

**DECISION MEMORANDUM FOR THE NPS COMPTROLLER,
exercising the delegated authority of the NPS DIRECTOR**

Date: August 21, 2026

Through: *for* Randy Lavasseur, Acting Regional Director,
Interior Regions 8, 9, 10, and 12

From: Jason J. Taylor, Acting Superintendent,
North Cascades National Park Service Complex

Subject: Authorization to waive various National Park Service policies in support of
construction activities on Company Creek Road, Lake Chelan NRA

STATEMENT OF ISSUE

To authorize Chelan County to complete the "gap" on Company Creek Road within the submerged NPS ROW where the former road existed, an NPS team has identified several WASO-level policy/Director's Order waivers needed, in addition to other compliance actions being completed.

ISSUE BACKGROUND

Approximately 1,000 feet of the Company Creek Road (CCR) was destroyed by the second largest flood on record (21,000 cfs) for the Stehekin River on December 11, 2025, preventing vehicle access for 10 private property owners and flooding portions of the community. As of mid-June 2026, NPS (via the Army Corps) installed or repaired 1,600 linear feet of temporary road to serve as emergency/interim access, using 12,500 tons of rock. Access has been extended as deep as possible across public land, but several properties remain without access. Construction of a continuous roadway to the end of CCR before expected Fall floods requires crossing approximately 200 feet of private property or building a new road segment within the river to remain entirely on Federal land, locally referred to as the "gap". Closing the gap in the park road is essential to securing access for property owners and will reduce the flooding risks associated with high water levels traditionally experienced in Fall, including potential impacts to safety, life, and property.

CONSTRAINTS ON DECIDING OFFICIAL'S ACTION

The scope and effect of all requested waivers are limited to bureau policy.

TIME SENSITIVITY

These waivers would support providing a Special Use Permit (SUP) to the County no later than August 28, 2026. The County has indicated that receiving the permit by August 28 is necessary to support their schedule, which completes construction on October 9, 2026.

DECISIONS

DECISION 1: Waive Director's Order 53

Director's Order 53 (Pg. 10) states: *"The NPS has authority to accept donations of money, services, and commodities, but may not solicit them (54 USC 101101). Therefore, NPS managers may not initiate discussion of a possible donation with any permit applicant nor may a representative of a cooperating association, friends group, or other park partner approach the applicant for a donation while the application is being considered, the permit is being negotiated, or the permitted activities are ongoing. If a permit applicant offers to make a donation to the park, the offer must not in any way influence the Superintendent's decision on the application or the manner in which the permit is administered and monitored. The Superintendent must refrain from discussing the donation until after the permitted activity is completed. Superintendents may not accept a donation in lieu of payment for cost recovery, a land and facility use fee or a location fee."*

Given the nature of the proposed work and use of a SUP to authorize said work, and the clear intention for the County to donate the completed emergency repair road segment to the NPS, waiving the relevant sections of the DO-53 with respect to the SUP currently contemplated with Chelan County is necessary. This would allow park management to discuss possible donations with the County while the application is being considered and permit activities ongoing, and to waive cost recovery fees.

DECISION 1: Waive Director's Order 53

____ APPROVE

____ DENY

Date of decision: _____

Jessica Bowron

DECISION 2: Waive NPS Management Policies 2006 (Sec 4.3.4)

Management Policies 2006 (Sec 4.3.4) states: *"Parks containing one or more river segments listed in the NPS National Rivers Inventory, or that have characteristics that might make them eligible for the National Wild and Scenic Rivers System, will comply with section 5(d)(1) of the*

Wild and Scenic Rivers Act (16 USC 1276(d)(1)), [further]...No management actions may be taken that could adversely affect the values that qualify a river for inclusion in the National Wild and Scenic Rivers System.” Director’s Order 46, section 4.6.3 and Reference Manual 46, Section 4.1 further expands upon this requirement.

Given the nature of the proposed work, building well within the river channel, there is some possibility of adversely affecting values that qualify the river for inclusion as a W&SR. To achieve the expedited timeline of this project, waiving Management Policies 4.3.4 and related Director’s Orders and Reference Manuals, only to the extent necessary complete emergency repairs to Company Creek Road, is needed.

DECISION 2: Waive NPS Management Policies 2006

____ APPROVE

____ DENY

Date of decision: _____

Jessica Bowron

DECISION 3: Waive Director’s Order 77-2

Director’s Order 77-2: Floodplain Management, requires: (a) Classification of the proposed action to determine its regulatory requirements under DO 77-2; (b) Development of quantitative information on flood risk and associated hazards (i.e. hydrologic and hydraulic modeling and analysis) needed for informed decision-making and to meet engineering standards; (c) Preparation of a formal Statement of Findings (SOF) documenting flood risks, alternatives considered, rationale for siting in a floodway, and proposed mitigation measures; (d) Evaluation to ensure structures and facilities are designed to be consistent with the intent of the standards and criteria for the National Flood Insurance Program (44 CFR Part 60); and (e) Compliance with overarching DO 77-2 floodplain policy requiring avoidance of floodplain impacts and minimization of hazardous conditions associated with flooding. Executive Order 11988 is related.

In order to reconstruct a temporary access road within the floodway with completion prior to typical seasonal fall flood conditions and associated hazards that potentially expose the NPS to elevated liability should flood-related damage occur, a waiver of DO 77-2 is necessary.

Decision Memorandum: Authorization to waive various NPS policies

While a waiver is needed to meet required timelines to complete the temporary road, NPS staff will continue developing the required analyses in relation to compliance for the permanent repair.

DECISION 3: Waive Director's Order 77-2

____ APPROVE

____ DENY

Date of decision: _____

Jessica Bowron