12. DRAFT PLAN REVIEW, FINAL EIS, ROD, EA, FONSI, AND FINAL PLAN

12.1 DRAFT PLAN REVIEW

12.1.1 Internal Review

Each region and DSC has its own processes and procedures for internal review and approval of various steps in general management planning prior to the release of a document for public review. Consult with the regional or DSC chief of planning to determine these requirements.

Policy consultation review by WASO program managers is required for a minimum of two steps in the development of the GMP: (1) at the project agreement step, where consultation is at the program manager level only, and (2) at the internal review of the public draft GMP, where consultation is at the directorate level. As outlined in the NPS *Management Policies 2006*, the primary purpose of the consultation with WASO is to involve program managers and NPS leadership in the major policy decisions early and at critical stages of the planning or study process. One of the important results of the planning process should be to assure that the NPS leadership is aware of and supports individual park plans and studies. Another purpose of consultation with WASO is to help ensure that plans for each unit are consistent with NPS policies and consider potential precedents or implications for other units. All planning documents submitted to WASO should be posted in PEPC (see Appendix A.4).

> National parks constitute a gallery of American treasures. . . . In an era of growing population and shrinking space, they become ever more valuable. The future of the national parks, however, depends on awareness, concern, and sense of custody of the public they serve. In a democracy, we get what we deserve and leave a legacy that reflects ourselves and our time.
>
> — Michael Frome, *National Parks in Crisis* (1982)

Draft GMPs may not be released for public comment before WASO policy consultation has been completed and the WASO directorate has given clearance to print the public draft. An example of a briefing statement for printing a document is included in Appendix K.6. Early consultation, especially before public review, is essential to avoid the potential for the public and the media responding to proposals that are not consistent with NPS policy and management direction.

For projects that are likely to be complex or highly controversial, a briefing for the WASO directorate at key points in the planning process is recommended. Such briefings may be appropriate during the phase when preliminary alternatives are developed; before publishing a notice of availability of the draft GMP/EIS; and occasionally when the final GMP/EIS is approved. As noted in Chapter 5, the WASO Park Planning and Special Studies program manager should be invited to such meetings. A briefing statement should be forwarded to Park Planning and Special Studies two days in advance of the scheduled briefing to ensure that the planning

manager and official to be briefed have some background on the topics to be discussed.

12.1.2 Public Review of the Draft GMP/EIS

Before a draft GMP/EIS can be distributed to the public, two *Federal Register* notices of availability (NOA) must be published, one by the Environmental Protection Agency and one by the National Park Service. The NPS *Federal Register* notice should be reviewed and published first. The GMP/EIS then needs to be mailed to recipients before the Environmental Protection Agency will run their *Federal Register* notice. Indeed, one of the first things the Environmental Protection Agency will ask is, "Have you distributed the documents to the public?"

> NOTE: Standard language is required in the NPS *Federal Register* notice regarding the release of personal identifying information for those who provide comments. This text is included in Appendix D.8.

The National Park Service requires that a draft GMP/EIS be available for public review for a minimum of 60 days, beginning with the day the EPA notice is published in the *Federal Register*, not the NPS NOA (see sec. "4.2.3. NEPA Public Involvement Requirements"). Depending on the planning needs of the individual park, the public review period may be longer than that required for the NEPA EIS process.

More details on these *Federal Register* procedures are found in Appendix A.2. The website http://www.archives.gov/federal-register/write/handbook/ is a good source of information on preparing documents for publication in the *Federal Register*. Planning teams should also check with the appropriate regional environmental coordinator for additional procedures for filing *Federal Register* notices.

Recipients of the Draft GMP/EIS

The planning team must send or make available a copy of the draft EIS to, and request comments from

- all federal agencies that have jurisdiction by law or special expertise, and all appropriate federal, state, or local agencies or Indian tribes
- any interested or affected individuals or organizations
- anyone who requests a copy

Several agencies are always consulted during the preparation of a GMP/EIS:

- the U.S. Fish and Wildlife Service for threatened and endangered species, and the National Marine Fisheries Service for certain marine threatened and endangered species
- the state historic preservation officer and/or tribal historic preservation officer, the Advisory Council on Historic Preservation, and associated tribes (if appropriate) for cultural resources
- the state coastal zone management agency if the park lies within a coastal zone

It is acceptable to send an electronic copy or make an electronic copy available if the requester has access to such a copy. With the high cost of printing, CDs are becoming more popular to send to the public. Postcards are sent out to the mailing list, either asking people what format they want to receive a draft (e.g., printed copy, a CD, or a website where they can print their own copy), or notifying them that unless the planning team receives a request for a printed document from a citizen or an organization, all recipients will receive a CD. After all printed copies and/or CDs have been distributed, persons requesting the EIS should be directed to PEPC or to the nearest library or government office that has a record copy.

Timelines for Review of the Draft GMP/EIS

As noted above, the National Park Service provides a minimum 60-day review period for a draft EIS, beginning when the Environmental Protection Agency publishes its NOA in the *Federal Register*. Park offices are, however, encouraged to take late comments if possible. The review period can be extended at the discretion of the park superintendent with appropriate notification of the Environmental Protection Agency. The decision to extend the review period may be based on some or all of the following considerations:

- Will the extension cause undue delays in a project with life or safety issues?
- Will granting the extension jeopardize the overall public participation effort?
- Will granting the extension jeopardize decisions that must be made immediately?
- Will the extension adversely affect natural, cultural, or even funding resources?

It may be appropriate to collect comments that arrive a few days after the review period has ended without formally extending the period.

Public Meetings or Hearings

The planning team may provide an opportunity for oral input on the draft GMP/EIS; however, the meeting or hearing should take place no sooner than 30 days from the time that the EPA NOA is published in the *Federal Register*. CEQ regulations require the planning team to hold a public input session under either of the following circumstances:

- substantial environmental controversy over the proposed action or substantial interest in holding such a session
- a request by another agency with jurisdiction over the action, with supporting reasons for its request

The format of the session may be a workshop, meeting, hearing, or other option, but attendees must be allowed to express reasonable substantive concerns regarding the draft GMP/EIS. Speakers may be limited to a certain number of minutes to ensure that all who wish to speak are heard, and attendees should be reminded that the purpose of the session is to collect input on the adequacy of the document and not to express preferences for or against the preferred alternative. An opportunity may be provided for attendees to declare their support or opposition in writing at the public

input session, or they may simply be encouraged to respond in writing during the remaining review period.

The meeting should be advertised through a notice or ad published in the local newspaper, direct mail, e-mail, notices posted in local gathering spots, or through community or other organizations. Press releases are published or aired at the discretion of the media, so they are not considered as reliable or effective as a paid advertisement.

Using PEPC to Analyze and Respond to Public Comments on the Draft EIS

The public communication, document, and comment analysis portion of PEPC (steps 6 and 7) is an effective tool for meeting public comment and response requirements identified in *DO #12*. The public can post comments directly into the PEPC system through a web-based comment form (http://parkplanning.nps.gov). While parks will still need to manually enter comments received from written correspondence, or oral comments, PEPC makes this conversion process easier. It is strongly recommended that PEPC be the only method of electronic comment made available to the public to reduce the amount of staff time to manually input comments. By directing the public to the PEPC website repeatedly throughout the process (to comment during public scoping, to review newsletters, etc.), the volume of comments received directly into the system will be maximized and staff time minimized.

Because PEPC is a web-based system, the response process can be streamlined because all correspondence is stored electronically in a centralized location and can be accessed by all members of the project team from various locations.

Once all correspondence is in the PEPC system, it is easy to flag the substantive comments from each letter received. Topic or subject matter codes are then used to categorize comments under various issue topics and to create responses to numerous comments addressing the same issue.

Another benefit of PEPC is an automated character recognition system that checks for form letters as correspondence is received. Once a master form letter is identified, the system compares the master form letter text to the text of all other correspondence. If the system verifies that 90% of the characters in a correspondence match one of the master form letters, it is flagged as a form letter, and there is no need to pull substantive comments and code them individually because that process will have been done for the master form letter.

Reports generated by PEPC can be helpful when viewing, analyzing, and responding to public comments. The reports can be downloaded into HTML, Word, or Excel formats to allow for further manipulation by the project team.

Throughout the public comment period, the project team can use PEPC reports to look for trends in public opinion, identify areas of the draft EIS that may need to be revisited, and prepare briefings for NPS managers or cooperating agencies. Because the system is web-based, the reports are automatically updated each time they are

accessed, allowing anyone on the project team to access the most current information.

Once the analysis of comments has been completed, the "Concern Response" report provides the responses and representative correspondence text for each concern (issue) statement under each code (topic). This report is a critical piece of any FONSI or final EIS, as it shows how the planning team responded to each comment — a requirement of *DO #12* and NEPA.

The public document and comment analysis portion of PEPC (step 7) is continually being improved and enhanced to provide additional functionality to a wider range of users. Enhancements to this step allow for smaller projects to be handled more easily within PEPC, allowing project teams that receive only a few letters to address comments individually rather than setting up a coding structure and creating concern statements. The reporting functionality in step 7 has also been expanded to allow for added flexibility. Users now have the option of customizing reports to show only the fields specific to their needs, much like an ad hoc report. Under the "tools" button on the PEPC home page there are also several aids and some training materials, including a list of answers to frequently asked questions about step 7.

Documentation of Consultation/Coordination for the Draft GMP/EIS

The draft GMP/EIS should include a brief history of public involvement and agency consultations, a list of preparers and their expertise, a list of recipients, and a list of the references used in developing the EIS. If it is the final EIS, this section must also include a response to comments section. The planning team should document the following:

- Describe any public scoping sessions or other public involvement efforts.
- Summarize important consultations that occurred during determination of issues and impact topics, development of the alternatives and mitigation, and preparation of the EIS, including consultations with the state historic preservation officer, the Advisory Council on Historic Preservation, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the state coastal zone management agency (if applicable). Note any environmental issues or conflicts discussed during these consultations that remain unresolved. List the names of all federal, state, and local agencies, national organizations, and experts consulted.
- Describe any relevant existing or proposed cooperative agency mechanisms, or consultation undertaken in compliance with other laws or regulations, including government-to-government consultations with Indian tribes. (Memoranda of agreement or understanding, formal agreements, major cooperative agreements, or documentation indicating final compliance with applicable laws or regulations, such as comments from the state historic preservation office, should be appended to the EIS or readily available for public inspection.)
- Summarize steps taken to identify and involve low-income and minority communities that would be affected by the proposal and alternatives.

12.2 FINAL EIS

After public review of the draft GMP/EIS, the planning team prepares and issues the final EIS.

12.2.1 Responding to Comments

The planning team must thoroughly address all substantive written and oral comments raised by the public or agencies during the 60-day review period and make every reasonable attempt to consider any issues raised or additional alternatives proposed. While planning teams typically focus on the analysis of written comments, it is also important to remember to analyze public meeting comments.

Substantive Comments

As noted in *The DO-12 Handbook* (sec. 4.6.A), substantive comments are defined as those that do one or more of the following:

(a) question, with reasonable basis, the accuracy of information in the EIS

(b) question, with reasonable basis, the adequacy of environmental analysis

(c) present reasonable alternatives other than those presented in the EIS

(d) cause changes or revisions in the proposal

The planning team has several options for responding to substantive comments, including

- modifying the alternatives as requested
- developing and evaluating suggested alternatives
- supplementing, improving, or modifying the analysis
- making factual corrections
- explaining why the comments do not warrant further agency response, citing sources, authorities, or reasons that support the agency's position

Nonsubstantive comments include those that simply state a position in favor of or against the proposed alternative, merely agree or disagree with NPS policy, or otherwise express an unsupported personal preference or opinion. Although the planning team is only obligated to respond to substantive comments, it may decide for various reasons (e.g., politics, numbers of people responding, need to clarify the agency position) to also respond to selected nonsubstantive comments.

Format of Responses

There are two basic ways to address substantive comments. If there are not many comments, the planning team can include the substantive comment letters with the substantive comments numbered and the responses adjacent to or immediately following the letters. Examples of this approach include the 2004 *Pictured Rocks NL Final GMP / Wilderness Study / EIS* and the 2004 *Big Bend NP Final GMP/EIS*. The other approach is used if there are many comments, and the substantive comments

are paraphrased and summarized by issue or topic and a response provided. Examples of this approach include the 2001 *Mount Rainier NP Final GMP/EIS*, the 2005 *Rock Creek Park and the Rock Creek and Potomac Parkway Final GMP/EIS*, and the 2007 *Great Sand Dunes NP and Pres Final GMP / Wilderness Study / EIS*.

Every substantive comment has value, whether expressed by one respondent or many. All substantive comments are read and evaluated, and the planning team attempts to capture all relevant public concerns in the analysis process. Responses to substantive comments that simply correct or clarify statements in the GMP/EIS, or that add new information, should be made in the text of the document wherever possible. However, because members of the public or agencies may wish to know how the planning team responded to their comment, a short response to each substantive comment, and a section or page citation where the change was made, may be appropriate as well. (Note: Form letters or postcards with the same substantive comment should be analyzed as one comment, regardless of how many letters or post cards are received through a mass mailing. Following this procedure emphasizes to the public that the comment-response process is not a vote counting process.) Additional guidance is provided in *The DO-12 Handbook*.

12.2.2 Abbreviated Final GMP/EIS

The CEQ regulations encourage the use of an abbreviated final EIS if no substantial changes to the draft EIS are needed. Section 4.6.D of *The DO-12 Handbook* states that an abbreviated final EIS can be prepared if all of the comments on a draft EIS require only minor responses (i.e., making factual corrections or explaining why comments do not warrant further agency response) In addition, the handbook states, "in deciding whether an abbreviated final EIS is appropriate, you should consider whether the project is controversial or of national interest, the number of substantive comments received, and the scope of the project. As a general rule, a full final EIS is preferable for NPS documents." However, with budget and schedule constraints abbreviated final EISs are being prepared more often. If a draft EIS satisfies the above conditions, a request can be made to WASO-EQD to prepare an abbreviated final EIS. Once WASO-EQD, in consultation with the Department of the Interior's Office of Environmental Policy & Compliance (OEPC), gives permission, an abbreviated final can be prepared.

An abbreviated final EIS must contain a cover sheet, an explanation that this document must be combined with the draft EIS to constitute a complete final EIS, errata sheets, any responses to comments, and copies of agency and substantive comment letters.

Getting permission to prepare an abbreviated final EIS varies depending on the park, region, and WASO. Two important points to keep in mind are

- support of the regional office is critical
- a strong justification statement is needed (e.g., documenting a lack of controversy, no substantive comments on the draft EIS, no major changes being proposed in the GMP)

Examples of abbreviated final EISs include the GMPs for First Ladies NHS, Pea Ridge NMP, Minidoka Internment NM, and Saguaro NP.

12.3 RECORD OF DECISION

The ROD is the document signed by the regional director to substantiate a decision based on an EIS. Typically about 10 pages in length, the ROD describes the alternative to be implemented and includes a detailed discussion of the decision rationale used to choose the alternative. The ROD should provide enough detailed information on the alternatives and their impacts, the decision-maker's rationale in selecting the chosen alternative, and the extent of mitigation anticipated so that the reader can understand these issues without referring to the EIS.

CEQ regulations (40 CFR 1505.2) require that RODs include the following:

- a summary description of all alternatives analyzed in the EIS
- identification of the environmentally preferred alternative
- a discussion of the decision-making rationale, including what criteria (e.g., cost, degree of environmental impact, technical considerations, degree to which objectives were met, logistics) were used in selecting an alternative, how the criteria were weighted, and how each alternative measured up against the criteria
- a clear statement of any mitigation measures that would be implemented if they were not obviously integral to the alternative selected, and a summary of any monitoring or other enforcement programs or plans. The description of mitigation and monitoring should be specific enough to enable the public to determine whether measures have been effectively implemented, but not so specific as to duplicate the EIS.
- a statement of whether all practical means to avoid or minimize environmental harm from the selected alternative would be adopted, and if not, why not

In addition to these requirements, *The DO-12 Handbook* (sec. 6.2) lists several other requirements that must be satisfied before a ROD can be signed.

Impairment — Based on the facts presented in the EIS analysis and summarized in the ROD, the ROD must indicate that after a review of the impacts that the alternative to be selected for implementation would not impair park resources or values and would not violate the NPS Organic Act.

Wetlands/Floodplains — If the alternative chosen proposes actions that would be located in or have adverse effects on a floodplain or wetland, a wetland or floodplain statement of findings must be combined with the draft and final EIS. When it has been signed by the regional director, the statement of findings is attached to the ROD as a separately identifiable document.

Historic Properties — If the alternative selected for implementation would affect a historic property, and thus require consultation under section 106 of the NHPA, the information gathered as part of the section 106 review must be in-

cluded in the EIS, and the section 106 process must be completed before the ROD can be signed. The ROD must include a statement describing consultation under section 106.

Threatened and Endangered Species — All consultation requirements defined under section 7 of the Endangered Species Act must be completed before a ROD can be signed.

Coastal Zone — If the park is in a coastal zone, a declaration of coastal zone management consistency from the appropriate state agency is required before a ROD can be signed.

The ROD, or a summary of the ROD, must be published in the *Federal Register,* as well as in the local newspaper of record (see "4.2.3. NEPA Public Involvement Requirements"). Also, the ROD must be posted on PEPC. Note that the GMP cannot be implemented until the ROD notice has appeared in the *Federal Register*.

An example of a ROD for a GMP/EIS is included in Appendix K.4.

12.4 Special Considerations for a GMP/EA

Most of what was written above for a GMP/EIS also applies to a GMP/EA. However, there are several differences between the two documents, which are described below. See also Table 1.3 for the workflow process for a GMP/EA and Chapter 5 of *The DO-12 Handbook*.

12.4.1 Public Review of the GMP/EA

The DO-12 Handbook requires that a GMP/EA be available for public review for a minimum of 30 days after a notice of availability is published in the local newspaper of record and posted on the NPS PEPC site. For a GMP/EA the length of time made available for a public review will vary, depending on the park and such factors as the range of alternatives, the number of public meetings to be held, time elapsed since the last GMP was prepared, the number of salient issues being addressed, interest level, number of stakeholders, other initiatives ongoing or pending, whether other promised plans have been timely delivered, tribal coordination, the complexity of coordination with other governmental agencies, the number of communities involved, whether wilderness or other studies are included within the GMP, time of the year the public is reviewing the GMP, etc. All of these factors will play into the decision as to the best length of time for public comment. It is very reasonable to release a GMP/EA to the public for longer than 30 days if that is most valuable to the planning process.

Although public scoping meetings are not required for EAs, in most cases public meetings will be held. As noted in *The DO-12 Handbook* (sec. 5.5.C), a meeting should take place no sooner than 15 days from the time it is advertised or the notice of availability appears in the local paper of record, whichever is later. The review period for EAs must extend a minimum of 15 days beyond the date of the final meeting.

Unlike a GMP/EIS, a final GMP/EA is not prepared. After the GMP/EA is published, the planning team should review all the written and oral comments to determine whether any important new issues, reasonable alternatives, or mitigation measures have been suggested. As stated in *The DO-12 Handbook* (sec. 5.5.D), the EA must be rewritten and reissued if commenters raise major substantive issues that are not adequately addressed or new alternatives are suggested that the planning team wishes to consider. If any of the comments result in the determination that there is potential for significant impacts, then an EIS must be prepared. (See Table 1.3 for the steps required for a GMP/EIS, starting with the reissuing of a notice of intent in the *Federal Register*.)

If commenters correct or add factual information that has no bearing on the determination of significant impacts or that does not increase the degree of impact described in the EA, the information should be added to the text through the use of errata sheets. If other substantive comments do not require a change in the EA text, the planning team should respond to these comments in a separate "response to public comments" section. The combination of the EA, the errata sheet(s), and the response to public comments together form the record on which the FONSI is based.

12.4.2 The FONSI and Completing the EA Process

After the public comment period has ended, public comments are analyzed and appropriate changes and responses to comments are made in errata sheets, and assuming there is no potential for significant impacts, then a FONSI is prepared. A FONSI for a GMP should include the following elements:

- a description of the preferred alternative and the rationale for its selection
- mitigating measures
- alternatives considered
- identification of the environmentally preferred alternative and the rationale
- an explanation if the environmentally preferred alternative was not selected as the preferred alternative
- an explanation of why the preferred alternative will not have a significant effect on the human environment (i.e., explaining why each of the CEQ significance criteria do not apply)
- impairment findings
- a summary of public involvement
- consultation documentation with other agencies, if needed (e.g., consultation under sec. 106 of the NHPA, or sec. 7 of the Endangered Species Act)
- a conclusion statement
- a "response to public comments" section attached separately to the FONSI, which serves as the response to substantive public comments, if necessary
- errata sheets addressing factual errors, if necessary

- a statement of findings for wetlands or floodplains, if necessary

For more details on the content of a FONSI, as well as points about mitigation, errata sheets, and other compliance requirements, see section 6.3 of *The DO-12 Handbook*. An example of a draft FONSI is included in Appendix K.5.

There are several other requirements for completing the GMP/EA process, including issuing a notice in the local newspaper and in the *Federal Register* that the FONSI has been signed and there will be a 30-day waiting period before the GMP is implemented (see Table 1.3 and "4.2. NEPA Requirements for GMPs").

12.5 Final Plan (Presentation Plan)

After the ROD has been signed and published in the *Federal Register*, a final presentation plan (separate from all the NEPA compliance pieces) should be prepared to guide park management for the next 15 to 20 years. This final plan serves as the public document to share with partners and other stakeholders information about the park's purpose and its long-term goals. No approval signature is required on the final GMP since the plan is approved when the regional director signs the ROD. Caution must be exercised, however, that no substantive changes are made to the plan as presented in the final EIS.

The park's final GMP should include the following information:

TABLE 12.1: TYPICAL FINAL GMP OUTLINE

Major Headings	Subheadings / Content
Introduction	Overview — What is the purpose of the GMP? Brief History — How and when was this plan developed?
The Foundation Statement	Purpose of the Park — Why was it set aside? Significance of the Park — Why is the park special and important? Primary Interpretive Themes — What should all visitors know about the park? Special Mandates — What specific agreements or legal mandates may conflict with park purpose? NPS Legal and Policy Requirements — Overview of federal laws, policies and regulations that govern all units of the national park system. Fundamental Resources and Values — What are the things that are critical to maintaining the park's purpose and significance?
The Plan	Concept — What is the vision for the future of this park? Management Zones — Geographic overlay of the various resource conditions and visitor experiences to be maintained at this park that are compatible with the park purpose and fundamental resources and values. Desired Conditions — Area specific guidance about the desired resource conditions, visitor experience opportunities, and kinds and levels of management, development, and access for particular areas of the park based on the zoning.

Major Headings	Subheadings / Content
	Also indicators and standards for user capacities. Boundary Modifications — Any recommended adjustments in the park boundary that meet legislative criteria, along with a rationale for the adjustment.
Appendixes	Legislation — Include a copy of the establishing legislation or proclamation. Record of Decision or FONSI — Include a copy of the signed ROD or FONSI Summary of the process used to develop the plan, including the documents prepared
Bibliography	Resources used to prepare the plan?
Preparers and Consultants	Who helped prepare the plan and what is their expertise? Who was consulted in the plan preparation?

Two possible approaches for a final plan outline are presented in Appendix K.7.

12.6 PROJECT CLOSEOUT

An important part of the GMP process is project closeout, which should include

- a post-project review
- consolidation and filing of the administrative record
- discussion of the next steps needed to implement the plan

12.6.1 Post-Project Review

An important part of the entire GMP process is a post-project review to examine strengths and weaknesses in the process in order to assist the National Park Service in improving future GMPs. For more information on conducting a post-project review, check with WASO Park Planning and Special Studies. This office has developed a survey form that has been used on several GMPs, including those for Lassen Volcanic NP, Devils Tower NM, and Santa Monica Mountains NRA.

Recommended review participants

- park superintendent
- planning team captain
- key staff involved at the park, region, and DSC if appropriate
- key partners
- WASO planning program lead

Purposes of the review are to

- identify and share major success stories in order to improve other projects
- identify aspects of the planning program that are not working well
- identify potential cost savings for future projects

- refine the overall NPS GMP development process by sharing successes and failures

Proposed post-evaluation activities include the following:

- a standard questionnaire after the signing of the ROD (minimum requirement); a copy of the post project review form is included in Appendix K.1
- a brief report highlighting key aspects of success worth sharing with other planners on the internal planning website (voluntary or as requested)
- a panel discussion with other key project participants (one or two sessions per year) to discuss successes and failures in more detail and in an environment where other planners can learn and ask questions, with participants chosen by the WASO program lead upon evaluation of questionnaires

12.6.2 Administrative Record

Administrative records are collections of federal records that document the NPS decision-making process and are the basis for final agency actions. It is essential to keep an organized, complete administrative record in order to respond to Freedom of Information Act (FOIA) requests and/or litigation (see Appendix K.2). In the event of litigation, the court will review the project's administrative record to determine whether the NPS actions were arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

If the planning team fails to compile the whole administrative record, it may significantly impact the agency's ability to defend, and the court's ability to review, a challenged agency decision.

Documents that should be entered into an administrative record include those that

- contain information relating to NPS projects, decision-making activities, policies, and/or transactions
- were created or received by an NPS employee(s) acting in an official capacity
- have subject matter that concerns an authorized NPS activity
- answer the who, what, why, where, when, and how questions

Examples of records that should be entered into an administrative record include

- planning team meeting notes/transcripts where key decisions about the content of the document, issues to be examined in detail, alternatives, and so forth were made
- documentation of public involvement efforts, including minutes of public meetings, phone calls, and e-mails
- correspondence, including all public comment letters (hard copy and electronic)

- supporting documentation, such as maps, reports/studies, media publications and video, photographs, GIS data layers, databases, searchable web-databases, etc.
- internal documents (supporting studies, white papers, review comments, major milestone drafts of sections that were later used to create an EA or EIS, public comments and responses)
- public documents (including newsletters, EIS/EA, ROD, FONSI, web postings)

If there is any question on whether or not to include a document in the GMP administrative record, it is better to err on the side of including it.

Once documents have been printed, all the documents in a project's administrative record should be assembled in one hard copy file at the office with responsibility for compiling the administrative record. This responsibility should be identified in the project agreement. (See "Records Management" below.)

Records Management

The GMP administrative record is compiled, organized, inventoried, and submitted to the DSC Technical Information Center (TIC). TIC serves as the central repository for selected NPS records regarding new construction, major renovation projects, and major park planning and research. Parks and offices must submit copies of those documents that meet the current scope of collection for TIC, as described in the *DO #19: Records Management* and the associated handbook. This requirement applies whether or not DSC has direct involvement in the project. The park staff is also responsible for retaining records pertaining to the park planning process in the park's and/or the region's central files.

There are four main repositories for federal records relating to planning projects (see Appendix K.3):

- *Project Information Filing System (PIFS)* — Correspondence and other documents related to decision making may be sent to the PIFS Lotus Notes mailbox as these records are produced or received. These materials may also be submitted as a single submittal during project closeout.
- *TIC* — Studies, assessments, surveys, reports, draft and final GMPs/EISs/EAs, etc. may be submitted to TIC as they are produced or received, or as a single submittal during project closeout.
- *Contracts* — Scopes of work, task orders, contract modifications, and other financial records need to be submitted to the DSC Contracting Division or park/regional contract offices. Many of these records will be conveyed to the contracting officer via the NPS electronic desktop procurement system (IDEAS).
- *Park Central Files* — Federal planning records generated and/or retained by the park need to be coded and placed in the park's and/or the region's central files.

Regardless of which repository federal records are entered into, all records having original signatures need to be submitted in hard copy.

PEPC and the Administrative Record

Depending on the nature and complexity of the project, PEPC can be the source of some of the primary and secondary documents needed for a project's administrative record. This saves both time and effort in tracking down requisite forms. The system can be used to generate forms, reports, and documents that need to be signed. It can also be used to print out reports, surveys, studies, public comments, and responses to comments, and other project-related documents stored within the system. However, PEPC cannot be used as a substitute for the "hard copy" administrative record because the administrative record requires documents with actual signatures, which the system cannot store.

Some items that must be included in the administrative record but are not captured by PEPC include day-to-day correspondence about the project and some project-related decisions. PEPC also does not capture e-mail correspondence that should be included in the administrative record.

Additional guidance on administrative records is contained in *DO #88: Documents Needed for Litigation*, which is posted at http://home.nps.gov/applications/npspolicy/DOrders.cfm .

12.7 Implementation of the GMP

Once the GMP has been completed, the park staff will need to identify the activities that should be the highest priorities for the park to undertake in the foreseeable future. Updating park program plans and strategic plans should be high on the list, since those plans address specific activities. It may be appropriate for the key GMP participants to stay involved with the park staff as they begin to identify what plans need to be prepared or updated and what activities need to be pursued. For instance, in order to implement the newly adopted GMP, regulations may need to be developed, PMIS statements should be prepared for budget requests, and additional site planning will likely need to be completed. Such post-GMP discussions should not preempt the park's program management or strategic planning processes but should inform them and help integrate them into a single framework for park planning and decision making, as described in the *Park Planning Program Standards*.