

- x Director's Order 28B (DO28B), "Archeology"
- x Director's Order 53 (DO53), "Special Park Uses"
- x GSA delegation of authority to NPS for awarding public utility service and connection contracts

1. NEPA/NHPA compliance

Compliance within park boundaries

The Superintendent/Regional Office is responsible for ensuring a proposed project complies with NEPA/NHPA section 106. If the designated utility corridor has been previously disturbed, and it was determined then that NEPA/NHPA section 106 compliance did not apply, the Superintendent/Regional Office may execute a "categorical exclusion" for the proposed project. Copies of the compliance or categorical exclusion will be forwarded to WCP before any further steps towards public utility design or installation can begin.

Compliance outside of park boundaries

In the event it is necessary to spend appropriated or donated funds to contract with the public utility to extend its distribution system from outside the park unit boundary to inside the boundary and provide service to the NPS, compliance within the park unit boundary must have been completed before design or installation of the public utility can begin to ensure the public utility has a compliant point to enter the park.

A letter request for cost proposal (LRFP) with a preliminary set of drawings prepared by the customer will then be sent to the public utility for the utility's use to prepare a cost proposal for design and installation. The LRFP must include the state's requirement (if applicable) for environmental and historic compliance for the utility corridor outside of the park boundary.

The WCP Public Utilities Contracting Officer (CO) will award an initial contract to the utility for design associated with the state's compliance requirements. The utility must be under contract to incur costs for obtaining the state's environment and historical requirements.

The utility is to forward copies of completed environmental and historical compliances to the NPS's compliance personnel. NPS's compliance personnel will use this information to complete NEPA and NHPA section 106 requirements. After NPS completes required NEPA and NHPA compliance on the utility corridor, a notice-to-proceed will be issued to complete the utility's design.

NPS is responsible for reviewing the utility's design and providing comments as to facility placement **within** the park unit boundary and **within** the approved utility corridor. The utility has sole authority to design and place utility's facilities outside of the park boundary.

2. Non-exclusive right-of-way permit

needed for telephone service. Contracts for telephone connections will be issued to the telephone company owning the telephone grid and having the approved franchise for that area.

The WCP cannot contract for telephone service.

CATV Connections/Installation

The FAR does not classify CATV as “utilities” and so is not subject to FAR Part 41. Contracting for these services is, however, subject to other relevant FAR Parts.

The WCP CO will provide customers with a cable TV connection contract for the regulated side of CATV. The customer must provide WCP with the name of the CATV company with the approved franchise to furnish and install CATV.

NPS-Owned Utility Systems

In park units where NPS owns the utility distribution system and will retain ownership, the NPS is responsible for the system's operation and maintenance, replacement or upgrade, and demolition and removal through competitive contracting or in-house resources. In accordance with FAR Part 41, the NPS may not contract with a public utility as sole source to perform NPS's responsibilities. Additionally, in accordance with DO53, non-exclusive right of way permits are not required for NPS-owned utilities.

However, if the NPS would prefer the utility to own the NPS-owned utility distribution system, and the utility agrees, NPS may contract, under sole source authorities, with the authorized public utility that is serving the NPS, for replacement or upgrade, demolition and removal of the NPS-owned distribution system in the upgrade, and the utility would own the replacement or upgrade. The Superintendent would be responsible for issuing a non-exclusive right-of-way permit, excluding gas connections in accordance with DO53 (see "Gas Connections"). If NPS-owned distribution systems contain hazardous materials, the NPS is responsible for removal and disposal of the hazardous materials before allowing the utility to demolish and dispose of the distribution system.

Many of the NPS park units have existing telephone and CATV lines inside of their boundaries. Some of the telephone and CATV distribution systems are owned by the NPS. In those cases, NPS is responsible for the upgrades or relocation. If NPS has a requirement to upgrade and/or relocate NPS-owned telephone and CATV distribution systems and would like the utility to own the system, NPS can contract with the approved telephone or CATV company that has the approved franchise for that area. This is provided the company agrees to contract and own the distribution system, and the company would own the upgrade or relocated distribution system. As NPS upgrades utility-owned telephone distribution systems to include fiber optics or to relocate power poles that have telephone and CATV, NPS must contract separately with each telephone and CATV company who owns the distribution system to make changes to their distribution systems and comply with re-location tariffs. The same requirement applies if NPS needs a new telephone and CATV connection.

