

Battlefields and related Civil War resources will be protected through the combined efforts of the Foundation and its partners. Visitor services and interpretation will be focused at five geographic groupings—clusters—of battlefields, nearby towns, and other visitor sites. Each cluster will include a Civil War orientation center to interpret the stories of that particular cluster within the context of the larger District. The clusters and other sites in the District will be linked through brochures, interpretive displays, and a wayfinding system that emphasizes historic routes.

The Foundation will represent the varied interests of the District and serve as the “lead managing partner” for implementing the plan. As principal partners, the Commonwealth of Virginia and the NPS will serve on the Foundation board and support its operations and programs. The NPS will also provide technical assistance throughout the District.

In the Special Resource Study portion of the plan, the NPS analyzed the District and the battlefields and found that Cedar Creek Battlefield—currently a National Historic Landmark—meets the criteria for inclusion in the National Park System. The NPS will present the study and supporting information to the United States Congress for its consideration.

The proposed action is also the environmentally preferred alternative. Relative to the other alternatives, this alternative would cause the least damage to the environment and best protect, preserve, and enhance historic and cultural resources in the District.

The Commission and the NPS selected the proposed action for several reasons. It was positively received by those that attended the public meetings and responded to the newsletter and draft plan/EIS. It best fulfills the legislative mandate, has the fewest negative impacts, and generates the greatest degree of local participation. In addition, the proposed action distributes the economic benefits of tourism most evenly throughout the District, creates the greatest degree of local stewardship for battlefield preservation, and offers opportunities to tell the most complete story of all the alternatives.

For further information or to receive a complete copy of the Record of Decision, contact: Shenandoah Valley Battlefields NHD Commission, P.O. Box 897, 8895 Collins Drive, New Market, Virginia 22844, (888) 689-4545.

Dated: October 26, 2000.

Marie Rust,

Northeast Regional Director, National Park Service.

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DEPARTMENT OF THE INTERIOR

National Park Service

Environmental Impact Statement; Merced Wild and Scenic River Comprehensive Management Plan; Yosemite National Park, Madera and Mariposa Counties, California; Revision to Record of Decision

SUMMARY: The Department of the Interior, National Park Service has revised the original Record of Decision for the Final Environmental Impact Statement, Merced Wild and Scenic River Comprehensive Management Plan, Yosemite National Park. The Record of Decision was originally signed on August 9, 2000 and published in the **Federal Register** on August 18, 2000. The Revised Record of Decision is designed to clarify statements regarding the process to be used by the National Park Service in complying with § 7 of the Wild and Scenic Rivers Act and to clarify the measurement of the river corridor boundaries and the river protection overlay. The Record of Decision was issued after completion of Draft and Final Environmental Impact Statements for the Merced Wild and Scenic River Comprehensive Management Plan.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to § 102(2)(C) of the National Environmental Policy Act of 1969 (P.L. 91-190, as amended) and the regulations promulgated by the Council on Environmental Quality (40 CFR Part 1500), and in accord with a ruling of the U.S. District Court for the Eastern District of California, the National Park Service (NPS) prepared and circulated a Draft and Final Environmental Impact Statement for the Merced Wild and Scenic River Comprehensive Management Plan (“Plan”). The Plan was designed to satisfy the Wild and Scenic Rivers Act’s requirements for a Comprehensive Management Plan. To achieve this goal, the Plan presented five alternatives for NPS stewardship of an 81-mile segment of the 122 miles of the Merced River designated as “Wild and Scenic” by Congress in 1987. Each of the alternatives presented a different combination of seven management elements to prescribe desired future

conditions, typical visitor activities and experiences, and allowed park facilities and management activities. The seven management elements are: boundaries, classifications, Outstandingly Remarkable Values, a determination process to comply with § 7 of the Act, the River Protection Overlay, management zoning, and the Visitor Experience and Resource Protection framework.

The Draft and Final Environmental Impact Statements assessed the full range of foreseeable environmental consequences and identified all practicable measures to avoid or minimize environmental impacts. More than 2,500 comments were received on the Draft Environmental Impact Statement and approximately 30 comments were received following the release of the Final Environmental Impact Statement (FEIS). All public comments received were carefully reviewed and considered prior to making a decision on the Plan.

A Record of Decision on the Plan was approved on August 9, 2000 and the Notice of Approval of the Record of Decision appeared in the **Federal Register** on August 18, 2000 (65 FR 50565). In that Record of Decision, the NPS adopted the Proposed Action (Alternative 2), as described in the FEIS. As explained in the original Record of Decision, the primary feature that distinguished Alternative 2 from the other alternatives is the interplay of four of its management elements: boundaries, classifications, River Protection Overlay and management zoning. The NPS determined that Alternative 2 would protect and enhance the river’s ORVs while allowing for appropriate levels and types of visitor use and development.

II. Reason for Revision

The Record of Decision is being revised to clarify that all statements in the FEIS and Record of Decision regarding the Army Corps of Engineers’ definition of the “ordinary high water mark” shall reflect the regulatory definition of that term as found in 33 CFR Section 328.3. This clarification will eliminate text that inaccurately summarized the definition of ordinary high water mark as the 2.33 year floodplain. The regulatory definition of ordinary high water mark as published in the Code of Federal Regulations does not include any reference to the 2.33 year floodplain. Instead, the regulatory definition states: “The term “ordinary high water mark” means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line

impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.”

This regulatory definition will be used by the NPS for measuring the extent of the River Protection Overlay and the river corridor boundaries. The river corridor boundaries established by this Plan begin at the ordinary high water mark (as defined by the U.S. Army Corps of Engineers in 33 CFR Section 328.3) and extend one-quarter mile on each side of the river, except in the El Portal Administrative Site where the boundary extends out to the 100-year floodplain or the extent of the River Protection Overlay, whichever is greater. Similarly, the River Protection Overlay will be measured beginning from the ordinary high water mark.

The Record of Decision is also being revised to clarify statements in the FEIS regarding the process to be used for fulfilling the requirements of § 7 of the Wild and Scenic Rivers Act. The Merced River Plan/FEIS includes statements that “Water resources projects that have a direct and adverse effect on the values for a designated river must either be redesigned and resubmitted for a subsequent § 7 determination, abandoned, or may proceed following written notification of the Secretary of the Interior and the United States Congress.” This statement inaccurately summarized the intent of the NPS. The following process will be used by the NPS for projects requiring § 7 review. Water resources projects found to have a direct and adverse effect on the values of this designated river will be redesigned and resubmitted for a subsequent § 7 determination or abandoned. In the event that a project can not be redesigned to avoid direct and adverse effects on the values for which the river was designated, the NPS will either abandon the project or will advise the Secretary of the Interior in writing and report to Congress in writing in accordance with § 7(a) of the Act.

The NPS has reviewed these revisions to determine whether there are any new or different impacts associated with these clarifications. The clarification with regard to the § 7 process does not diminish or change the NPS's obligations to comply with § 7 of the Act, nor does it modify the steps to be followed by the NPS in evaluating whether a project would have a direct and adverse effect on river values. The clarification with regard to the

definition of ordinary high water is intended to more accurately reflect the regulatory definition of that term. This clarification does not alter the extent of the river corridor boundaries, and it does not change the use of the River Protection Overlay as a tool to protect areas immediately adjacent to the river. Because these revisions are minor clarifications and do not result in changes to the management elements contained in Alternative 2, they do not result in substantial changes relevant to environmental concerns. These modifications are also not in response to significant new information.

Copies: Interested parties desiring to obtain a copy of the Revised Record of Decision may contact the Superintendent, Yosemite National Park, P.O. Box 577, Yosemite, California 95389 (or via telephone request at (209) 372-0201). The complete document will also be posted on the Yosemite National Park Webpage (<http://www.nps.gov/yose/planning>).

Dated: November 3, 2000.

John J. Reynolds,

Regional Director, Pacific West.

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DEPARTMENT OF THE INTERIOR

National Park Service

Furnace Creek Water Management Plan, Death Valley National Park, Inyo County, California; Notice of Intent to Prepare an Environmental Impact Statement

SUMMARY: Pursuant to §102(2)(c) of the National Environmental Policy Act of 1969 (Pub. L. 91-190) and Council on Environmental Quality regulations (40 CFR 1502.9(c)), the National Park Service intends to prepare an Environmental Impact Statement for a water management plan for the Furnace Creek area in Death Valley National Park. The overall purpose of the plan is to provide for maintaining a sustainable water source meeting appropriate human use needs in the Furnace Creek area, while also protecting unique natural resource values in the area. Upgrading the water supply system is necessary because the existing system is subject to water quality problems. In addition, due to fluctuations in water volumes delivered by the current system, it does not provide a reliable supply of water.

Background: The objectives of the Furnace Creek Water Management Plan include developing a water collection

strategy which will: (i) Serve the potable and non-potable Furnace Creek area human use water needs, including the NPS, the AmFac Inn and Ranch Resort, and the Timbisha Shoshone Tribe; (ii) provide for protecting existing biological resource values in the Travertine-Texas Springs area, as well as facilitating potential restoration of riparian and aquatic habitats, in a manner compatible with addressing existing governmental obligations to provide water according to extant amounts.

The current Furnace Creek water collection system was built in the mid-1970's and is nearing the end of its useful life span. The need for replacing this collection system now arises because the current infrastructure undergoes unpredictable fluctuations in the volume of water available for human use, and produces a quality of water that occasionally makes it difficult to achieve state water drinking standards. Since the facilities were originally constructed, inventories of water-dependent plants and animals and the discovery of several new endemic species in the local springs have created greater awareness of the biological value of local wetland and riparian habitats. In addition, completion of this EIS process is consistent with both the existing and draft revision of the park General Management Plan, as well as legislation regarding the Timbisha Shoshone Homeland.

Planning and Public Involvement: During the forthcoming conservation planning and environmental impact analysis process, alternatives and any requisite mitigation measures will be developed that will identify a reasonable range of options for providing a reliable and safe water supply system for Furnace Creek. The process will be conducted in consultation with State and local governments, organizations, Tribes, and interested members of the public. The Furnace Creek Water Management Plan will be prepared by the NPS; its anticipated that cooperating agencies for preparation of the EIS will be identified within 60 days of publication of this Notice in the **Federal Register**. The public will be invited to participate from the outset of the scoping process through completion of the draft and final EIS. To initiate this collaboration, three scoping meetings will be held during winter, 2001 as follows: January 30 (Pahrump), January 31 (Death Valley National Park), and February 1