

Chapter 11 - Environmental Compliance Requirements

A. National Environmental Policy Act (NEPA).

This Chapter details the Department of the Interior requirements concerning compliance with the National Environmental Policy Act and related legislation, regulations and Executive Orders, as they apply to the Historic Preservation Fund grant program.

1. Policy. The national policy concerning the assessment of the environmental impact of Federal and federally funded actions is contained in the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347). All NPS Historic Preservation Fund grant actions are subject to the provisions of NEPA and the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (CEQ Regulations) (40 CFR 1500-1508).
2. Grantee Responsibility. Except for Reduced Review States (see Chapter 8, Section G), the applicant must submit appropriate environmental documentation to NPS with the HPF grant Project Notification (either an Environmental Certification, see section A.5 below, or an Environmental Assessment, see section A.8 below). Certain categories of proposed actions may be excluded from the NEPA process. Categorical Exclusions approved for NPS appear in Section A.4., below. All other proposed actions require the preparation of either an Environment Assessment (EA) or an Environmental Impact Statement (EIS). All grantees are required to submit necessary information as an Environmental Assessment, unless the proposed grant-assisted activity is covered by a Categorical Exclusion. If appropriate, grantees with statewide jurisdiction that qualify under NEPA section 102(2)(D) may be required to submit an EIS. The scope, content, and objectivity of the document shall comply with NEPA, CEQ Regulations, and the Departmental Manual. (See Section A.8. below.)

A State that has environmental laws equivalent to or more stringent than NEPA may submit environmental documentation meeting both State and Federal requirements.

3. NPS Responsibility. NPS is responsible for determining and advising the State on whether a proposed grant action is either categorically excluded or requires an EA or EIS. NPS is also responsible for ensuring the adequacy of any required EA or EIS.

Projects involving floodplains and wetlands must comply with the requirements of 44 CFR 3642; Executive Order 11988, Floodplain Management; Executive Order 11990, Protection of Wetlands; Department of the Interior Manual (520 DM) and NPS Floodplain/Wetland Protection Guidelines. This compliance requires information in addition to that required by NEPA. See Section B, below.

4. Categorical Exclusions. Authorized Categorical Exclusions are those referred to in 516 DM 6 Appendix 7. The actions shown qualify for Categorical Exclusion unless NPS determines that there is cause for exception under 516 DM 2.3A(3), (see Section A.6 below for the exceptions). The exclusions found in Section A.6.f. and A.6.g. are particularly relevant to HPF grantees. (However, note that the list of Categorical Exclusions is not necessarily a list of activities eligible for HPF grant assistance.)

The following exclusions for the Department of the Interior are provided in 516 DM 2, Appendix 1 (also see additional Categorical Exclusions authorized for NPS in 516 DM 6, Appendix 7, and listed below in Section A.4.b-g, of this Chapter):

- a. Departmental Categorical Exclusions. These are general in nature and include the following:
 - 1) Personnel actions and investigations and personnel services contracts;
 - 2) Internal organizational changes and facility and office reductions and closings;
 - 3) Routine financial transactions, including such things as salaries and expenses, procurement contracts, guarantees, financial assistance, income transfers, audits, fees, bonds and royalties;
 - 4) Law enforcement and legal transactions, including such things as arrests, investigations, patents, claims, legal opinions, and judicial activities including their initiation, processing, and/or settlement, appeal or compliance;
 - 5) Regulatory and enforcement actions, including inspections, assessments, administrative hearings, and decisions; when the regulations themselves or the instruments of regulations (leases, permits, licenses, etc.) have previously been covered by the NEPA process or are exempt from it in 516 DM 2, Appendix 1 (also see additional categorical exclusions listed below in Section A.4.b-g, of this Chapter);
 - 6) Non-destructive data collection, inventory (including field, aerial and satellite surveying and mapping), study, research and monitoring activities;
 - 7) Routine and continuing government business, including such things as supervision, administration, operations, maintenance, and replacement activities having limited context and intensity; (e.g. limited size and magnitude or short-term effects);
 - 8) Management, formulation, and allocation of the Department's budget at all levels. (This does not exclude the preparation of environmental documents for proposals included in the budget when otherwise required.);
 - 9) Legislative proposals of an administrative or technical nature, including such things as changes in authorizations for appropriations, and minor boundary changes and transactions; or having primarily economic, social, individual or institutional effects; and comments and reports on referrals of legislative proposals;
 - 10) Policies, directives, regulations and guidelines of an administrative, financial, legal, technical or procedural nature; or the environmental effects of which are too broad, speculative or conjectural to lend themselves to meaningful analysis and will be subject later to the NEPA process, either collectively or case-by-case; and
 - 11) Activities which are educational, informational, advisory or consultative to other agencies, public and private entities, visitors, individuals or the general public.

The following are NPS-specific Categorical Exclusions:

b. Actions Related to General Administration:

- 1) Changes or amendments to an approved action, when such changes would cause no or only minimal environmental impact;
- 2) Land and boundary surveys;
- 3) Minor boundary changes;
- 4) Reissuance/renewal of permits, rights-of-way or easements not involving new environmental impacts;
- 5) Conversion of existing permits to rights-of-way, when such conversions do not continue or initiate unsatisfactory environmental conditions;
- 6) Issuances, extensions, renewals, reissuances or minor modifications of concession contracts or permits not entailing new construction;
- 7) Commercial use licenses involving no construction;
- 8) Leasing of historic properties in accordance with 36 CFR 18 and NPS-38;
- 9) Preparation and issuance of publications;
- 10) Modifications or revisions to existing regulations, or the promulgation of new regulations for NPS-administered areas, provided the modifications, revisions or new regulations do not:
 - a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;
 - b) Introduce noncompatible uses which might compromise the nature and characteristics of the area, or cause physical damage to it;
 - c) Conflict with adjacent ownerships or land uses; or
 - d) Cause a nuisance to adjacent owners or occupants.
- 11) At the direction of the NPS responsible official, actions where NPS has concurrence or coapproval with another bureau and the action is a categorical exclusion for that bureau.

c. Plans, Studies and Reports.

- 1) Changes or amendments to an approved plan, when such changes would cause no or only minimal environmental impact;

- 2) Cultural resources maintenance guides, collection management plans and historic furnishings reports;
 - 3) Interpretive plans (interpretive prospectuses, audio-visual plans, museum exhibit plans, wayside exhibit plans);
 - 4) Plans, including priorities, justifications and strategies, for nonmanipulative research, monitoring, inventorying and information gathering;
 - 5) Statements for management, outlines of planning requirements and task directives for plans and studies;
 - 6) Technical assistance to other Federal, State and local agencies or the general public;
 - 7) Routine reports required by law or regulation;
 - 8) Authorization, funding or approval for the preparation of Statewide Comprehensive Outdoor Recreation Plans;
 - 9) Adoption or approval of surveys, studies, reports, plans and similar documents which will result in recommendations or proposed actions which would cause no or only minimal environmental impact;
 - 10) Preparation of internal reports, plans, studies and other documents containing recommendations for action which NPS develops preliminary to the process of preparing a specific Service proposal or set of alternatives for decision;
 - 11) Land protection plans which propose no significant change to existing land or visitor use; and
 - 12) Documents which interpret existing mineral management regulations and policies, and do not recommend action.
- d. Actions Related to Development.
- 1) Land acquisition within established park boundaries;
 - 2) Land exchanges which will not lead to significant changes in the use of land;
 - 3) Routine maintenance and repairs to non-historic structures, facilities, utilities, grounds and trails;
 - 4) Routine maintenance and repairs to cultural resource sites, structures, utilities and grounds under an approved Historic Structures Preservation Guide or Cyclic Maintenance Guide; or if the action would not adversely affect the cultural resource;
 - 5) Installation of signs, displays, kiosks, etc.;

- 6) Installation of navigation aids;
- 7) Establishment of mass transit systems not involving construction, experimental testing of mass transit systems, and changes in operation of existing systems (e.g., routes and schedule changes);
- 8) Replacement in kind of minor structures and facilities with little or no change in location, capacity or appearance;
- 9) Repair, resurfacing, striping, installation of traffic control devices, repair/replacement of guardrails, etc., on existing roads;
- 10) Sanitary facilities operation;
- 11) Installation of wells, comfort stations and pit toilets in areas of existing use and in developed areas;
- 12) Minor trail relocation, development of compatible trail networks on logging roads or other established routes, and trail maintenance and repair;
- 13) Upgrading or adding new overhead utility facilities to existing poles, or replacement poles which do not change existing pole line configurations;
- 14) Issuance of rights-of-way for overhead utility lines to an individual building or well from an existing line where installation will not result in significant visual intrusion and will involve no clearance of vegetation other than for placement of poles;
- 15) Issuance of rights-of-way for minor overhead utility lines not involving placement of poles or towers and not involving vegetation management or significant visual intrusion in an NPS-administered area;
- 16) Installation of underground utilities in previously disturbed areas having stable soils, or in existing overhead utility right-of-way;
- 17) Construction of minor structures, including small improved parking lots, in previously disturbed or developed areas;
- 18) Construction or rehabilitation in previously disturbed or developed areas, required to meet health or safety regulations, or to meet requirements for making facilities accessible to the disabled;
- 19) Landscaping and landscape manipulation in previously disturbed or developed areas; and
- 20) Construction of fencing enclosures or boundary fencing posing no effect on wildlife migrations.

e. Actions Related to Visitor Use.

- 1) Carrying capacity analyses;
- 2) Minor changes in amounts or types of visitor use for the purpose of ensuring visitor safety or resource protection in accordance with existing regulations;
- 3) Changes in interpretive and environmental educational programs;
- 4) Minor changes in programs and regulations pertaining to visitor activities;
- 5) Issuance of permits for demonstrations, gatherings, concerts, arts and crafts shows, etc., entailing only short-term or readily mitigable environmental effects; and
- 6) Designation of trailside camping zones with no or minimal improvements.

f. Actions Related to Resource Management and Protection.

- 1) Archeological surveys and permits, involving only surface collection or small-scale test excavations;
- 2) Day-to-day resource management and research activities;
- 3) Designation of environmental study areas and research natural areas;
- 4) Stabilization by planting native plant species in disturbed areas;
- 5) Issuance of individual hunting and/or fishing licenses in accordance with State or Federal regulations;
- 6) Restoration of noncontroversial native species into suitable habitats within their historic range, and elimination of exotic species;
- 7) Removal of park resident individuals of nonthreatened/endangered species which pose a danger to visitors, threaten park resources or become a nuisance in areas surrounding a park, when such removal is included in an approved resource management plan;
- 8) Removal of non-historic materials and structures in order to restore natural conditions; and
- 9) Development of standards for, and identification, nomination, certification and determination of eligibility of properties for listing in the National Register of Historic Places and the National Historic Landmark and National Natural Landmark Programs.

g. Actions Related to Grant Programs.

- 1) Proposed actions essentially the same as those listed in Sections A.4.b-f, above;

- 2) Grants for acquisition of areas which will continue in the same or lower density use with no additional disturbance to the natural setting;
- 3) Grants for replacement or renovation of facilities at their same location without altering the kind and amount of recreational, historical or cultural resources of the area; or the integrity of the existing setting;
- 4) Grants for construction of facilities on lands acquired under a previous NPS or other Federal grant provided that the development is in accord with plans submitted with the acquisition grant;
- 5) Grants for the construction of new facilities within an existing park or recreation area provided that the facilities will not:
 - a) Conflict with adjacent ownerships or land use, or cause a nuisance to adjacent owners or occupants, e.g., extend use beyond daylight hours;
 - b) Introduce motorized recreation vehicles;
 - c) Introduce active recreation pursuits into a passive recreation area;
 - d) Increase public use or introduce noncompatible uses to the extent of compromising the nature and character of the property, or causing physical damage to it; or
 - e) Add or alter access to the park from the surrounding area.
- 6) Grants for preservation of properties listed on or eligible for listing on the National Register of Historic Places, at their same location and provided that such actions:
 - a) Will not alter the integrity of the setting;
 - b) Will not increase public use of the area to the extent of compromising the nature and character of the property; and
 - c) Will not cause a nuisance to adjacent property owners or occupants.
5. Certification. When a proposed project appears to qualify as one of the categorical exclusions listed in Section A.4 above, and does not involve one or more of the exceptions in 516 DM 2.3(a)(3) listed in Section A.6 below, the grantee shall indicate on the Environmental Certification Form the categorical exclusion into which the project falls. If NPS concurs, the Certification will be signed by the grant approving official, and maintained as part of the grant documentation. (See form at end of this chapter.) If the project does not qualify for an exclusion, an Environmental Assessment must be prepared (see Section A.8).

6. Exceptions. The following exceptions apply to individual actions within categorical exclusions. Environmental Assessments (EAs) must be prepared for actions which would otherwise fall under categorical exclusions, but which may:
 - a. Have significant adverse effects on public health or safety;
 - b. Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation, or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks;
 - c. Have highly controversial environmental effects;
 - d. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks;
 - e. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects;
 - f. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects;
 - g. Adversely affect properties listed or eligible for listing on the National Register of Historic Places;
 - h. Adversely affect a species listed or proposed to be listed on the List of Endangered or Threatened Species, or designated Critical Habitat for these species;
 - i. Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act; or
 - j. Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment.
7. Special Cases. NPS may find that some actions which normally qualify for Categorical Exclusion merit special consideration. In such cases NPS will require submission of an EA, or if the grantee qualifies under NEPA section 102(2)(D), an EIS.
8. Environmental Assessments.
 - a. An EA must cover the points listed in subparagraph 8b. below in sufficient detail to resolve the test of "major and significant" (see CEQ Regulations, 40 CFR 1508.18 and 1508.27) and provide a basis for deciding whether to prepare an EIS on the project. Such assessments generally need be no more than two or three pages in length, except when complex projects are involved. The grantee or subgrantee may not proceed with the proposed action until NPS has reviewed the EA and issued a Finding of No Significant Impact (FONSI; see Section A.9 below), or notified the SHPO that an EIS must be prepared by NPS. The EA must be submitted with the Project

Notification (see Chapter 8, Exhibit 8-A). Note: even Reduced Review States must submit an Environmental Assessment if required by the provisions of Chapter 11, Sec. A.

An EA should not be prepared if the need for an EIS is self evident; go directly to the EIS.

- b. Format and Content. Pertinent information of sufficient scope and depth must be provided in an EA to allow NPS to accurately ascertain the impact of the project and to determine whether an EIS is needed. Whenever possible, an environmental impact should be quantified (see 40 CFR 150). In all cases the level of activities involved should be given--number of trees to be removed, cubic yards of debris to be removed, cubic yards of fill to be required, etc. For projects with property rights outstanding, the environmental information must also explain how the outstanding rights are to be dealt with and how the State plans to assure that the environment will not be affected significantly. An EA will cover the following four points at a minimum:
- 1) The Proposed Action. Include a description of the proposed action, a statement regarding the need for it, a description of what the action is designed to accomplish, location of the project, its scope, the level of impact causing activities associated with the project, when the action is to take place, and, if applicable, its relation to other Federal, State, or local projects and proposals. Cite other Federal actions (i.e., 404 Permit, etc.). Include a map.
 - 2) Alternatives to the Proposed Action. This section will include a brief discussion of alternatives as required by NEPA. The EA must include a description of appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources. The environmental impacts of the proposal and the alternatives should be presented in comparative form and should define the issues, pros, and cons of a reasonable range of alternatives, and provide a clear basis for choice between them by NPS and the public.
 - 3) Environmental Impacts of Proposed Action. Succinctly describe those environmental elements which would be affected. Discuss anticipated impacts on the following elements and any means to mitigate adverse environmental impacts:
 - land use (project site and surrounding area)
 - fish and wildlife
 - vegetation
 - geology and soils
 - mineral resources
 - air and water quality
 - water resources/hydrology
 - historic/archeological resources
 - transportation/access
 - consumption of energy resources
 - socioeconomic effects

"Impacts" are defined as causing direct or indirect changes in the existing environment, whether beneficial or adverse, which are anticipated as a result of the proposed action or related future actions. To the extent appropriate, the document will discuss impacts of the

action, including environmental damage which could be caused by users, upon physical and biological environment as well as upon cultural, aesthetic, and socioeconomic conditions. Elements of impacts which are unknown or only partially understood should be indicated. Any off-site impacts, such as increased traffic on neighborhood roads or increased noise levels in surrounding areas, should be described.

- 4) A listing of agencies and persons consulted.
- c. Public Notice. Public notice should be provided in accordance with 40 CFR-7506.6 and, where appropriate, the public involved in the environmental assessment process.
- d. Adoption. In accordance with 40 CFR 1506.3, an EA prepared for a Federal grant program not administered by NPS may be submitted if adequate to meet environmental documentation requirements of proposed HPF grant actions.
- e. Points to Consider in Environmental Assessments.
 - (1) Environmental documentation should be free of project justification and personal bias. The project should be justified elsewhere in the grant application.
 - (2) Do not rely on generalities. Specific facts are essential. All statements and conclusions should be supported, and quantified where possible.
 - (3) Use graphics to help explain the project.
 - (4) Be concise, clear and to the point.
 - (5) Adverse impacts should be addressed as fairly as beneficial impacts; and impacts should be presented without conclusionary statements as to their significance.
9. Finding of No Significant Impact (FONSI). If NPS, after reviewing the environmental assessment, determines that the proposed project will not have a significant effect on the quality of the human environment and that an EIS is therefore unnecessary, a Finding of No Significant Impact (FONSI) will be signed and included in the project file. See Exhibit 11-B at end of this Chapter.
10. Guideline to Determine when an Environmental Impact Statement Should be Prepared. NPS will require sufficient environmental data from the grantee to prepare an EIS on a proposed project deemed to be a major Federal action having a significant impact on the physical, biological, and/or socioeconomic environment of the project site and/or surrounding area. Cumulative impacts and/or subsequent actions must be considered in environmental data submitted.

The occurrence of one or more of the following factors indicates that an EIS may be needed:

- a. Marshes or wetlands, unique animal or plant ecosystems, lakes, streams, or marine areas are affected significantly.

- b. The proposed HPF project would or might result in major natural or physical changes, including interrelated social and economic changes and residential and land use changes, within the project area or its immediate environs.
- c. An archeological or historical site on or eligible for nomination to the National Register of Historic Places would be subjected to significant adverse effects by the proposed project.
- d. Highly controversial issues involving the environmental effects of the project exist or are expected.
- e. The project site contains threatened or endangered species of flora or fauna, significant mineral values, or a unique geologic formation.
- f. Actions which foreclose other beneficial uses of mineral, agricultural, timber, water, energy, or transportation resources critical to the Nation's or a State's welfare.

11. Adoption of Previous Statement.

- a. In accordance with 40 CFR 1506.3, an EIS prepared for a Federal grant program not administered by NPS may be adopted by NPS if adequate to meet the requirements of a proposed HPF action. When another agency's statement is adopted, only the final statement must be circulated.
- b. An EIS previously prepared for the acquisition of land under a Land and Water Conservation Fund (L&WCF) grant, or other Federal actions, will satisfy section 102(2)(C) of NEPA for an HPF project provided that:
 - 1) the development is in accordance with the plans submitted with the acquisition project; and
 - 2) the EIS for the acquisition project adequately describes the environmental impacts of the facility to be developed and public use of the area.

12. Preparing and Processing an EIS.

- a. Policy. Each EIS shall be prepared in accordance with: (1) 40 CFR 1500-1508; (2) DOI Manual, 516 DM 4; and (3) NPS Environmental Guidelines, NPS-12. For any EIS prepared by a State agency with statewide jurisdiction under NEPA section 102(2)(D), the responsible NPS official shall actively furnish guidance and participate in the preparation of the EIS and shall independently evaluate the EIS prior to its approval and adoption.
- b. Notice of Intent. (40 CFR 1501.7 and 1508.22; 516 DM 2.3D).
After a decision is made to prepare an EIS, a Notice of Intent (NOI) will be published by NPS in the Federal Register and made available to the affected public--see 40 CFR 1506.6.
- c. Scoping Process. (40 CFR 1501.7; 516 DM 2.6).
Scoping is an early and open process to determine the scope of significant issues to be addressed in an EIS. An invitation to affected Federal, State, and local agencies and interested persons to participate in the scoping process should be included in the Notice of Intent.

- d. Format and Content of an EIS. The necessary in-depth environmental information and analysis must use the following format:
- 1) Cover Sheet. (May be satisfied by SF 424).
 - 2) Summary.
 - 3) Table of Contents.
 - 4) Purpose of and need for the Action.
 - 5) Alternatives including the Proposed Action.
 - 6) Affected Environment.
 - 7) Environmental Consequences.
 - 8) Consultation and Coordination in the Development of the Proposal and in Preparation of the Environmental Impact Statement. (This section will contain the List of Agencies, Organizations, and Persons to Whom Copies of the Statement are sent.)
 - 9) Index.
 - 10) Appendices (if any).

Each element of the format should contain the information called for in 40 CFR 1502.11 through 1502.18, 516 DM 4.6C, and NPS-12 (NEPA Handbook), plus appropriate maps/graphics of the area affected by the proposed action.

- e. Final EIS.
- 1) The final EIS shall include a "Public and Other Agency Comment and Response Section." This section is an expansion of the Consultation/Coordination Chapter described in item 12(d)(8) above. All written comments on the Draft EIS from Federal and State agencies should be printed in full and not summarized, even if voluminous. All other substantive written comments should either be printed in the final EIS or summarized if exceptionally voluminous.
 - 2) Distribution of the final EIS. At a minimum, a copy of the final EIS will be sent to each commenter and all Federal agencies that were sent the draft EIS. Ordinarily, no more than 500 copies of the final EIS need be printed. Copies of the EIS should be available for public inspection at NPS and other appropriate government offices and local libraries.
 - 3) Comments on final EIS. Comments are not solicited on a final EIS. However, any comments received within 30 days of distributing a final EIS should be considered in deciding whether to approve an HPF grant or subgrant.

f. Record of Decision.

No decision on the proposed action may be made until 30 days after notice of the filing of the EIS is published by the U.S. Environmental Protection Agency in the Federal Register. The record of decision shall be in accord with 40 CFR 1505.2.

B. Floodplain and Wetlands Management.

1. Policy. All projects must comply with Executive Order 11988, Floodplain Management; Executive Order 11990, Protection of Wetlands; the U.S. Water Resources Council's Floodplain Management Guidelines for Implementing Executive Order 11988 (43 CFR 6030); DOI Floodplain and Wetland Guidelines (520 DM), and NPS Floodplain and Wetlands Guidelines.

The objectives of the Executive Orders and of the procedures detailed in this Chapter 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 of 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 floodplain values.

Direct or indirect funding of floodplain development or construction in wetlands should be avoided when practical alternatives exist. When activities or projects funded with assistance from an HPF grant must be carried out in floodplain or in wetlands because no practical alternatives exist, the work must be done in conformance with the requirements of Section 7.C of the NPS Floodplain/Wetlands Protection Guidelines.

2. Policy on Cultural Resources located in Floodplains or Wetlands. As part of its congressional mandate, the National Park Service preserves and interprets cultural resources possessing historical, archeological, architectural, engineering and cultural significance included on, or eligible for inclusion on, the National Register of Historic Places. In general, it is NPS policy that cultural resources located in floodplains will be managed to assure their in-place preservation. Floodproofing measures taken to protect the cultural property or site from the hydraulic or erosive forces of flooding will be designed so as not to adversely affect the historic integrity of the structure or site. When a cultural site or structure does not have the significance to merit action sufficient to ensure its preservation from flood loss, an appropriate level of study and an appropriate treatment plan will be prepared and implemented whenever possible.
3. Decision-Making Process. These guidelines require that a sequential analysis be implemented that includes the following steps:

- a. Determine if the Proposed Action is in, or could affect, a Floodplain or Wetland.
 - 1) Determine if the action is in the Base Floodplain by consulting Flood Insurance Rate Maps or Flood Hazard Boundary Maps. Grantees may contact the National Flood Insurance Program of the Federal Insurance Administration of the Federal Emergency Management Agency to obtain a flood map of their locality (call 800-638-6620). If no maps are available, consult the appropriate NPS Environmental Coordinator, or assume that the action may be in the base floodplain and begin compliance with the Executive Orders, or obtain the services of a licensed consulting hydrologist or engineer who is qualified to determine whether the action is located in the floodplain;
 - 2) Determine if the proposed action is in a Wetland by consulting with the responsible field office of the U.S. Fish and Wildlife Service to obtain a National Wetland Inventory Map. If there is no such map, the grantee should consult the wetland inventories maintained by the U.S. Corps of Engineers, the U.S. Environmental Protection Agency, the National Oceanic and Atmospheric Administration (U.S. Department of Commerce), and NPS.
- b. Public Review. See Section B.6., below.
- c. Variances. For purposes of floodplain management and compliance with Executive Orders 11988 and 11990, note that 44 CFR 60.6 stipulates procedures whereby a community may issue a variance to its floodplain management regulations for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or on a State Inventory of Historic Places. Issuance of such a variance allows a building permit to be issued and flood insurance to be purchased (although often at increased premium rates). Documentation of such a variance must be submitted to NPS with the HPF grant application and the Environmental Assessment.
4. Environmental Assessment--Floodplain/Wetland Areas. Grant proposals for projects which lie in floodplain or wetland areas normally require preparation of an environmental assessment. The assessment must include the following:
 - a. Need for the proposal, including an explanation of why the proposed action in the floodplain or wetland is to be taken;
 - b. The extent of the direct and indirect support of floodplain and wetlands development;
 - c. Measures to be taken to minimize harm to lives and property and the natural and beneficial floodplain values and to restore and preserve these values served by floodplains and wetlands;
 - d. Alternative actions (including no action, and renovation of eligible facilities at alternative sites) are to be considered;
 - e. Assurance that all Federal, State, and local floodplains/wetlands regulations and standards are being met;

- f. A location map delineating the floodplain or wetlands;
 - g. The environmental impacts of the proposed action and alternatives; and
 - h. A listing of persons and agencies consulted.
5. Statement of Findings. When the proposed action involves adverse impacts to floodplain or wetland areas, the environmental documents 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 location. The Statement of Findings shall conform with the requirements promulgated in Sections 6.C.3.c. and 6.C.6. of the NPS Floodplain/Wetlands Protection Guidelines, and must provide the following information:
- a. A description of why the proposed action must be located in the floodplain;
 - b. A description of all significant facts considered in making the determination, including alternative sites and actions;
 - c. A statement indicating whether the actions conform to applicable State or local floodplain protection standards;
 - d. A description of how the activity will be designed or modified to minimize harm to or within the floodplain;
 - e. A statement indicating how the action affects the natural or beneficial floodplain values;
 - f. A statement indicating why the National Flood Insurance Program criteria are demonstrably inappropriate for the proposed action (see 44 CFR 60);
 - g. A map showing the location of the floodplain or wetland and the site(s) of the proposed action; and
 - h. The signature of the SHPO recommending approval of the Statement of Findings and also recommending the approval of NPS on the combined Environmental Assessment and Statement of Findings.
6. Citizen Participation and Executive Order 12372 Review. The HPF applicant must ensure that the general public has an opportunity for early review of development plans or proposals for actions affecting floodplains or wetlands. In all cases, a press notice will be published in the local media briefly describing the proposed action and urging members of the public to provide their views to the sponsor. The notice must expressly state that the proposed site or portion of the proposed site is in a floodplain or wetland. The applicant jurisdiction must include a copy of the press notice, any public comments received, and the proposed environmental assessment with the HPF proposal information normally submitted to Executive Order 12372 review entities at the full application stage. When adverse comments have been received as a result of the Executive Order 12372 review process or early public review, NPS will forward copies of all notices and NEPA documents to the following agencies noted in Section 1.8C(4) of the Floodplain Guidelines and Wetland Protection Procedures,

and in 520 DM 1: U.S. Environmental Protection Agency; Federal Emergency Management Agency; U.S. Fish and Wildlife Service; U.S. Geological Survey; Bureau of Reclamation; U.S. Army Corps of Engineers; U.S. Soil Conservation Service; appropriate State Review Agencies as determined under Executive Order 12372; and Coastal or River Basin Commissions and State Coastal Zone Management Administrators, as appropriate.

EXHIBIT 11-A ENVIRONMENTAL CERTIFICATION

Based upon a review of the application, proposal narrative, and the supporting documentation contained in the application, it has been determined that the proposed HPF project, _____ meets the criteria for categorical exclusion under 516 DM 6. (You must indicate the appropriate categorical exclusion from those listed in Section A.4 of Chapter 11 of the Historic Preservation Fund Grants Manual.)

Applicable Categorical Exclusion [give number of exclusion from Section A.4. of Chapter 11 [e.g., A.4.c.(6)]

Grantee or Applicant

Date

Title

I Concur:

Grant Awarding Official
National Park Service

Date

NATIONAL PARK SERVICE

EXHIBIT 11-B FINDING OF NO SIGNIFICANT IMPACT

Project Number and Name

City, County, State

Proposed Federal Action:

Approval of HPF Grant for: _____

Federal Environmental Finding

After careful and thorough review and consideration of the facts contained in the attached Environmental Assessment for the proposed project, I find that the proposed Federal action will not significantly affect the quality of the human environment under the National Environmental Policy Act, Section 102(2)(c) and, therefore, an EIS is not required.

Name

Date

Title