



United States Department of the Interior

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

L7615(NCR-LUCE)

SEP 24 1982

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:

1. Page 3590, Section 6.C.2.f.; Section 6.C.3.C.; and Section 6.C.5.a.
2. Page 35921, Section 6.C.6; Section 7.A; and Section 7.C.
3. Page, 35922, Section 9.D.; Section 9.F.; Section 9.F.1; and Section 9.G.10.

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

Enclosure



United States Department of the Interior

NATIONAL PARK SERVICE
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

497 (L-54)

AUG 30 1982

Memorandum

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

Dated: August 11, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico
OCS Region.

[FR Doc. 82-22888 Filed 8-20-82; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Floodplain Management and Wetland Protection Guidelines

AGENCY: National Park Service (NPS), Interior.

ACTION: Notice of minor revisions to final procedures.

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.

EFFECTIVE DATE: August 23, 1982.

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,

Department of the Interior, Washington, DC 20240, (202) 523-5020.

Russell E. Dickenson,
Director, National Park Service.

National Park Service—Floodplain and Wetland Protection Guidelines of May 28, 1980

(Federal Register, May 28, 1980, Vol. 45, No. 104)

PAGE 35917—

Sect. 4.D.

In first sentence after "(NPS-12)" delete period and add semicolon. Also in first sentence the word "Or" after "(EA)" change to "or".

Sect. 4.E.

After second complete sentence ending "new development," add: "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 applicable minimum standards for the siting and development of utility systems (e.g.: gas; water; sewer; 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."

PAGE 35919—

Sect. 6.D.

"Section 6.D.—Decision-Making Process" should be labelled "6.C."

Sect. 6.C.2.b.

"Undertaken" replaces "under taken".

Sect. 6.C.2.d.

No period after word "proposed".

Sect. 6.C.2.e.

Change "Water and Power Resources Service" to "Bureau of Reclamation", and "State and Area A-95 Clearinghouses;" to "Appropriate state review agencies as determined by E.O. 12372;"

Sect. 6.C.2.f.

Second sentence insert "or impacting" after "in".

PAGE 35920—

Sect. 6.C.2.f.

Add final sentence: "Provision for a 15 to 30 day comment period will be made by NPS prior to taking action."

Sect. 6.C.3.a.(ii)

Revise first sentence to read: "A discussion of any practicable alternatives * * *

Sect. 6.C.3.c.

Revise as follows:

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

Sect. 6.C.5.a.

Revise third sentence to read: "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."

PAGE 35921—

Sect. 6.C.6.

Change last sentence to read: "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."

Sect. 7.A.

In first sentence, first paragraph, add "engineering" after "architectural".

In second sentence, first paragraph, capitalize "Many * * *"

In fifth sentence, first paragraph, substitute "in place" for "on-site".

In last sentence, first paragraph, after "and" strike "recording will be done" and add "an appropriate treatment plan will be prepared and implemented."

Sect. 7.C.

Delete existing Section 7.C. and substitute with following:

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 structurally unsound, the floodway, and coastal high hazard areas. Coastal high hazard areas are defined in the WRC Guidelines (§ 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 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 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 the structures 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 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".

Sect. 9.G.10.

Change to read: "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;"

[FR Doc. 82-22967 Filed 8-20-82; 8:45 am]

BILLING CODE 4310-70-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 busienss.

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 King Farris
Mr. Handy Johnson, Jr.
Mr. Howard H. Arnold III
Mrs. Freddy 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. 82-22966 Filed 8-20-82; 8:45 am]

BILLING CODE 4310-70-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 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

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 of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier duel 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 Federal 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

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 11158]

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 Republication 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 984-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:

Willamette Meridian, Umatilla National Forest

T. 8 S., R. 35½ E.,
Sec. 22, lots 1, 3, and 4, MS 808, MS 359,
excepting MS 984-A.

Whitman National Forest

T. 8 S., R. 35½ E.,
Sec. 23, lots 2, 3, 4, 5, and 6, MS 359,
W½NE¼SW¼, excepting MS 984-A and
patented MS 70;
Sec. 27, lot 1, SE¼ of lot 4, W½NE¼,
SE¼NE¼NW¼, SE¼NW¼, and SW¼,
excepting MS 984-A.

Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5(b)(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.

[FR Doc. 80-16112 Filed 5-27-80; 8:45 am]

BILLING CODE 4310-84-M

[INT DEIS 80-36]

Rangeland Management Program for Mountain Valley Planning Area, Utah; Availability of Draft Environmental Impact Statement and Public Hearing

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 and a 1975 Federal Court Order, the Bureau of Land Management (BLM) has prepared a draft grazing environmental impact statement (EIS) for the Mountain Valley rangeland management program in Sevier, Piute, and Sanpete Counties and small portions of Wayne, Garfield, Millard, and Juab Counties.

The EIS six alternative proposals: (1) optimize non-livestock resources, (2) optimize livestock grazing, (3) rangeland management recommendation, (4) eliminate livestock grazing, (5) continuation of present management, and (6) adjust spring livestock use. The alternatives provide a range of options for the management of 499,972 acres of public land.

Alternatives 3 and 6 are the BLM preferred alternatives. Under these alternatives the proposed initial levels of livestock grazing would be 29,411 and 24,691 animal unit months (AUM's), respectively, and in the long-term increased forage production would make it possible to increase livestock grazing to 36,363 and 46,258 AUM's. Forage allocations for big game would be 16,449 and 17,127 AUM's initially, and 23,104 and 21,726 AUM's in the long-term. Under these alternatives increased forage production would also lead to improved soil erosion conditions on 373,805 and 493,758 public acres, and a general improvement in the quality of big game habitat. Recreation use would increase about 32 percent and 23 percent respectively.

The Director, Bureau of Land Management, invites written comments on the draft statement. Comments should be submitted to District Manager, Bureau of Land Management, 150 East 900 North, Richfield, Utah 84701. Comments will be accepted until July 21, 1980.

Copies of the draft environmental impact statement are available from the Richfield District BLM Office at the above address. Public reading copies of the draft statement will be available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Street NW, Washington, D.C.
Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah.

Richfield District Office, Bureau of Land Management, 150 East 900 North, Richfield, Utah.

Sevier River Resource Area Office, Bureau of Land Management, 180 North 100 East, Richfield, Utah.

Notice is hereby given that oral and/or written comments will be received at public hearings held at the following locations:

July 8: 7:00 p.m., Piute County Courthouse, Junction, Utah.

July 9: 7:00 p.m., Sanpete County Courthouse, Manti, Utah.

July 10: 7:00 p.m., Sevier County Courthouse, Richfield, Utah.

Requests to testify at the public hearings should be made to Alan Partridge, EIS Team Leader, Bureau of Land Management, 150 East 900 North, Richfield, Utah 84701, (801) 896-8221.

Written and oral comments concerning adequacy of the draft statement will receive consideration in preparation of the final Grazing Environmental Impact Statement for the Mountain Valley Planning Area.

Dated: May 20, 1980

Ed Hastey,
Associate Director.

[FR Doc. 80-16110 Filed 5-27-80; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Floodplain Management and Wetland Protection Guidelines

AGENCY: National Park Service (NPS), Department of the Interior.

ACTION: Notice of final procedures.

SUMMARY: These are the final procedures of the National Park Service for implementing Executive Orders 11988, "Floodplain Management," and 11990, "Protection of Wetlands."

EFFECTIVE DATE: These procedures are effective on May 28, 1980.

SUPPLEMENTARY INFORMATION: These procedures were published as proposed guidelines in the Federal Register on March 14, 1980, for review and comment. Comments were received from the Water Resources Council, one state agency, and one private organization. An internal NPS review provided additional suggestions for improving and streamlining the procedures. All comments have been carefully considered in the preparation of these final procedures. One purpose of the Executive Orders is furtherance of the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et. seq.*). The Department of the Interior revised its NEPA procedures

effective March 18, 1980, and NPS NEPA guidelines are being revised to be in conformity with them. These revisions of NEPA procedures made it necessary to revise NPS draft procedures for compliance with the Executive Orders. However, the substance of the floodplain management and wetland protection procedures presented here is essentially the same as in the previously proposed guidelines.

FOR FURTHER INFORMATION CONTACT: Dr. Raymond Herrmann, Air and Water Resources Division, National Park Service, Department of the Interior, Washington, D.C. 20240, Telephone: (202) 523-5152.

Floodplain Management and Wetland Protection

Sections

1. Purpose.
2. Objectives.
3. Management Objectives.
4. Relationships 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:

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 (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. 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. *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 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).

3. 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 (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.

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;
Tsunamis;
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 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 undertaken 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 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.

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 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 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:

- (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; 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 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 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.

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 a base 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. 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 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,

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 800, *Protection of Historic Cultural Properties*. In general, cultural resources located in floodplains will be managed to assure their on-site 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 recordation 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-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-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-95 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. Hutchison,
Acting Director, National Park Service.

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Office of the Secretary

Part-Time Employment Program

AGENCY: Department of the Interior.

ACTION: Proposed instructions and requirements implementing the Federal Employees Part-Time Career Employment Act of 1978.

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