4. LEGAL REQUIREMENTS FOR GMPS

4.1 LEGAL REQUIREMENTS FOR GMP CONTENT

The statutory requirements for GMPs were established in the 1978 National Parks and Recreation Act (16 USC 1a-7). They require that all GMPs include the following:

1. measures for the preservation of resources
2. indications of the types and general intensities of development (including visitor circulation and transportation patterns, systems, and modes), including general locations, timing of implementation, and anticipated costs
3. identification of and implementation commitments for visitor carrying capacities
4. indications of potential boundary modifications

A GMP meets these requirements by

1. describing the desired resource conditions and visitor experiences to be achieved and maintained in each particular area of the park
2. identifying the kinds and levels of resource management, visitor use management, development, and access appropriate to the desired conditions (requirements 1 and 2, above)
3. setting measurable standards for user capacity (legal requirement 3)
4. addressing potential boundary modifications (legal requirement 4)

> The primary duty of the National Park Service is to protect the national parks and national monuments under its jurisdiction and keep them as nearly in their natural state as this can be done in view of the fact that access to them must be provided in order that they may be used and enjoyed. All other activities of the bureau must be secondary (but not incidental) to this fundamental function relating to care and protection of all areas subject to its control.
>
> —Stephen Mather, NPS Director, 1917–1929

4.1.1 Measures for the Preservation of Resources

The measures for the preservation of resources that are included in the GMP do not provide detailed guidance for implementing one particular set of actions, but rather broad guidance about a range of appropriate management actions that might be taken over time to achieve desired conditions. Decisions about when action is needed and what particular action should be taken fall within the purview of the park's resource stewardship strategies, strategic plans, and implementation plans, as described below.

During GMP planning efforts, resource preservation is approached in two steps. First is the identification of those resources and values that are fundamental to achieving the park's purpose and maintaining its significance or that are otherwise important enough to warrant special consideration during planning. These resources include opportunities for visitor enjoyment. (This process is discussed in detail in

Chapter 6.) Second is the establishment of the desired conditions for those resources and values, including the kinds and levels of management actions, development, and access that would be appropriate to achieving and maintaining the desired resource conditions and visitor experiences. (This step is discussed in detail in Chapter 7.) This step-down approach helps ensure that (1) planning and decision making are focused on what is most important, and (2) management is ultimately accountable for results — the desired conditions — and not just for the execution of a particular set of management actions that may or may not be wholly effective.

The statements of desired resource conditions established by the GMP are usually broad, qualitative goals rather than measurable objectives. However, they provide important guidance to the park's various resource program managers, who tier programmatic, strategic, and implementation planning decisions off these GMP goals. One of the purposes of the various program management plans, as stated in the *Park Planning Program Standards*, is to translate the qualitative statements of desired conditions, established through general management planning, into measurable or objective indicators that can be monitored over time to assess the degree to which the desired conditions are being achieved.

If, over time, particular management actions are not producing the desired conditions, managers are directed by the GMP and relevant program plans to develop and implement more effective actions. The park's strategic plan allocates funding to the highest priority actions, and project implementation plans (if needed) or annual work plans provide the details about the actions to be taken. The circular practices of monitoring and management action continue indefinitely: a needed and presumably appropriate management action is taken to achieve a desired condition; the resulting condition is monitored and assessed; and the management action is either continued or revised, depending upon the observed results.

4.1.2 Types and General Intensities of Development, Including Transportation

By law GMPs must include indications of the types and general intensities of development (including visitor circulation and transportation patterns, systems, and modes) associated with public enjoyment and use the area. This should include general locations, timing of implementation, and anticipated costs.

Initially, the NPS response to this requirement was to prepare detailed development concept plans and cost estimates for facilities as a key component of GMPs. However, evaluations of the GMP process over many years found that this detailed site planning needed to be repeated and changed once funds became available for implementation. Current practice is to provide broad guidance in the GMP, but leave detailed site planning to a later stage.

Current GMPs meet this requirement through management zoning that identifies areas of the park appropriate for certain types and intensities of development. The zone prescriptions include desired conditions for resource preservation and visitor experience and discuss the types and levels of facilities that would be appropriate for each zone. For instance, the GMP for Flight 93 National Memorial identifies an area

(zone) for visitor support facilities (visitor center, restrooms, access roads, walkways, parking lots, etc.). It is located where the National Park Service determined with extensive public involvement during the GMP process that this type of development is appropriate. Discussion of levels of development often include qualifiers such as "dispersed" or "high density," but do not quantify square feet of facilities or miles of trails, since these may change over the life of the plan. The preparation of cost estimates, including costs of development, is discussed in Chapter 9.

Transportation is an integral element of general management and other park planning efforts. The objective of incorporating transportation planning into the GMP is to analyze existing transportation conditions and to identify issues, problems, and needs as a foundation for forecasting and planning for future transportation systems; and to enable a comprehensive evaluation of alternatives and environmental impacts.

The location, type, and design of transportation systems and their components (e. g., roads, bridges, trails, parking areas, and alternative transportation systems), all strongly influence the quality of visitor experiences. These systems also affect, to a great degree, how and where park resources will be impacted. For these reasons, management decisions regarding transportation facilities require a comprehensive, interdisciplinary consideration of alternatives and a full understanding of their consequences.

4.1.3 User Capacity

User capacity, previously referred to as visitor capacity or carrying capacity, came to the forefront of public land planning in the 1970s. As noted above, the 1978 National Parks and Recreation Act calls for each unit of the national park system to have a plan that identifies and commits to implementing visitor carrying capacities. Since 1978 NPS planners have found that user capacity is a more appropriate term than visitor capacity because it conveys the concept that capacity is applicable to all public park users, including subsistence users and other local residents.

In 1992 the National Park Service began developing a visitor experience and resource protection (VERP) framework to address user capacities for units of the national park system. A handbook was published to guide the VERP process in 1997, and the first steps of that process were subsequently incorporated into the revised general management planning process adopted in 1998. The GMP process has now been further refined to include even more of the steps used to manage user capacities in parks, including the identification of indicators and standards. This topic is discussed in Chapter 8.

4.1.4 Potential Boundary Modifications

"Indications of potential boundary modifications" is the last of the four elements that Congress directed the National Park Service to consider in the development of GMPs for parks. Park boundaries are often drawn to reflect a wide range of practical considerations at one point in time, and they do not necessarily reflect natural or cultural resource features, administrative considerations, or changing land uses. Park managers frequently respond to problems with adjacent lands as they arise, but

Congress, state and local governments, and the general public often ask questions about what is really necessary to protect park resources. The impacts associated with current or potential changes in adjacent land uses are some of the most frequently cited reasons why parks seek funding for a new GMP.

It is important for the GMP to take a comprehensive look at concerns about adjacent land uses, implications for management of lands within the authorized boundary, and potential for boundary adjustments. In some cases it will be appropriate for the GMP to identify areas of interest or concern in very general terms, perhaps following topography, watersheds, or roads. More detailed evaluation might follow the GMP in a separate boundary study. In other cases, where the lands and ownership patterns are not extensive or complex, the GMP might get more specific about identifying lands that meet criteria for inclusion in the park. In either situation, adding lands to the park and having them acquired by the National Park Service is only one of many ways to accomplish goals for resource protection and enhanced quality of visitor experiences. By identifying areas of concern in the GMP, the park can promote partnerships with local governments, neighboring land managers, and private owners. Having some information in the park's GMP regarding possible boundary modifications can help support and facilitate legislation when needed to take advantage of arising opportunities due to a willing-seller situation. Following are some examples of external influences or other conditions that may prompt the park staff to include a potential boundary modification proposal in their GMP.

- The 1993 GMP for Petrified Forest documented that the park encompassed only a portion of the globally significant paleontological resources inside and adjacent to the park. The plan cited several prominent experts in the field who confirmed the importance of resources outside of the park boundary and their direct relationship to resources within the park. In 2004 Congress followed the recommendation in the GMP and expanded the park boundary by 103,000 acres, primarily encompassing state lands.
- The Mary McLeod Bethune Council House in downtown Washington, D.C., is a single family row house. The GMP identified the need for improved access for people with disabilities and the need for administrative space. The plan documented that acquisition of an adjacent townhouse would be the most appropriate way to provide for the additional access and administrative space.
- The original authorization for Petersburg National Battlefield encompassed about 2,600 acres. However, the Civil War battle action took place on more than 10,000 acres around Petersburg, Virginia. A GMP nearing completion in 2005 identified about 7,000 acres that still retained their integrity and had potential for addition to the park. The National Park Service would not need to own all of these acres in fee, and the analysis in the GMP was instrumental in helping guide private conservation initiatives.

These three examples highlight some common situations that suggest the need to consider external influences when completing a GMP. The criteria for potential boundary adjustments identified in the NPS *Management Policies 2006* (sec. 3.5) state that boundary adjustments may be recommended for the following purposes:

- Protect significant resources and values, or enhance opportunities for public enjoyment related to park purposes.
- Address operational and management issues, such as the need for access or the need for boundaries to correspond to logical boundary delineations such as topographic or other natural features or roads.
- Otherwise protect park resources that are critical to fulfilling park purposes.

Potential boundary adjustments must also be feasible to administer, considering size, configuration, ownership, costs, and other factors. Other alternatives for management and resource protection must have been assessed and judged to not be adequate. This last item is particularly important in today's budget climate. Consideration of all these elements must be expressed in the GMP.

The boundary of a national park system unit may be modified only as authorized by law. For many units, such statutory authority is included in the enabling legislation or subsequent legislation specifically authorizing a boundary revision. The Alaska National Interest Lands Conservation Act established a statutory ceiling of 23,000 acres as a minor boundary adjustment for park units in Alaska (16 USC 3103(b)). Where unit-specific authority is not available, the Land and Water Conservation Act of 1965, as amended, provides for boundary adjustments that essentially fall into three distinct categories: (a) technical revisions; (b) minor revisions based on statutorily defined criteria; and (c) revisions to include adjacent real property acquired by donation, purchase with donated funds, transfers from any other federal agencies, or exchange. Adjacent real property is land located contiguous to but outside the boundary of the park.

Section 1216 of the Arizona Desert Wilderness Act of 1990 (16 USC 1a-12) directs the secretary of the interior to develop criteria to evaluate any proposed changes to the existing boundaries of individual units of the national park system. These criteria are to include

- an analysis of whether the existing boundary provides for the adequate protection and preservation of the natural, historic, cultural, scenic, and recreational resources integral to the unit
- an evaluation of each parcel proposed for addition or deletion based on this analysis
- an assessment of the impact of potential boundary adjustments, taking into consideration the factors listed above as well as the effect of the adjustments on the local communities and surrounding areas

Section 1217 of that act also provides that in proposing any boundary change, the secretary shall carry out the following activities:

- Consult with affected agencies of state and local governments, surrounding communities, affected landowners, and private national, regional, and local organizations.

- Apply criteria developed pursuant to section 1216 and accompany the proposal with a statement reflecting the results of the application of such criteria.
- Include an estimate of the cost of acquisition of any parcels proposed for acquisition together with the basis for the estimate and a statement on the relative priority for the acquisition of each parcel within the priorities for other lands in the unit and the national park system.

In addition, other alternatives for management and resource protection need to be assessed and judged to be not adequate. Where a boundary adjustment appears to be appropriate, the National Park Service will recommend it to the secretary of the interior for legislative or administrative action.

The NPS *Criteria for Boundary Adjustments* was published in 1991, and a copy is posted on the WASO Park Planning and Special Studies intranet site at http://inside.nps.gov/waso/custommenu.cfm?lv=2&prg=50&id=3317.

For boundary revisions, the park manager must identify the appropriate authority early in the process and work closely with the realty officer and/or the WASO Legislative Affairs Office on the appropriate procedure to follow. In many instances legislation may be required to authorize the revision. Any questions regarding implementation of boundary revision authority should be directed to the WASO Land Resources Division or to the appropriate Regional Land Resources Program Center. See also *DO #25: Land Protection* (NPS 2005a), http://www.nps.gov/policy/DOrders/DOrder25.html.

Examples of GMP proposed boundary adjustments for Badlands and Mount Rainier national parks are included in Appendix C.1. Other examples of GMPs with boundary adjustments include the 2004 *Colorado NM GMP*, the 2006 *Olympic NP GMP*, and the 2006 *Abraham Lincoln Birthplace NHS GMP*.

4.2 NEPA REQUIREMENTS FOR GMPS

NEPA requires federal agencies to fully consider the environmental impacts of their proposed actions before they make any decision to undertake those actions. NEPA and the regulations of the Council on Environmental Quality (CEQ) for implementing NEPA put two important mechanisms in place to achieve this goal. One is the requirement that, well before any decisions are made, all agencies make a careful, complete, and analytical study of the impacts of any proposal that has the potential to affect the human environment, as well as alternatives to that proposal. (The National Parks Omnibus Management Act of 1998 also requires that NPS management decisions be based on ample technical and scientific studies.) The other is the mandate that agencies be diligent in involving any interested or affected members of the public in the NEPA process.

The level of decision making in a GMP triggers NEPA because the decisions will affect future land and resource use. Section 101(b) of NEPA speaks of sustainability, balance, and knowledge and protection of environmental resources, including ecological systems. It is the intent of Congress for federal agencies, such as the National Park Service, to use NEPA not only as a tool to look at whether to pave a

road or build a trail, but as a guide in the larger aspects of NPS decision making. Topics such as how resource use in a park will affect an entire region or ecosystem, how to preserve resources while allowing for appropriate public use and enjoyment, or how a decision now will affect park management options in the very long-term future are the kinds of issues NEPA was designed to emphasize.

CEQ encourages federal agencies to use a tiering process, working from broad, general NEPA environmental impact analysis documents to more site-specific ones in decision making. Tiering allows the National Park Service "to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe" (40 CFR 1508.28).

GMPs focus on desired conditions to be achieved and maintained in parks over a relatively long period of time. Consequently, they are generally large in scope, implemented in phases over many years, and contain little or no detail about specific actions. As a result, the NEPA analysis for GMPs is typically a programmatic, or broad-scale analysis, rather than a site-specific analysis. As decision making moves from general management planning into program planning, strategic planning, and implementation planning, the need for information becomes increasingly focused and specific, requiring additional analysis at those levels.

See *The DO-12 Handbook* (http://www.nps.gov/policy/DOrders/RM12.pdf) for comprehensive guidance about NEPA requirements. Some discussion of special considerations in applying NEPA to GMPs is included below.

4.2.1 Determining the Appropriate NEPA Pathway for a GMP

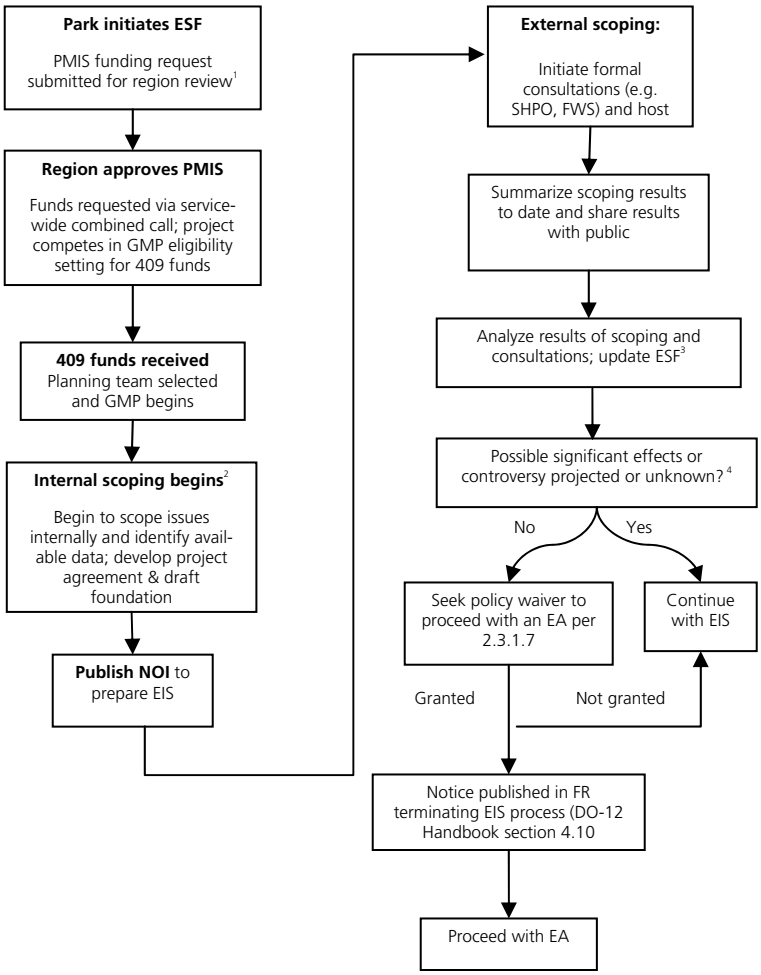
The environmental screening form (ESF) is required by *DO #12* for determining the appropriate NEPA pathway for all NPS actions. It is standard NPS practice and policy to prepare an EIS with a GMP. However, a regional director, in consultation with the NPS Environmental Quality Division (through the associate director for natural resources stewardship and science), may grant an exception to the above general rule and approve the preparation of an EA for a GMP under the following conditions:

- scoping indicates there is no public controversy concerning potential environmental effects **and**
- the initial analysis of alternatives clearly indicates there is no potential for significant impact by any alternative (see NPS *Management Policies 2006*, sec. 2.3.1.7)

Depending on the GMP, a waiver can be sought at any time, but typically after the analysis of public scoping comments or later in the planning process. Another appropriate point to seek a waiver is after the public review of the draft alternatives and preliminary impact analysis when the planning team will be able to gauge whether significant effects or controversy are likely. Examples of parks that have received waivers to prepare EAs include Chickasaw NRA, John Day Fossil Beds NM, Amistad NRA, Herbert Hoover NHS, Hovenweep NM, Fort Stanwix NM, and Boston African American NHS. An example of a waiver for an EIS is included in Appendix C.2, along with an example of a *Federal Register* notice terminating an EIS.

An overview of the process for determining the appropriate NEPA pathway for all GMPs is provided in Figure 4.1.

FIGURE 4.1: NEPA PATHWAY FOR ALL GMPS



1. The ESF is a planning tool to help determine the scope of the GMP (i.e., what resources of concern may require additional data or investigation; what issues may potentially arise from consultation with the public, other agencies, etc.) Use of the ESF at this stage may also help determine project funding requirements.

2. *DO #12* requires internal scoping to determine the project/plan's purpose, need and objectives, preliminary alternatives (if available), and the appropriate NEPA pathway. Purpose, need and objectives, and preliminary alternatives (if available) must be disclosed in the NOI or other media for public review and input. The ESF is used to further refine the resource issues of concern, review existing data, help determine what information is still needed, and potential resource effects. As information is gathered, for example, a finding in the ESF of "data needed to determine" may change to indicate that only a minor effect is anticipated by the action.

3. The planning team, after consultations with the public and agencies, may again gain further knowledge to refine the ESF findings.

4. This step can also occur later in the process, after the development of draft alternatives and the preliminary impact analysis has been completed. "Significant effect" is determined through use of the ESF. Both adverse and beneficial impacts must be considered. Generally, if a project has the potential for greater-than-minor impacts to the human environment an EA is required, at a minimum. Moderate to major impacts, as a general rule, indicate a greater level of effects and an EIS should be prepared. (See *DO #12,* sec. 2.11 and the ESF form for further guidance.)

4.2.2 Special Considerations when Conducting Programmatic NEPA Analysis Associated with GMPs — Integrating NEPA into GMPs

Order of Planning

As NPS planners and managers have worked to strengthen the general management planning process by "front-loading" it with analysis, they have been able to create better alternatives for consideration and evaluation by all the park's stakeholders. Compared to alternatives that might have been considered 20 years ago, now alternatives more consistently focus on a park's particular purpose and significance; they more consistently avoid the potential for inadvertent impacts to natural or cultural resources; and they more consistently address visitor experience in terms other than the adequacy of facilities to accommodate demand.

In a combined GMP/EIS or GMP/EA it is important to integrate the general management planning process "steps" with the standard NEPA steps into a single, logical, trackable decision-making process. One way of expressing the relationships among those steps is outlined in Table 4.1. For purposes of discussion, the steps have been grouped into five broad categories: preplanning, scoping, development of alternatives, impact assessment, and identification of the preferred alternative.

TABLE 4.1: INTEGRATING GENERAL MANAGEMENT PLANNING AND NEPA PROCESSES

Planning Categories	Steps in a Typical NEPA Analysis Process	Process Requirements Specific to General Management Planning
PREPLANNING: **Project Agreement and Foundation Statement**	Identify the purpose of and need for action.	Identify the need for the plan.
		Identify and/or affirm park purpose, significance, primary interpretive themes, special mandates, and NPS legal and policy requirements.
		Analyze fundamental and other important resources and values.
		Identify information gaps and gather needed data.
SCOPING		Identify the major questions to be answered by the plan.
	Identify goals and objectives in taking action.	GMPs tier off park purpose and significance and the NPS *Management Policies*; the decisions made through general management planning constitute the park's major goals.
	Identify the proposal.	
	Identify issues or problems that need to be addressed to reach park goals and objectives.	Identify environmental issues and impact topics.
DEVELOPMENT OF ALTERNATIVES	Create a range of reasonable and feasible alternatives to resolve issues and meet plan objectives to a large degree.	Create a range of reasonable and feasible alternatives to resolve the issues and meet plan objectives to a large degree.

Planning Categories	Steps in a Typical NEPA Analysis Process	Process Requirements Specific to General Management Planning
IMPACT ASSESSMENT	Identify additional information gaps and gather needed data.	Identify additional information gaps and gather needed data.
	Assess impacts and identify the environmentally preferred alternative.	Assess impacts and identify the environmentally preferred alternative.
IDENTIFICATION OF THE PREFERRED ALTERNATIVE		Analyze the comparative value of the alternatives.
	Identify the preferred alternative.	Identify the preferred alternative.

Purpose of and Need for Action

The primary purpose of a combined GMP/EIS or GMP/EA is to provide a framework or plan for park managers to use when making decisions about how to best protect park resources, how to provide quality visitor uses and experiences, how to manage visitor use, and what kinds of facilities to maintain and develop, if any, in or near the park. This framework includes the following elements:

- Provide a realistic vision for the park's future, setting a direction for the park that takes into consideration the environmental as well as the financial impact of existing and proposed facilities and programs.
- Establish the resource conditions, opportunities for visitor experiences, and general kinds of management, development, and access that will best achieve the park's purpose and maintain its significance (the primary focus of the GMP).
- Establish a common management direction for all of a park's divisions and units.

Depending on the park, there may be various reasons or needs to prepare a GMP. In addition to satisfying legal and policy requirements (addressed in Chapter 3), other needs for a GMP may include:

- the existing GMP is outdated
- conditions have changed substantially within or outside the park (e.g., visitation, resource condition, land use)
- new designations have occurred (e.g., wilderness, national historic landmark)
- new studies have provided new information that affects park management
- pressing unresolved issues need to be addressed

No-Action Alternative

At the general management planning level, the "action" alternatives are focused more on desired conditions than on the specific actions needed to achieve those conditions. In order to present the no-action alternative in a manner parallel to the action

alternatives, it, too, should be focused on conditions rather than on actions (see "7.3.5. Special Considerations for the No-Action Alternative," page 7-40).

Analysis of Alternatives

The challenge for the general management planning team in a programmatic analysis is to adequately describe the fundamental differences in effects on resources and values from one alternative to the next, to provide enough detail to make the analysis meaningful despite the broad, general nature of the alternatives. This requires a more focused identification and disclosure of the major resources and human values at stake, the impact topics used to analyze the environmental impacts of the alternatives, and the primary changes that an action or alternative would have from the current situation. Importantly, the programmatic analysis establishes a logical, trackable linkage between the major decisions that will be made about desired conditions and the related major tradeoffs. These linkages become the primary factors used to select the NPS preferred alternative. Analysis is discussed in detail in Chapter 10.

4.2.3 NEPA Public Involvement Requirements

CEQ requires agencies to make "diligent" efforts to involve the interested and affected public in the NEPA planning process. The minimum NPS public involvement requirements for a GMP/EIS project are listed below. The planning process needs may generate additional public involvement. (NOTE: WASO requires a briefing statement to accompany all *Federal Register* notices identified below.)

TABLE 4.2: NPS PUBLIC INVOLVEMENT REQUIREMENTS FOR A GMP/EIS

Requirement	Action
Notice of intent (NOI) to prepare a GMP/EIS	Publish the NOI to prepare an EIS in the *Federal Register*.
Formal NEPA scoping	Conduct internal and external scoping; include other state, local, tribal governments and federal agencies and the public.
NOA for the draft GMP/EIS	File the draft GMP/EIS with the Environmental Protection Agency, which publishes a notice of availability (NOA) in the *Federal Register.*
Distribution of draft GMP/EIS	Send copies of the draft GMP/EIS to (a) all federal agencies that have jurisdiction by law or special expertise, and all appropriate federal, state, or local agencies or Indian tribes; (b) any interested or affected individuals or organizations; and (c) anyone who requests a copy. It is acceptable to send electronic copies of the document or CDs rather than paper copies to people requesting copies of the documents.
Public review of draft GMP/EIS	Provide a minimum 60-day period for review of the draft GMP/EIS, beginning on the date when the EPA publishes the NOA in the *Federal Register.* The National Park Service also is required to file a NOA, but the 60-day public comment period begins on publication of the EPA NOA.
Public meeting	Conduct a public meeting. (Note: A public hearing* is mandatory for a GMP/wilderness study.)

Requirement	Action
NOA for the final GMP/EIS	File a final GMP/EIS with the EPA that adequately responds to the comments received during the review period; publish a NOA for the final GMP/EIS in the *Federal Register.* Wait 30 days from the time EPA publishes their NOA before a ROD is signed.
Distribution of final GMP/EIS	Send the full FEIS to (a) any individual or organization that has made a substantive comment; (b) all agencies or tribes that have commented; (c) anyone who requests it.
Notice for the record of decision (ROD)	Publish the ROD or a summary in the *Federal Register* and in the local newspaper of record.

* A hearing is a formal public meeting conducted by a hearing officer, usually involving specific time limits on public testimony. Public oral comments are taken verbatim for the administrative record.

The minimum NPS public involvement requirements for a GMP/EA are as follows:

TABLE 4.3: NPS MINIMUM PUBLIC INVOLVEMENT REQUIREMENTS FOR A GMP/EA

Requirement	Action
NOI to prepare a GMP/EIS	Publish a *Federal Register* notice of intent (NOI) to prepare an EIS.
Formal NEPA scoping	Conduct internal and external scoping.
Termination notice for preparing an EIS	Publish the notice in the *Federal Register.* Note that the National Park Service intends to complete an EA and anticipates issuing a finding of no significant impact (FONSI) at the end of the process. Should a FONSI be issued, it will be available for public review for a period of 30 days before the park begins implementation of its decision, in accordance with NPS policy.
Distribution of draft GMP/EA	Notify the public that an EA is available for review. Send copies of the draft GMP/EA to (a) all federal agencies that have jurisdiction by law or special expertise, and all appropriate federal, state, or local agencies or Indian tribes; (b) any interested or affected individuals or organizations; (c) anyone who requests a copy. It is acceptable to send electronic copies of the document or CDs containing the document rather than paper copies to people requesting copies of the documents.
Public review of draft GMP/EA	Provide a minimum 30-day period for review of the draft GMP/EA, beginning on the date when the draft is distributed.
Public meeting	Conduct a public meeting(s).
FONSI for the GMP (if appropriate)	Prepare and distribute a FONSI.
Notice for the FONSI	Publish a notice in the local newspaper of record, notifying the public of the contents of the FONSI, that the EA process has been completed, and that the GMP will be implemented following a 30-day waiting period. Section 6.3G of *DO-12 Handbook* also states that a notice of a waiting period should be published in the *Federal Register*.

For additional details on these NEPA requirements, see *The DO-12 Handbook*, and the DSC workflows for GMPs. WASO guidance for *Federal Register* notices is included in Appendix A.2. In addition, the Intermountain Region provides detailed instructions for preparing NOIs and NOAs on its website, which although specific to that region also have some general applicability for all projects.

A brief overview of the NEPA scoping process and references to suggestions in this sourcebook about how to conduct internal and external scoping for GMPs are provided below.

Formal NEPA Scoping

Scoping is usually early engagement of interested and affected public and agencies. It is a NEPA requirement for EISs and is required in *The DO-12 Handbook* (sec. 5.5.A) for EAs as well. According to NEPA, scoping is an early and open process to determine and frame the environmental issues and alternatives to be addressed in a NEPA document.

The purposes of scoping, as defined in *The DO-12 Handbook* (sec. 4.8.B), are to

- determine important issues
- eliminate issues that are not important or relevant
- identify relationships to other planning efforts or documents
- define a time schedule of document preparation and decision making
- "size the analysis box," which includes defining purpose and need, agency objectives and constraints, and the range of alternatives

NPS managers and planners often use the term scoping to describe any activity, regardless of timeframe, that contributes to an understanding of the issues and the kinds of information and activities that will be needed to address those issues. This kind of scoping begins even earlier than the NOI, when the park begins to assess its planning needs and readiness. Also, because planning is iterative and responsive, new issues may surface at any time throughout the planning process, not only in the early stages.

There are two types of scoping, external and internal.

External Scoping

External scoping is the canvassing of the public and other agencies on what needs to be analyzed in an EIS or EA. It usually has a defined period of time that is announced in the *Federal Register* NOI, press releases, public scoping brochures, and on the PEPC public website. When people refer to scoping, they are often referring to this formal, required scoping period. External scoping activities should not occur before the publication of the NOI, and any activities that did occur would not contribute to meeting formal NEPA EIS scoping requirements. The required elements of the NOI include a description of the intended scoping process and the dates and locations of any scoping meetings that might be held. (If the dates and/or locations are not known, it can be noted that specific dates, times, and locations will be announced in

the local media.) The NOI and a required accompanying briefing statement should be prepared as early as possible in the planning process to provide sufficient time for reviews and printing in the *Federal Register* before formal NEPA scoping commences. (An example of a briefing statement can be found at http://workflow2.den.nps.gov/Forms.htm).

NPS managers and planners are specifically directed to expand on the minimum required public consultation defined by CEQ and to educate the public about how they can better participate so that more of the public becomes actively engaged in planning (see "Chapter 5. Public Involvement for GMPs").

It is important to note that although external scoping usually is thought of as the early engagement of interested and affected public and agencies (when the public often can provide helpful information to a planning team), in fact scoping is not a single meeting or an event in the planning process. Rather, scoping occurs throughout the planning process up to the time a draft plan is printed.

Internal Scoping

Internal scoping is the canvassing of NPS staff (park, region, WASO) to decide what needs to be analyzed in an EIS or EA. Internal scoping is a less formal process that begins before or as soon as funding has been provided to begin work on a GMP and essentially continues throughout the project. Internal scoping helps focus the GMP / EIS or EA, including the development of preliminary alternatives and the environmental analysis. The information collected from internal scoping is used in preparing the PA for a GMP, particularly in identifying the scope of the GMP, the team members, the schedule, and the budget for the project (see sec. "3.5. Project Agreements"). This information also helps set boundaries for the GMP/NEPA document, including helping to determine which NEPA pathway may be most appropriate.

Typically, the project manager goes out to the park and meets with park and regional staff to conduct initial scoping. Planning team members usually also go to the park, either on the initial scoping trip or on a subsequent trip, to become familiar with the park as well as park staff issues and concerns.

Internal scoping for a GMP/NEPA document should accomplish the following:

- Identify the analysis boundaries and project scope.
- Determine what connected, cumulative, or similar actions need to be considered.
- Define the purpose of and need for the GMP/NEPA document.
- Determine agency objectives and constraints for the GMP.
- Identify stakeholders, agencies, or individuals who might be interested in or have expertise in impact topics for the GMP/NEPA document.
- Agree on a public involvement strategy.
- Agree on the primary products and services and the roles and responsibilities for production, consultation, and review of the GMP/NEPA document.
- Identify data needs.

4.3 Other Compliance Requirements for GMPs

In addition to NEPA, other federal, state, and local laws, executive orders, and federal regulations impose additional requirements GMPs may need to satisfy, depending on the park's location and actions being proposed in the alternatives. The full range of legal requirements should be identified as part of the scoping process and integrated into the NEPA document where appropriate. Several examples of these compliance requirements are listed below, but there may be additional requirements that may be applicable for a GMP (e.g., consultations with the National Marine Fisheries Service regarding actions that may affect essential fish habitat, a requirement to analyze impacts that may affect prime and unique farmlands)

- **Floodplains** — If a GMP is proposing certain new facilities (e.g., administrative buildings, campgrounds, fuel storage facilities, or museums) in a floodplain, or if certain facilities are to be retained within a regulatory floodplain, then a statement of findings (SOF) needs to accompany the GMP, usually as an appendix. Examples of statements can be found in the 2006 *Chickasaw NRA GMP/EA* and the 2006 *Olympic NP GMP/EIS*. For details on preparing statements of findings, see the NPS *Procedural Manual 77-2: Floodplain Management* (NPS 2004e).
- **Wetlands** — As with floodplains, if a GMP is proposing certain new actions that will adversely affect a wetland, then a statement of findings needs to accompany the GMP, usually as an appendix. The 2006 *Great Sand Dunes NP GMP* is an example of a plan with a wetlands statement of findings. For details, see the NPS *Procedural Manual 77-1: Wetlands Protection* (NPS 1998c).
- **Threatened and Endangered Species** — Under the Endangered Species Act if there is a potential that an action in a GMP may adversely affect a federally listed threatened or endangered species, or its habitat, then the planning team must prepare a biological assessment to accompany the GMP. The biological assessment can either be incorporated into the environmental consequences chapter or included as a separate appendix. The 2004 *Pictured Rocks NL GMP/EIS* has a biological assessment in the appendix. For details on preparing a biological assessment see the 1988 U.S. Fish and Wildlife Service's and National Marine Fisheries Service's *Endangered Species Consultation Handbook*. In addition to preparing a biological assessment, a biological opinion must be sought from the U.S. Fish and Wildlife Service if an action is likely to adversely affect a listed species.
- **Coastal Zone Consistency Determination** — Federal agency activities in or affecting a state's coastal zone (including the Great Lakes) must comply with section 307 of the Coastal Zone Management Act and its implementing regulations, which require that such federal activities be conducted in a manner consistent to the maximum extent practicable with the state's coastal management program. If a park is within the coastal zone, a determination of consistency must be included in the GMP, usually in the consultation and coordination chapter. The state agency responsible for the coastal management program must concur with the consistency determination. (Note: Some state coastal

zone management programs exclude national parks from this consistency determination.) The 1998 *Isle Royale NP GMP/EIS* is an example of how coastal zone consistency is addressed.

- **National Register Properties** — Section 106 of the NHPA requires federal agencies to consider the effects of their undertakings on properties that are listed on or eligible for listing on the National Register of Historic Places, and it provide the state or tribal historic preservation officer, as well as the Advisory Council on Historic Preservation, a reasonable opportunity to comment (see Chapter 10 for additional details). This requirement is usually addressed as an impact topic in the environmental consequences chapter and in the consultations and coordination chapter.
- **National Historic Landmarks** — When a specific undertaking is proposed in a GMP preferred alternative that could potentially adversely affect a national historic landmark or other nationally significant cultural resource, the planning team must engage in further consultation and take additional steps to minimize harm to those resources (see Chapter 10 for details). This requirement is usually addressed as an impact topic in the environmental consequences and in the consultations and coordination chapter.
- **Environmental Justice in Minority and Low Income Populations** — Executive Order 12898 directs federal agencies to assess whether their actions have disproportionately high and adverse human health or environmental effects on minority and low income populations and communities, including the equity of the distribution of the benefits and risks of the decision. This requirement is usually addressed as an impact topic in the environmental consequences.