; see Sec. 7.B. of guidelines for more information regarding critical actions; see also Sec. 7.A. regarding special considerations for cultural resource management.

²Exceptions not applicable in high hazard areas or if adverse impact on floodplain or wetland natural values.

³Siting prohibitions:

- A. No clinics or emergency aid stations within 500-year floodplain.
- B. No fuel except as needed for water based dependent activities such as marinas and 40,000 GPD or larger sewage treatment facilities within 100-year floodplain.
- C. No structures for human occupancy or ones in which people might seek shelter during storm or flood events will be placed in high hazard areas.

FLOODPLAIN MANAGEMENT GUIDELINES

EXISTING TEXT

FLOODPLAIN MANAGEMENT AND WETLAND PROTECTION GUIDELINES

Summary: The National Park Service published its guidelines for implementing Executive Orders 11988, "Floodplain Management" and 11990, "Protection of Wetlands" in 45 FR 35916 and published minor revisions in 47 FR 36718. What follows is a copy of the guidelines as revised.

Floodplain Management and Wetland Protection

----->

Sections:

1. Purpose
2. Objectives
3. Management Objectives
4. Relationship to Other Requirements
5. Scope
6. Procedures
7. Special Considerations
8. Retention, Removal, or Modification of Existing Structures and Facilities
9. Responsibilities

Section 1. Purpose

The purpose of this notice is to set forth procedures for use by the National Park Service (NPS) in implementing Executive Order (E.O.) 11988, "Floodplain Management", and E.O. 11990, "Protection of Wetlands", hereinafter referred to as the Orders.

Section 2. Objectives

The objectives of the Orders and these procedures are to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and wetlands and to avoid direct or indirect support of development in floodplains and wetlands wherever there is a practicable alternative. Where floodplains or wetlands cannot be avoided, these procedures will focus on mitigation of the adverse effects of any action. [In the context of the Orders, mitigation means to:

COMMENTS

. Concern has been expressed that terms used in this Guideline have not been defined to insure uniform interpretation. Other documents should not be relied upon for definitions.

6. Change for clarity and consistency with the WRC Guidelines.

Sec. 1: Add a sentence to the end of this paragraph to clarify purpose.

Sec. 2 Mitigation will be defined in glossary of terms.

TEXT REVISIONS

. A glossary of terms will be added (inserted as shown), largely taken from the WRC "Floodplain Management Guidelines," (43 CFR 6030) with some terms added.

6. Decision making process.

Sec. 1: ...guidelines...
Sec. 1: These orders are significant policy initiatives tying together the need to protect lives and property with the need to restore and preserve natural and beneficial floodplain values.
Sec. 2: ...guidelines...

Sec. 2: ...floodplains, high flood hazard areas, and wetlands...

omit portion in brackets

COMMENTSTEXT REVISIONS

- A. Design or modify actions so as to minimize harm to life, property and natural values;
- B. Minimize destruction, loss, or degradation of wetlands;
- C. Restore and preserve natural land beneficial floodplain values; and
- D. Preserve and enhance natural and beneficial wetland values.]

Omit A-D

Section 3. Management Objectives

The NPS has a legislative mandate to care for the national parklands, to help the public enjoy them, and to do both in ways that ensure the integrity of the parks for continued use beyond our time. In executing this mandate, and particularly in planning and managing floodplains and wetlands within the National Park System, the NPS will:

- A. Exhibit leadership in floodplain management and in the protection of wetlands;
- B. Avoid, to the extent possible, the long and short term adverse impacts associated with the occupancy and modification of floodplains and the destruction or modification of wetlands;
- C. Avoid the direct or indirect support of development and new construction in floodplains and wetlands whenever there is a practicable alternative;
- D. Minimize the potential harm to people and property and to natural values when an action must be located in the base floodplain;
- E. Identify areas subject to flooding within units of the National Park System;]
- F. Identify, restore, and preserve the natural and beneficial values of floodplains ;
- G. Identify, restore, and enhance the natural and beneficial values of wetlands;]

B. The NPS has a special concern for high hazard areas resulting from; 1) the nature of parkland uses, 2) physical characteristics of many park areas.

B. Insert "and high flood hazard areas"

D. Management objectives should be broader than actions in the base floodplain.

D. ...must be located in "floodplains high hazard areas and wetlands;"

E. This is a procedure not an objective and too all inclusive.

E. Omit

F. Insert "and wetlands";

G. Not NPS specific. Covered under A & B.

G. Omit

COMMENTSTEXT REVISIONS

- H. Require structures and facilities in the floodplain to be consistent with the intent of the Standards and Criteria of the National Flood Insurance Program (44 CFR 60);
- I. Involve the public throughout the decisionmaking process for all actions requiring compliance with the Orders;
- J. Promote the use of nonstructural flood protection methods to reduce the risk of flood loss;
- K. Use the conceptual framework of the Water Resources Council's Unified National Program as a basis for planning when the base floodplain cannot be avoided;
- L. Improve and coordinate research, plans, programs, and actions involving floodplains and wetlands within the National Park System in such a manner that the Nation may attain the widest range of benefits from them.

Section 3 sub-paragraphs will be re-lettered.

Section 4. Relationships to Other Requirements

These final procedures for complying with the Orders will be made a part of NPS-13 concerning compliance with legislative and executive requirements which relate to NPS planning activities. They do not stand alone. Rather, they supplement and must be used in conjunction with:

- A. Department of the Interior procedures and policies for complying with the Orders. These apply to all NPS actions, are contained in Chapter 1 of Part 520 of the Department of the Interior Manual, and became effective June 11, 1979.
- B. The U.S. Water Resources Council (WRC) Floodplain Management Guidelines for Implementing E.O. 11988 (43 FR 6030), hereinafter referred to as the WRC Guidelines. They provide basic guidance for interpreting that Order and conducting the floodplain management planning and decision-making process. The NPS:
 - 1. Adopts the substantive requirements of E.O. 11988 as interpreted and explained in the WRC Guidelines;

2. Follows the WRC Guidelines except where they are superseded by the Department of the Interior Manual;
 3. Adheres to the methods, and definitions of terms as set forth in the WRC Guidelines for determining risks and hazards of flood loss; minimization of impacts on property, natural values, health, safety and welfare; and evaluation of alternatives.
- C. The United National Program for Floodplain Management, issued by the WRC in September 1979. This program seeks wise management for the Nation's floodplains to reduce flood loss and sets forth a conceptual framework for floodplain management. The NPS procedures for complying with the Orders and its policy of managing floodplains for protection and enhancement of their natural ecological productivity are consistent with the goals of the program.
- D. The Council on Environmental Quality (CEQ) Implementing Regulations for NEPA (40 CFR 1500); the policies and procedures of the Department of the Interior for compliance with NEPA (516 DM 1-6); and the NEPA Compliance guidelines (NPS-12); NPS actions requiring compliance with the Orders will require either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The requirements of these NPS procedures for compliance with the Orders will be combined with or appended to the environmental documents for each action.
- E. The Standards and Criteria of the National Flood Insurance Program (NFIP) (44 CFR 60). Adherence to these Standards and Criteria assures that the Federal government requires no less of itself than it requires of non-Federal entities for the protection of property from flood hazards. The Standards and Criteria of the NFIP are directed towards the protection of structures and facilities from flood hazards and the protection of existing development from the effects of new development. Under the NFIP, residential structures (including basements) are required to be elevated to or above the base flood level. Nonresidential structures may be so elevated or floodproofed watertight to or

above the base flood level. 44 CFR 60.3 provides electricity; placement and construction of new construction and substantial improvements; requires the certification of a registered professional engineer or architect that floodproofing methods are adequate; and limits the construction or development of structures or facilities which would impair drainage or increase the potential for flood damage. Unless these standards are demonstrably inappropriate for a given type of structure or facility, they will apply to all NPS planning, assessment, and design activities for actions in the base floodplain.

- F. The Fish and Wildlife Coordination Act (FWCA) (50 CFR 410). This Act requires the NPS to give wildlife conservation equal consideration with other factors when proposing to undertake the impoundment, diversion, deepening, or other control or modification of waters of any stream or other body of water. These actions obviously will lie within the base floodplain and may affect wetlands. When the NPS finds no practicable alternative to such actions, compliance with the FWCA will coincide with compliance with the Orders, and compliance with both sets of regulations will be integrated with or appended to the EA or EIS for the action.
- G. Other compliance procedures for water-oriented actions of the NPS which may be required and can be integrated with the EA or EIS for compliance with the Orders include: The Coastal Zone Management Act of 1972, which has certain requirements for consistency of NPS planning actions with approved state coastal zone management programs; Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act of 1977, which require Department of the Army permits for construction and disposal of dredged material in waters of the United States, including adjacent wetlands (3 CFR 320-340); and Section 73 of the Water Resources Development Act of 1974 on non-structural alternatives. Procedures for compliance with these requirements are given in NPS Guidelines for Legislative Compliance (NPS-13) and will not be restated here.

A. This section should describe applicability to the NPS.

1. Unclear as to what procedures are being referred to. This should refer to the decision-making process prescribed in 43 CFR 6030 and described later in Sec. 6.

1. a & b are a repeat of Sec. 2. Examples of applicability may be more useful. Remove the underlined sentence and a. and b.

2. This provision is not believed to be applicable at present, about seven years after the orders were issued. Omit entirely.

B. Excepted Actions implies that NPS intends to side-step the orders. We should clearly convey that there are certain kinds of NPS actions that may fall outside the intended scope of the orders and can be so identified and handled appropriately.

B.1. Change wording in two places for consistency.

1. "The decision-making process to be described in Section 6 applies" to all...

1. "Examples of applicable NPS actions are:
a. A planning process involving the location and design of structures in or adjacent to floodplains or wetlands.
b. Modification or protection of existing facilities and structures.
c. Management of historic and archeological objects and sites.
d. Selection of sites for visitor uses such as camping and picnicking."

B. "Special cases - There are certain kinds of NPS actions which are outside the scope of the orders and can be so identified and handled as described below."

B.1. "...the action is exempt..."

B.1. "...the decision-making process described in Section 6."

A. Applicability

1. These procedures apply to all NPS actions which have the potential for adversely impacting floodplains or wetlands or their occupants, or which are subject to potential harm by location in floodplains or wetland. The basic test of the potential of an action to affect floodplains or wetlands is the probability for adverse effects associated with:

- [a. The occupancy or modification of floodplains, and the direct and indirect support of floodplain development; or
- b. The destruction or modification of wetlands and the direct and indirect support of wetland development.]

[2. These procedures apply to all actions proposed after May 28, 1980, and to all actions that were ongoing, in the planning or development stage, or undergoing implementation after the effective date of the Orders (May 24, 1977), but which were incomplete on May 28, 1980. Depending upon their stage of completion, actions in the latter category will enter the compliance procedures at the most appropriate decision-making point for carrying out the objectives of the Orders.]

[B. Excepted Actions--The NPS has identified certain classes of action which require modified approaches to achieve the objectives of the Orders and reduce delay and paperwork.]

1. If the action is normally categorically excluded from NEPA compliance requirements, it must be determined whether the action has potential for adverse effects on floodplains or wetlands. If it is determined to have no such potential, it is excepted from compliance with these procedures. Where actions normally categorically excluded from NEPA are determined to hold the potential for

COMMENTS

TEXT REVISIONS

adverse effects on floodplains or wetlands, an EA and a Statement of Findings will be prepared on the action. NEPA categorical exclusions include the normal day-to-day administrative and operational activities of the NPS including nondestructive surveys and studies. A listing of NEPA categorical exclusions is contained in the Departmental Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 7).

- [2. Additional actions which may be excepted from compliance with the Orders are:]
- a. Scenic overlooks and foot trails.
 - b. Picnic and camping facilities including provide full utilization of recreational developments, provided that floodproofing is a consideration in their design and construction.
 - c. Entrance, access, and internal roads to or Within existing units of the system (not excepted for wetlands).
 - d. Outdoor play courts in recreation areas (not excepted for wetlands).
 - e. Landscaping in outdoor recreation areas (not excepted for wetlands).
 - f. Small parking lots for use of the area (not excepted for wetlands).

- >
3. Certain types of actions cannot accomplish their intended purpose unless they are located or carried out in close proximity to water. For these actions which are functionally dependent upon water, non-floodplain sites are never a practicable alternative. However, practicable alternative actions and the no action option are to be evaluated for all water dependent actions.

These procedures do not require a public notice explaining why it is necessary for marinas, docks piers, water intake facilities, bridges, flood control facilities, water monitoring stations, drainage ditches, debris removal, outdoor water sports facilities, boardwalks to protect wetlands,

2. See comment for "B" above.

2.b. It is not clear that only the sanitary facilities need floodproofing. Include potable water supplies.

2.c.d.e.f. The statement is redundant, delete.

3. Contradictory direction is given here. Replace the last sentence in the first paragraph and make the indicated wording changes in the second paragraph.

2. "Provided that 1) wetland values will not be affected and/or 2) the site is not a suspected high hazard area; other minor actions which may be considered special cases and thus exempt from compliance with the decision-making process of section 6 include the following:

2.b. "...floodproofing of sanitary facilities and potable water supplies is a consideration..."

(insert following 2.f)

"A Statement of Finding shall be prepared to document a determination of no adverse impact when decisions are made to take the above actions in the base floodplain."

3. Therefore with respect to these water dependent actions; alternative locations and the no action alternative will be considered whenever wetland values will be affected or the contemplated action is in a high hazard area.

3. "...A Statement of Finding is not required to explain..."

COMMENT

TEXT REVISIONS

and similar water dependent actions to be located in the floodplain. These procedures constitute a finding that there is no practicable alternative site outside the floodplain when the NPS proposes to perform and water dependent actions.

3. The decision-making process will be documented to show that the most practicable site has been selected in in cases where wetland or high hazard considerations exist.

4. When the NPS performs emergency actions essential to protect property and public health and safety, a modified application of the E.O. is required. Taking into consideration the need for rapid action in emergency situations, all possible steps to mitigate potential adverse impacts of such actions will be taken.

4. Add a phrase for clarity

4. "...to floodplains and wetlands..."

5. E.O. 11990 contains a limited exception not found in E.O. 11988 that applies only to actions affecting wetlands not in a floodplain, and that have no potential to result in harm to or within a floodplain or support floodplain development. Such an action is exempt from these procedures if:

- a. It is an NPS, NPS-assisted, or NPS-permitted project under construction before May 24, 1977; or
- b. It is a project for which the NPS has a draft or final EIS which adequately analyzes the action and which was filed before October 1, 1977. Actions are not exempt if the EIS:

- (i) Only generally covers the proposed action;
- (ii) Is devoted largely to related activities; or
- (iii) Treats the project area or action without an adequate and specific analysis of the floodplain and wetland implications of the proposed action.

[6. For many small projects, the cost of obtaining precise base floodplain boundaries is prohibitive in relation to the action. For these actions, the NPS will either (1) choose to use a worst case analysis by assuming the project is in or will affect the base floodplain, or (2) perform the full analysis as described under 6.C.1.a.]

6. This paragraph is confusing and the intent is taken care of later in Sec. 6.C.1.a.

6. Omit this paragraph.

COMMENT

TEXT REVISIONS

Section 6. [Procedures]

A. General--The procedures to be followed in applying the Orders to agency activities are set forth in Part II of the WRC Guidelines. The Department of the Interior has adopted the WRC Guidelines for use by its bureaus and offices. These NPS procedures supplement and amplify the WRC Guidelines and deviate from them only where superseded by Departmental Manual (520 DM 1) instructions. [The following procedures use the same definitions of terms as those found in the WRC Guidelines and in the National Flood Insurance Program (44 CFR 60).]

[B. Inventory--Floodplain, flood hazard and wetland areas subject to or potentially subject to public use and/or development, where the magnitude of hazard and impact of human activities is likely to be greatest; will be inventoried prior to or during the preparation of the General Management Plan or other planning documents. Identification of the base floodplain will be based upon data available from the agencies listed in Part II, 1.B.2. of the WRC Guidelines. Where the required level of information is not available from those agencies, the NPS will obtain an adequate data base for planning and management by using qualified hydrologists, engineers and scientists.]

C. Decision-Making Process--For the most part, the development of an adequate floodplain and wetland data base will allow compliance with the Orders to be made at the General Management or Development Concept stage of planning. However, when actions are proposed (including externally initiated actions) that are not part of a larger plan, they will have to be addressed on a case-by-case basis for compliance.

----->
1. Determine if a Proposed Action is in, or Could Affect, a Floodplain or Wetland.

a. Determine if the Action is in the Base Floodplain.

Section 6.

The entire guideline is referred to as "procedures", per Sec.4, This Sec. should be re-titled to be consistent and track with the WRC Guideline, change other words and phrases in the text likewise.

6.A. A glossary of terms will be added.

6.B. This paragraph does not add information that isn't covered elsewhere, primarily under 6.C.

6.B. Incorrect citation. If this paragraph is retained make the correction.

6.C. Change title for clarity.

A flow chart, similar to figure 1 of the WRC Guidelines, compatible with NPS procedures will be added to clarify the decision-making process.
C.1.a. Add to this sentence for clarity.

Section 6. "Decision Making Process"

6.A. The "steps" to be followed. ... These NPS "guidelines" supplement and...

6.A. Omit the last sentence.

6.B. Omit this paragraph and change "C" to "B".

6.B. ...Part II, "1.B.1" of the....

6.C. "Steps in the Decision Making Process"--...

6.C. Insert ...compliance. "Figure 1. illustrates the decision-making process. A description of each step in the decision-making process follows."

Insert the flow chart after the introductory paragraph.

C.1.a. ...Floodplain, "500-year floodplain (for critical actions). high hazard area or wetland."

Flood Insurance Rate Maps or Flood Hazard Boundary Maps are usually not available for units of the National Park System. For most NPS actions, the search for flood hazard information will begin with the agencies listed by the WRC Guidelines in Part II, Section 1.B.1. When suitably scaled maps are not available from those agencies, and the agencies do not have or know of detailed information and cannot assist the NPS in determining if the proposed action is in the base floodplain, the NPS will either:

- (1) assume that the project is in the base floodplain and begin compliance with the Orders; or
- (11) Obtain the services of a federal or licensed consulting hydrologist or engineer experienced with this type of work. The quality of information required from this professional shall be comparable to that required of flood insurance study contractors to the Federal Insurance Administration. At a minimum the professional will:
 - (a) Locate the site with respect to the limits of coastal high hazard area, floodway, and 100-year floodplain (500-year, if a critical action is involved);
 - (b) Determine the 100-year flood elevations or the 500 year elevations for critical actions. In the absence of evidence to the contrary, the NPS will assume that any action involving a structure or facility that has been flooded lies in the 100-year floodplain; and
 - (c) Provide other information depending upon the site and type of action, such as:

COMMENT

C.1.a. modify and add to the sentence for clarity.

(11) Correct the first sentence

(11) sub-steps (a) and (b) are out of order.

(11) (a) modify the sentence for consistency.

TEXT REVISIONS

C.1.a. ... "section 1.B.1 such as; the U.S. Army Corps of Engineers, the Tennessee Valley Authority and the U.S. Geological Survey."

(11) ... "federal or consulting hydrologist or licensed engineer..."

Reverse the order of sub-paragraphs (11) (a) and (11) (b).

(11) (a) ...the limits of "high hazard areas, the flood way," and ...

Velocity of floodwater;
 Rate of floodwater rise;
 Duration of flooding;
 Debris loads;
 Flash flood potential;
Warning and evacuation time;
Evacuation routes;
 Mudslides;
 Subsidence and collapse;
 Erosion;
 Sinkholes and caves;
 Ice jams;
Pollutants;
Wave heights;
 Tsunamis;
Floodproofing methods; and
Special problems such as ice
and snow pack melt from
volcanic activity.

COMMENT

TEXT REVISIONS

This is a premature judgement

Omit

Meaning unclear, perhaps
 irrelevant

Omit

Premature analysis

Omit

b. Determine if the Action is in a Wetland.

- (i) Initially, the NPS will consult with the responsible field office of the U.S. Fish and Wildlife Service to determine if a National Wetland Inventory Map is available for the vicinity of the proposed action.
- (ii) If the U.S. Fish and Wildlife Service does not have adequate information upon which to base the wetland determination, the NPS will consult wetland inventories maintained by the Army Corps of Engineers, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the State, and the NPS unit involved.
- (iii) If the information is still inadequate, the NPS will carry out an on-site analysis . performed by Service professionals qualified to determine wetland based on the definition in the Wetland Order.

(iii)...performed by "federal or other"...

..."determine the existence of wetlands areas based"...

- c. Determine if a Proposed Action Could Affect a Floodplain or Wetland.

If the information gathered under 6.B. or (6.C.1.a.) and (6.C.1.b.) shows that the proposed action is not in a floodplain or wetland, the NPS Regional Director must then determine if the project holds the potential for indirect impacts on nearby floodplains and wetlands. An action has indirect impacts on nearby floodplains and wetlands if it:

- (i) Supports, encourages, allows, serves, or otherwise facilitates additional floodplain or wetland development; or
- (ii) Reinforces existing land uses which have developed without reflecting the concepts of hazard and risk minimization and restoration of natural floodplain and wetland values; or
- (iii) Has secondary or dispersed effects which reach into the floodplain or wetland and can cause change to the ecological systems functioning there or can increase flood loss potential to existing developments.

2. Public Review

- a. All NPS actions subject to compliance with the Orders will be treated in an environmental document (EA or EIS). Conformity with the with the public involvement requirements of the CEQ regulations (40 CFR 1506.6) will ensure opportunities for public participation in decisions concerning floodplain and wetland use.

- b. If there is a reasonable likelihood that a proposed action or its alternatives will impact a floodplain or wetland, and no EIS is anticipated, an appropriate scoping process will be undertaken for the EA.

COMMENT

change the citation if paragraph 6.B. is omitted.

TEXT REVISIONS

..."(6.B.1.a.) and (6.B.1.b.)"

2.a. Modify this paragraph for clarity

2.a. ...compliance with the orders "(special cases described in section 5.B are not subject to compliance)" will...

2.a ...concerning floodplain "management and wetland protection.

- c. Public notice information will be targeted to reach individuals and groups affected by, or with a direct interest in, the proposed action, and public involvement will provide an opportunity to assist in the development of alternatives, to review and indicate a preference among alternatives and to appeal decisions prior to approval of plans.
- d. Environmental Assessments which reveal adverse impacts to floodplains or wetlands from the actions proposed will be made available for public review for not less than 60 days prior to issuing a Finding of No Significant Impact (FONSI) or a Notice of Intent (NOI) to prepare an EIS.
- e. NEPA and decision documents on proposals in floodplains or wetlands will be circulated to at least the following:
- Environmental Protection Agency;
Federal Emergency Management Agency;
U.S. Fish and Wildlife Services;
U.S. Geological Survey;
Bureau of Reclamation;
U.S. Army Corps of Engineers;
U.S. Soil Conservation Service;
Appropriate state review agencies as determined by E.O. 12372; and
Coastal or River Basin Commissions and State Coastal Zone Management Administrators as appropriate.
- f. Following public and agency review of an EA, the Regional Director will evaluate the proposed action and its alternatives and issue with a decision document and FONSI or a NOI to prepare an EIS. If the proposed action involves locating in or impacting a floodplain or wetland, the FONSI will be coupled with a separately identifiable Statement of Findings which documents the rationale that there is no

f. Delete

practicable alternatives to locating in or impacting these areas and which certifies that no critical actions are involved. Public notice of a FONSI/Statement of Findings will be published in accordance with 40 CFR 1506.6 and sent to all agencies listed in "e" above. Provision for a 15 to 30 day comment period will be made by NPS prior to taking action.

- g. When an EIS is prepared on a proposed action and its alternatives, public participation is focused on the draft EIS (DEIS). The DEIS will contain a full exposition of floodplain and wetland areas used or affected by the proposal and its alternatives, any hazards associated with public use of these areas, the natural values of the floodplains and wetlands.

The DEIS will be made available for public and agency review for a minimum of 60 days from the date it is filed with the EPA. A Federal Register notice of this availability and the EIS cover sheet shall indicate that the DEIS is also to serve as a compliance instrument for the Orders. Any detailed compliance documentation will be included as an appendix to the DEIS. The distribution of the DEIS will include the agencies given in "e" above.

3. Identify and Evaluate Practicable Alternatives to Locating in the Base Floodplain or Wetland.

- a. The EA or DEIS provides documentation of the consequences of practicable alternatives identified during the early stages of planning and will contain:
- (i) A discussion of the "no action" alternative; and
 - (ii) A discussion of any practicable alternatives for carrying out desired actions outside the floodplain or

f. This implies that a critical action is always a significant impact?

3. Remove "Base" since this provision would equally apply in a critical floodplain.

wetland and for avoiding any adverse indirect effects on these areas. The consequences of alternatives involving sites or actions outside the base floodplain will be fully assessed to minimize, mitigate, and, if possible, eliminate any adverse uses or effects upon a floodplain or wetland. If an alternative is judged to have no direct or indirect impact on a floodplain or wetland, this determination will be recorded in the environmental analysis for the alternative.

(ii) delete "base"

b. In determining the practicability of an alternative, the NPS will analyze the following factors:

- (i) Natural environment (topography, ecosystem integrity, habitat, hazards, etc.)
- (ii) Social concerns (aesthetics, historic and cultural values, land use patterns, etc.)
- (iii) Economic aspects (cost of space, construction, services, and relocation).
- (iv) Legal constraints.

c. The FONSI or final EIS (FEIS), when the proposed action involves adverse impacts to base floodplain or wetland areas, will be coupled with a separately identifiable Statement of Findings not to exceed three pages documenting the rationale for the determination that there is no practicable alternative locating in or impacting these areas. The Statement of Findings will contain:

c. Delete "base"

- (i) A description of why the proposed action must be located in the floodplain;

COMMENT

TEXT REVISIONS

- (ii) A description of all significant facts considered in making the determination including alternative sites and actions (see Step 3 of WRC Guidelines);
- (iii) A statement indicating whether the actions conform to applicable state or local floodplain protection standards;
- (iv) A description of how the activity will be designed or modified to minimize harm to or within the floodplain;
- (v) A statement indicating how the action affects natural or beneficial floodplain values;
- (vi) A statement indicating why the NFIP criteria are demonstrably inappropriate for the proposed action;
- (vii) A map showing the location of the floodplain or wetland and the site(s) of the proposed action;
- (viii) The signature of the Regional Director recommending approval of the Statement of Findings and the approval of the Director on the combined document.

(ii) unnecessary, delete

4. Identify Impacts.

The environmental documents prepared for proposed actions and their alternatives located in floodplains or wetlands will identify the full range of potential direct or indirect adverse impacts associated with the occupancy and modification of floodplains and wetlands and the potential direct and indirect support of floodplain and wetland development that could result from the proposed action. Flood hazard-related factors will

be analyzed for all actions. These include: public health, safety and welfare; depth, velocity and rate of rise of flood water; duration of flooding; high hazard areas (riverine and coastal); available warning and evacuation time and routes; and effects of special situations, e.g., levees and other protection works, erosion, subsidence, collapse, sink holes, ice jams, flood-source debris load, pollutants, etc. Natural values-related factors will be analyzed for all actions. These include: water resource values (natural moderation of floods, water quality maintenance, and ground water recharge); living resource values (flora and fauna and biological productivity); scientific and recreational values; and agricultural, aquacultural and forestry values, etc.

Factors relevant to a proposed action's effects on the survival and quality of wetlands will be analyzed for all actions. These include: public health, safety, and welfare, including water supply, quality, recharge and discharge; pollution; flood and storm hazards; sediment and erosion; maintenance of natural systems, including conservation and long term productivity of existing flora and fauna; species and habitat diversity and stability; hydrologic utility; fish and wildlife; and other uses of wetlands in the public interest including recreational, scientific, and cultural uses, etc.

In a case where the proposed action is associated with an existing facility or management program, the EA or DEIS will address effects the proposed action would have in concert with the existing development. For example, the proposed action could encourage continued use and future development resulting in continued risk of life and property and foreclosure of opportunity to restore floodplain and/or wetland values. Alteration of the physical characteristics of floodplains and wetlands often has subtle and far-reaching effects on the biological systems dependent upon them. In

4. Cultural resources are an important consideration.

4. Insert "cultural resources"

addition to the natural values of these areas, the risk to human safety, health, and financial investment must be assessed before a decision is made on a preferred course of action.

5. Minimize, Restore, Preserve, and Enhance.

Where avoidance of floodplains or wetlands cannot be achieved, the NPS will design or modify its actions so as to minimize harm to or within the floodplain, minimize the destruction, loss or degradation of wetlands, restore and preserve natural and beneficial floodplain values, and preserve and enhance natural and beneficial wetland values.

a. Minimize--The NPS will minimize potential harm to the investment at risk from the 100-year flood (500-year flood for critical actions) and minimize potential adverse impacts the action may have on life and property and on floodplain and wetland values. Minimization of harm to property will be undertaken in accord with the standards and criteria set out in 44 CFR 60 et seq. (formerly 24 CFR 1909 et seq.). New structures will be elevated on open-works--walls, columns, piers, piles, etc.--rather than on fill in all cases within coastal high hazard areas (see Sect. 7.C.3.) and in the 100-year floodplain in all cases where practicable. Minimizing harm to lives will include, but not be limited to, marking historic and 100-year flood levels, providing flood information, and providing warning and evacuation procedures that emphasize adequate warning times, and access and egress routes.

b. Restore--Where floodplain and wetland values have been harmed by man's previous actions, NPS Natural Resource Management Plans will include actions to reestablish an environment in which the ecological systems of the

5.a.
Mitigation measures can potentially alter floodplain processes and flow characteristics in such a way as to create new problems.

5.a.
Insert ..."Mitigation measures planned or adopted to support the action must be analyzed with regard to alteration of existing floodplain processes..."

floodplain and wetland can function in a natural manner. When an action is proposed in a floodplain or wetland which has been degraded by past actions, restoration actions will be included as a part of the proposal. Where practicable, wetlands and floodplains will be further restored by the removal of non-conforming structures and facilities.

- c. Preserve--The law establishing the NPS requires it to preserve natural resources within the National Park System. Consequently, NPS natural resources policy and management emphasis is in perpetuation of natural ecosystems including floodplain and wetland ecosystems. Where actions are unavoidably located in floodplain or wetland areas, the NPS will undertake every possible effort to maintain the integrity of the natural ecosystem thereby preserving it and its attendant organisms and physical processes.
- d. Enhance--Where the opportunity exists, the NPS will not simply preserve, but will enhance the values of wetlands and floodplains by using them for their educational, recreational, scientific, and similar purposes that are not disruptive of natural ecological conditions.

6. Findings and Public Explanation.

Where evaluation of an EA results in a finding by the Regional Director that there is no practicable alternative to significantly impacting abase floodplain or wetland, a NOI will be filed and an EIS prepared. In such cases, the Statement of Findings will be combined as a separately identifiable document with the FEIS. If it is determined that impacts are not significant, the Statement of Findings may be combined as a separately identifiable document with a FONSI.

Delete "base"

Upon approval by the Director, the Statement of Findings will be sent to the appropriate agencies (listed in Section 6.C.2.e.) and appropriate state review offices as determined by E.O. 12372.

7. Implementations.

For actions to be performed within or affecting floodplains, or wetlands, NPS will ensure that the steps identified in Section C.5. above are adequately applied over all stages in implementation of this action.

Section 7. Special Considerations

- A. Cultural Resources--As part of its mandate, the National Park Service preserves and interprets cultural resources and objects possessing historical, archeological, architectural, engineering, and cultural significance. Many of these cultural resources are included in, or eligible for inclusion in, the National Register of Historic Places. National Park Service Management Policies, Cultural Resource Guidelines (NPS-28), and specific park management plans give direction for the management of these resources. In addition, NPS action affecting cultural resources included in, or eligible for inclusion in, the National Register are subject to the provision of Section 106 of the National Historic Preservation Act of 1966, Sections 1(3) and 2(b) of E.O. 11593, Protection and Enhancement of the Cultural Environment, and the implementing regulations found in 36 CFR, Part 800, Protection of Historic Cultural Properties. In general, cultural resources located in floodplains will be managed to assure their in place preservation. Floodproofing measures taken to protect the cultural property from the hydraulic and erosive forces of flooding will be designed so as not to adversely affect the historic integrity of the structure or scene. [When a cultural site or structure does not have the significance to merit action sufficient to ensure its preservation from flood loss, an appropriate level of study and an appropriate treatment plan will be prepared and implemented.]

COMMENT

Confirmed the current applicability of E.O. 12372.

TEXT REVISIONS

No change

7.A. Revise to eliminate a contradiction in two places indicated

7.A. ..."to least"...

7.A. Omit sentence in brackets.

Unless historic objects, furnishings, collections, or documents are required to retain the historic integrity of a site, they will not be kept within a 500-year floodplain. When there is no practicable alternative to keeping such material in the 500-year floodplain, a Statement of Findings will be prepared and the material made either totally safe from flood loss or be under an action plan or contact for rapid removal from the floodplain within the limits of available time for warning and evaluation.

B. Critical Actions

1. These are actions for which even a slight chance of flooding is too great. The floodplain of concern for critical actions is the 500-year floodplain. [Sites completely outside of the 500-year floodplain will be used for all critical action proposals.]

The General Management Plan will identify all critical actions existing within the 500-year floodplain of the park, describe corrective measures to be taken, and present a time schedule for the corrective measures. Possible alternatives are 1) relocate the critical action facility or structure outside the 500-year floodplain, 2) change the use of the facility or structure to a non-critical action, or 3) use floodproofing to protect the critical action from the 500-year flood.

2. Critical actions include, but are not limited to the erection or rehabilitation of structures of facilities:
 - a. Which contain hazardous material such as highly volatile, flammable, explosive, toxic, infectious, or water reaction materials. These could create an added dimension to the flood disaster. Major fuel storage facilities and 40,000gpd. or larger sewage treatment facilities will not be placed within the 100-year floodplain, and will occupy the 500-year

COMMENT

Sec. 7.A.

This paragraph has appeared to users as contradictory and impractical. Rewrite the last sentence.

B.1. This provision does not allow for floodproofing within the 500-year floodplain.

2.a.
Major fuel storage facilities are not definable.

TEXT REVISIONS

..., "the following options are available 1) cultural resource objects will be allowed to remain in place without floodproofing, mitigation measures, or plans for removal during flooding because of the need to retain the integrity of the site, 2) the objects will be made safe from flood loss where practicable by floodproofing, or 3) the site will be under an action plan for removal from the critical floodplain within the limits of available time for warning and evacuation where practicable. A Statement of Findings will be prepared to document the option selected."

B.1. Omit sentence in brackets.

B.2. "or"

2.a. "Fuel storage facilities except as needed for water related activities such as marinas" and 40 000...

floodplain only when there is no practicable alternative and they can be completely floodproofed against the erosive and hydraulic force of the 500-year flood.

- b. From which rapid evacuation would be difficult. There are structures occupied by persons who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events. Clinics and emergency aid stations will not be located in the 500-year floodplain.
- c. Which contain irreplaceable documents or objects. This includes museums, record collections, artifacts, historic furnishing, etc.]

C. High Hazard Areas

- 1. These are areas subject to flooding events which are so unexpected, violent, or otherwise devastating that human lives are placed in immediate and grave danger. High hazard areas include, but are not limited to, areas subject to flash flooding, areas below dams known to be structuarally unsound, the floodway, and coastal high hazard areas. Coastal high hazard areas are defined in the WRC guidleines (4.B.2.) as "usually confined to the beach area in front of high bluffs or the crest of primary or foredunes, where wave impact is the most significant inducing factor."]
- 2. Structures for human occupancy will not be placed in coastal high hazard areas except as provided for in 7.C.3., the floodway, or in areas subject to flash flooding. A "flash flood" is one in which the flood waters rise so rapidly that there is insufficient time for warning and evacuation of persons threatened by the flood. Further, no structures in which humans might seek shelter during storm or flood events will be placed in

COMMENT

C. Cultural objects are covered under 7.A. above, delete this paragraph

C.1. Definitions will be included in the Glossary of Terms.

C.2. & C.3. overlap and have caused problems with interpretation and application
Replace paragraph C.2 with revised C.1 and C.2

TEXT REVISIONS

2.b. "These" are...

C.1. Omit this paragraph and renumber subsequent paragraphs.

C.1. "The WRC Guidelines state that in light of the high life and property loss potential, the agencies are to most rigorously apply the orders charge to avoid high hazard areas. Accordingly, structures for human occupancy or ones in which people might seek shelter during storm or flood events will not be placed in high hazard areas. Facilities for parking, picnicing or other similar activities causing congregations of people will not be placed in high hazard areas without employing appropriate measures such as seasonal closings, warning systems and the provision of escape routes to minimize risk to people and property. People visiting undeveloped areas subject to high flood hazard will be provided with appropriate warning that such hazards exist."

these areas. Facilities for parking, camping, picnicking, or similar activities causing congregations of people and property will not be placed in flash flood areas because of the surprise nature of such events. Undeveloped areas subject to flash flooding and known to be frequented by people even without the attraction of developed facilities will be posted with signs warning of flash flood danger. The hazardous flooding for a flash flood shall be the area covered by the probable maximum flood.

3. In coastal areas subject to storm overwash where no foredunes exist as defined above, and where structures and/or facilities must be placed for the management and legislated use of the affected areas, their placement and construction shall be at locations least likely to be affected by the by the actions of coastal storms and flooding. The planned structures and/or facilities will be limited to those necessary to meet the minimum needs for visitor use and park management. Furthermore, mitigating measures will be developed for the protection of human life and property. An early warning and evacuation plan will be developed and made operational. The design and construction of a structure and/or facilities shall be in accordance with the criteria and standards promulgated under the National Flood Insurance Program. These warning and evacuation plans and other mitigating measures shall be addressed in the draft and final General Management plan/Environmental Document and subsequent, more detailed action plans, as required.
4. A unit Superintendent has the authority (36 CFR 2.6) to " * * * close to public use all or any portion of a park area when necessary for the protection of the area or the safety and welfare of persons or property by the posting of appropriate signs indicating the extent and scope of closure * * *" When studies reveal, or it otherwise becomes apparent, that existing structures and/or

COMMENT

C.2.

This sentence is more restrictive than necessary to provide reasonable protection in many instances and may lead to creative compliance. The USDI Manual does not demand zero risk management but does require a knowledge of risk.

C.2.

The exclusive use of PMF technique has been questioned as to its validity for describing areas subject to flash flood hazard and ignores the other analysis techniques that are valid in certain geographic areas. Further, this exclusive approach has been rescinded by memo from the Directorate.

C.3. This paragraph describes a situation that may be of moderate hazard, requiring less severe restrictions than for other high hazard areas. No change recommended.

TEXT REVISIONS

C.2. (See comment on pg. 22, C.2.) "Where actions are contemplated in suspected high hazard areas a professional analysis shall be performed by using site evidence and one or more analytical techniques applicable to the area to determine the existence extent and characteristics of the flood hazard. Undeveloped areas subject to flash flooding and known to be frequented by people even without the attraction of developed facilities will be posted with signs warning of flash flood danger."

facilities are subject to flash flood or other high water hazard, the unit Superintendent will prepare a plan of action which considers both their closure to public use and/or mitigation of the flood hazard by one or more structural flood control methods or non-structural measures such as floodproofing, warning and evacuation measures, seasonal closures, relocation of structures and facilities and other appropriate steps. Plans will be phased in such a manner to provide the greatest possible degree of protection. Actions to remove the structures or facilities may require Environmental Assessment and the following of these procedures to avoid relocating in a similarly hazardous area.

Section 8: Removal or Modification of Existing Structures and Facilities

General Management Plans for Units of the National Park System will inventory existing structures, facilities, and programs involving the use of floodplains, and wetlands, and will record decisions on their retention, removal or modification. The Regional Safety Manager will evaluate all such structures and facilities to ensure that early warning systems, plans, and means of personnel evacuation are in compliance with safety standards. Upon the Safety Manager's recommendation, the Regional Director may require the closure of structures to human occupancy or require that the use of the structure be changed. The Regional Director also may require the modification or floodproofing of structures and facilities to protect property and Federal interest against loss. The Natural Resources Management Plan and/or the Water Resources Management Plan will specify requirements for monitoring programs and other actions to ensure protection and enhancement of floodplain and wetlands values to the greatest extent possible. These plans will provide an important basis for demonstrating NPS compliance with the Orders. Noncritical actions for which compliance documentation has been prepared, either on an action itself or in the context of a previous enabling plan, will be listed and the nature of the compliance documentation indicated.

Section 9. Responsibilities

- A. The Director is responsible for ensuring NPS compliance with the Orders in accordance with provision of Chapter 1 of Part 520 of the Departmental Manual. In performing this duty, the Director will:
1. Approve NPS policies, procedures, guidelines, or directives for complying with the Orders.
 2. Approve any reports to the Department, the WRC, or the CEQ concerning compliance with the Orders.
 3. Be the responsible official for all Statements of Findings.
- B. The Deputy Director, Associate Directors, and Assistant Directors are responsible for:
1. General supervision of the Divisions and Offices under their jurisdiction to ensure compliance with the Orders and these procedures; and
 2. Reviewing and concurring with floodplain and wetland procedures prepared by or pertaining to their Divisions and Offices prior to forwarding to the Director for approval.
- C. The Chief, Office of Management Policy is responsible for coordinating, drafting, and preparing revisions to NPS Management Policies to ensure compliance with the Orders.
- D. The Chief, Office of Park Planning and Environmental Quality is responsible for integrating these guidelines with NPS guidelines for park planning and NEPA compliance so as to satisfy the substantive and procedural requirements of the Orders.
- E. The Chief, Budget Division is responsible for ensuring that each request for new authorization or appropriation for a planned action to be located in a floodplain or wetland is accompanied by a statement indicating that the planned action complies with the Orders.

A.2. Define CEQ

A.2. ...the "Council on Environmental Quality (CEQ)"; concerning...

D. Note name change

D. Park Planning & Special Studies Division

COMMENT

TEXT REVISIONS

F. The Chief, Water Resources Division is responsible for:

1. Developing, in consultation with the Chief, Office of Environmental Compliance, NPS procedures for implementing the Orders;
2. Concurring with Statement of Findings forwarded to the Washington Office by Regional Directors; and
3. Returning signed Statements of Findings to Regional Directors for sending to appropriate agencies and A-95 clearing houses.*

G. Regional Directors are responsible for ensuring compliance with the Orders and these procedures. In performing this duty they will:

1. Obtain and analyze hydrologic data necessary to satisfy NPS NEPA compliance procedures for floodplain and wetland areas;
2. Conduct planning studies involving floodplains and wetlands in accordance with these procedures;
3. Determine whether proposed actions under their jurisdictions are located in wetlands or base flood plains;
4. [Ensure that floodproofing and other measures of flood protection are applied to construction of new to major rehabilitation of existing structures or facilities in a floodplain where there are no practicable alternatives to a floodplain location;]
- [5. Ensure that the base floodplain in which significant public use occurs is provided with proven warning systems and established evacuation procedures, and that existing and planned structures and facilities in floodplains comply with requirements for public and employee safety.]
6. Identify and include floodplain and/or wetlands restrictions in legal conveyance for granting of leases, easements, and rights-of-way;
7. Ensure that park concessionaires conform in all respects to the Orders;
8. Ensure preparation of appropriate compliance documents when the proposed action would be located in or would affect a floodplain or wetland;

F.1. Update

F.3. No longer applicable
revise as shown.

4. This requirement is
redundant. Insert new material
as shown.

5. This partially contra-
dicts previous material
and is redundant.

F.1. ...Chief, Division of...

F.3. "...stat review offices as
determined by H.O. 12372.

4. "Evaluate the significance of
cultural resources as per Section
7.A. and proceed with the appropriate
action/documentation."

5. Omit and renumber the six items
under G.

9. Forward to the Washington Office for approval of the Director FONSI's or FEIS's coupled with Statements of Findings when proposed actions would adversely affect a floodplain or wetland;
10. Sign and issue public notices informing the public, and appropriate state review offices as determined by E.O. 12372, of the NPS proposed action in or affecting a floodplain or wetland.
11. Ensure that no request for new authorization or appropriation for a planned action in a floodplain (i.e., line item or lump sum construction project) is forwarded to the Washington Office unless it complies with the Orders; and
12. Close or change the use of any structure or gathering place upon the determination that its location is hazardous to human life, safety, or welfare.

H. Park Superintendents are responsible for ensuring that within publicly-used floodplains, flood heights are conspicuously delineated on structures and other places where appropriate, showing the 100 and 500 year levels and the flood of record where historic data are available, and for posting warnings in areas subject to flash flood hazard. The area Superintendents also are responsible for the immediate closure of areas or structures they believe to be hazardous for occupancy because of flash flood danger.

H. Add to the sentence at the end of the paragraph.

H. ...danger "and for the maintenance and operation of warning systems and evacuation programs."

[*The phrase "A-95 clearing house" appeared at several places in the original guidelines. The revision of the guidelines replaces this phrase with "appropriate state review offices as determined by E.O. 12372." at all other places in the document. It is believed that the above revision was intended to be made at this place in the document also, but was inadvertently missed.]

*No longer appropriate.

*Omit

D. Park Planning & Special Studies