Memorandum

To: Associate Regional Directors and Superintendents, National Capital Region

From: Associate Regional Director, Land Use Coordination, National Capital Region

Subject: Revisions to National Park Service Floodplain/Wetland Protection Guidelines

Enclosed is a recent revision to the National Park Service Floodplain and Wetlands Protection Guidelines, published in the Federal Register on August 23, 1982.

These changes are, for the most part, minor. However, particular attention should be given to the following:


2. Page 35921, Section 6.C.6; Section 7.A; and Section 7.C.


If you have any questions please contact Randy Clement at 426-7704.

Enclosure
Memorandum

To: Directorate, Field Directorate and WASO Division Chiefs
   ACTING DEPUTY
From: Director

Subject: Revisions to NPS Floodplain/Wetland Protection Guidelines

Enclosed for your information and implementation is a copy of the August 23, 1982 Federal Register Notice revising the original May 23, 1980 NPS procedures for floodplains and wetlands protection.

The intent of these revisions is to provide continued compliance with Executive Orders 11988, "Floodplain Management" and 11990, "Protection of Wetlands" and the Water Resources Council Guidelines, while providing superintendents with the flexibility they need to better meet the needs of visitor protection and legislated use of parks. Of particular note are the revisions to the high hazard areas (Section 7.C.) dealing with development in areas prone to flash flooding and coastal storms flooding.

Further information and additional copies can be obtained from the Water Resources Division, FTS 523-5020.

Enclosures
Acting Minerals Manager, Gulf of Mexico Division, National Park Service.

FOR FURTHER INFORMATION CONTACT: be obtained from the address below.

Guidelines and the revisions thereto can through 35922. A complete set of the Register, Vol. 45, No. 104, pages 35916

The revised Section 7.C.-"High Hazard Areas" clarifies the existing Section 7.C. by defining the terms "high hazard area," "flash flood," and the hazardous floodway area; calls for posting of flash flood danger warning signs in undeveloped areas subject to flash flooding and known to be frequented by people even without the attraction of developed facilities; makes allowance in coastal areas subject to storm overwash, where no foredunes exist, for limited construction of necessary structures and facilities needed to meet management and legislated use requirements; and makes provision for the unit Superintendent to develop an action plan for phased closure and/or mitigation in relation to existing structures and/or facilities subject to flash flood or other high water hazard. Section 6.C. has been revised to reflect complete conformance with Step 7 of the WRC Guidelines. The other revisions relate principally to corrections of typographical errors, word omissions, and changes to reflect current organizational titles.

SUMMARY: These are minor revisions to the final procedures of the National Park Service for implementing Executive Orders 11988, "Floodplain Management" and 11990, "Protection of Wetlands." The revised Section 7.C.-"High Hazard Areas" clarifies the existing Section 7.C. by defining the terms "high hazard area," "flash flood," and the hazardous floodway area; calls for posting of flash flood danger warning signs in undeveloped areas subject to flash flooding and known to be frequented by people even without the attraction of developed facilities; makes allowance in coastal areas subject to storm overwash, where no foredunes exist, for limited construction of necessary structures and facilities needed to meet management and legislated use requirements; and makes provision for the unit Superintendent to develop an action plan for phased closure and/or mitigation in relation to existing structures and/or facilities subject to flash flood or other high water hazard. Section 6.C. has been revised to reflect complete conformance with Step 7 of the WRC Guidelines. The other revisions relate principally to corrections of typographical errors, word omissions, and changes to reflect current organizational titles.


SUPPLEMENTARY INFORMATION: The NPS Floodplain Management and Wetland Protection Guidelines, to which these revisions apply, were effective and published on May 28, 1980 in the Federal Register, Vol. 45, No. 104, pages 35916 through 35922. A complete set of the Guidelines and the revisions thereto can be obtained from the address below.

FOR FURTHER INFORMATION CONTACT: N. Jay Bassin, Chief, Water Resources Division, National Park Service,
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 probable maximum flood.

flood danger. The hazardous flooding for a flash flood areas subject to flash flooding will not be placed in flash flood areas will be phased in such a manner to provide both their closure to public use and/or will prepare a plan of action which considers extent and scope of closure. The National Park Service shall be addressed in the warning and evacuation plans and other National Flood Insurance Program. These facilities shall be in accordance with the construction of the structures and/or made operational. The design and evacuation plan will be developed and the extent of human life and property. An early warning and evacuation plan will be developed and evacuation plan will be developed and of the protection of human life and property. An early warning and evacuation plan will be developed and made operational. The design and construction of the structures and/or facilities shall be in accordance with the criteria and standards promulgated under the National Flood Insurance Program. These plans 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 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 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.

PAGE 35922—
Sect. 9.D.
First sentence changed to read: "The Chief, Office of Park Planning and Environmental Quality is responsible for integrating these guidelines * * * "

Sect. 9.F.
First sentence changed to read: "The Chief, Water Resources Division * * * "

Sect. 9.F.1.
Substitute "procedures" for "guidelines".

Change to read: "Sign and issue public notices informing the public, and appropriate state review offices as determined by E.O. 12372, of the proposed action in or affecting a floodplain or wetland." [FR Doc. 82-22867 Filed 8-30-82; 8:45 am]

BILLING CODE 4100-70-M

Martin Luther King, Jr., National Historic Site; Meeting

Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the Martin Luther King, Jr., National Historic Site Advisory Commission will be held at 10:00 a.m. on Wednesday, September 22, 1982, at the Richard B. Russell Federal Building, Room 894-C, 75 Spring Street, SW., Atlanta, Georgia 30303.

The purpose of the Martin Luther King, Jr., National Historic Site Advisory Commission is to consult and advise with the Secretary of the Interior on matters of planning, development and administration of the Martin Luther King, Jr., National Historic Site. The Agenda will include: (1) Subcommittee reports on the Advisory Commission's planning responsibilities, interim visitor services, interim resource protection and public-private partnerships; (2) the National Park Service will give a briefing regarding the status of the National Historic Site; and (3) new business.

The members of the Advisory Commission are as follows:

Mr. William Allison, Chairman
Mr. John H. Calhoun, Jr.
Dr. Elizabeth A. Lyon
Mr. Randy C. Humphrey
Mrs. Willie Christine Kingarris
Mr. Handy Johnson, Jr.
Mr. Howard H. Arnold III
Mrs. Freddyce Scarborough Henderson
Mrs. Millicent Dobbs Jordan
Mr. John W. Cox
Reverend Joseph L. Roberts, Jr.
Mrs. Coretta Scott King, Ex-Officio Member
Director, National Park Service, Ex-Officio Member

The meeting will be open to the public; however, facilities and space for accommodating members of the public are limited. Any member of the public may file with the commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting or who wish to submit written statements may contact Janet C. Wolf, Superintendent, Martin Luther King, Jr., National Historic Site, 75 Spring Street, SW., Atlanta, Georgia 30303, Telephone 404/221-5190. Minutes of the meeting will be available for public inspection at park headquarters approximately 4 weeks after the meeting.

Dated: August 11, 1982.

Robert Baker,
Regional Director, Southeast Region.
[FR Doc. 82-32118 Filed 8-30-82; 8:45 am]

BILLING CODE 4100-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority
Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 88771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 60109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy on simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full
Bureau of Land Management

Oregon; Proposed Withdrawal and Reservation of Lands; Correction and Amendment

The Notice of Proposed Withdrawal and Reservation of Lands appearing as FR Doc. 75-11612 on pages 19501-19502 of the issue for Monday, May 5, 1975, and the Notice of Opportunity for Public Hearing and Reproduction of Notice of Proposed Withdrawal appearing as FR Doc. 79-22163 on pages 41968-41969 of the issue for Wednesday, July 18, 1979, are corrected and amended as follows:

1. Correction: Under “North Fork John Day Streamside-Elkhorn Drive Roadside Zones (Combined Area),” the legal description is corrected to read: “A strip of land of variable width located between 500 feet north of the centerline of Elkhorn Drive and 330 feet south of the centerline of the North Fork John Day River through the following subdivisions.”

2. Amendment: By letter dated April 17, 1980, the applicant agency requested that the lands included in MS 894-A, located in Sections 22, 23, and 27, T. 8 S., R. 35½ E., Umatilla and Whitman National Forests, be eliminated from its application. The legal description in these sections, as amended, is revised to read as follows:

Williamette Meridian, Umatilla National Forest
T. 8 S., R. 35½ E.,
Sec. 22, lots 1, 2, 3, and 4, MS 894, MS 359, excepting MS 894-A.

Whitman National Forest
T. 8 S., R. 35½ E.,
Sec. 23, lots 2, 3, 4, 5, and 6, MS 891, W½NE4SW4, excepting MS 894-A and patented MS 70;
Sec. 27, lot 1, SE½ of lot 1, W½NE4, SE½NE4NW4, SE4NW4, and SW4, excepting MS 894-A.

Therefore, pursuant to the regulations contained in 43 CFR 2091.2-6(f)(1), the lands eliminated from the application will be relieved of the segregative effect of the above-mentioned application at 10 a.m. on June 23, 1980.

Dated: May 16, 1980.

Leland D. Morrison,
Acting Chief, Branch of Lands and Minerals Operations.
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:

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 and beneficial floodplain values; and
D. Preserve and enhance natural and beneficial wetland values.

Section 3. Management Objective

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;
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 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 decisionmaking 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, standards, 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 Unified 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 (316 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. 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.

Section 5. Scope

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 wetlands. 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. Exempted 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 exempted from compliance with these procedures. Where actions normally categorically excluded from NEPA are determined to hold the potential for 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 appropriate sanitary facilities needed to 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).

g. Certain types of action 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, 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 any water dependent action.

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.

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.

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 (320 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.

D. 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 the Base Floodplain.

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:

(i) Assume that the project is in the base floodplain and begin compliance with the Orders; or

(ii) 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:

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;
Tsunami;
Floodproofing methods; and
Special problems such as ice and snow pack melt from volcanic activity.

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 Wetlands Order.

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 of 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 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 under taken for the EA.

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 action 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 Service;
U.S. Geological Survey;
Water and Power Resources Service;
U.S. Army Corps of Engineers;
U.S. Soil Conservation Service;
State and Area A-95 Clearinghouses; 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 a floodplain or wetland, the FONSI will be coupled with
a separately identifiable Statement of Findings which documents the rationale that there is no practicable alternative to locating in or impacting these areas and which certifies that beneficial actions are involved. Public notice of a FONSI/Statement of Findings will be published in accordance with 40 CFR 1506.8 and sent to all agencies listed 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 alternatives for carrying out desired actions outside the floodplain or 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.

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 document 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:

(i) A map showing the location of the floodplain or wetland and the site(s) of the proposed action;

(ii) A description of why the proposed action must be located in a floodplain or wetland;

(iii) A statement indicating conformity with local and/or state floodplain protection standards;

(iv) A list of alternatives considered;

(v) A description of how the activity will be designed or modified to minimize harm to or within the floodplain or wetland;

(vi) A statement indicating how the proposed action would affect natural and beneficial floodplain values; and

(vii) The signature of the Regional Director recommending approval of the Statement of Findings and the approval signature of the Director on the combined document.

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, including water supply, quality, recharge and discharge; pollution; flood and storm hazards; sediment and erosion; maintenance of natural wetlands, 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.

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 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.

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 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 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 on 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.


Where evaluation of an EA results in
a finding by the Regional Director that
there is no practicable alternative to
significantly impacting a base floodplain or
wetland, a NOI will be filed and an
EIS will be prepared. In such cases, the
Statement of Findings will be prepared as
a separately identifiable document with
the EIS. If it is determined that
impacts are not significant, the
Statement of Findings may be combined
as a separately identifiable document with
a FONSI. Upon approval by the
Director, the Statement of Findings will be
sent to the appropriate agencies
listed in Section 6.C.2.e.) and A-95
clearing houses.

7. Implementation.

For action 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,
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 provisions 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 600,
Protection of Historic Cultural
Properties. In general, cultural resources
located in floodplains will be managed to
 assure their on-site preservation.

Where 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
recording will be done.

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
contract for rapid removal from the
critical 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 40,000 gpd or larger sewage
treatment facilities will not be placed
within the 100-year floodplain, and will
occupy the 500-year 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. These 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. Structures
for human occupancy will not be placed
in coastal high hazard areas, the
floodway, or in areas subject to flash
flooding. Further, no structures in which
humans might seek shelter during storm
or flood events will be placed in these
areas. Parking, camping, picnicking, or
other similar activities causing
congregations of people and property
will not be permitted in flash flood areas
because of the short warning available
for such events. The hazardous
floodway for a flash flood shall be the
area covered by the maximum probable
flood or the extreme flow in the basin
where the potential depth and velocity
of flood could cause loss of life or
property.

2. A unit Superintendent has the
authority (36 CFR 2.6) to close any area
to entry or limit public use of an area
when necessary for the protection,
safety, and welfare of persons or
property. When studies reveal, or it
otherwise becomes apparent, that
existing structures are subject to flash
flood hazard, and thus unsafe for human
occupancy or shelter, action shall be
taken to vacate the structures. Actions
to remove the structures themselves
will 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 provisions 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 Compliance is responsible for 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.

F. The Chief, Air and Water Resources Division is responsible for:
1. Developing, in consultation with the Chief, Office of Environmental Compliance, NPS guidelines 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-59 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-ways.
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.
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 the A-59 clearinghouses 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.

Ann F. Hutchinson,
Acting Director, National Park Service.

Office of the Secretary

Part-Time Employment Program

AGENCY: Department of the Interior.


SUMMARY: The Department of the Interior (DOI) proposes to issue instructions in the DOI Departmental Manual to govern the operation of a part-time career employment program within the DOI, as required by Pub. L. 95-437, the Federal Employees Part-Time Career Employment Act of 1978 (5 U.S.C. 3401 et seq.).

The Act narrows the definition of part-time career employment in the Federal Government from scheduled work of less than 40 hours per week to scheduled work of between 16 and 32 hours per week, requires most Federal agencies to develop and administer a program to expand part-time employment opportunities; and changes the personnel ceiling and fringe benefit