

NEPA / BIKE RULE (36 CFR 4.30) PROCESS FLOW CHART

For Existing Trails That Do Not Require Any Construction or Significant Modification

EA or EIS
AND
Park Planning Document
(Typically the Same Document)



Prepare EA or EIS - must evaluate:

The effects of bicycle use in the park and on the specific trail

Prepare Park Planning Document - must consider and evaluate:

Suitability of the trail surface and soil conditions for accommodating bicycle use

Maintenance, minor rehabilitation, or armoring that is necessary to upgrade the trail to a sustainable condition

Life cycle maintenance costs

Safety conditions

Methods to prevent or minimize user conflicts

Methods to protect natural and cultural resources and mitigate impacts

Integration with commercial services and alternative transportation systems (if applicable)

Other appropriate topics



Public Review Period and Comment Analysis

36 CFR 4.30: at least 30 days to review and comment on an EA DO-12 Handbook: at least 60 days to review and comment on an DEIS



If bicycle use would result in significant impacts on the environment, then the Superintendent – with concurrence from RD – signs a concise written statement for the project files that bike use is not allowed on the trail.



If bicycle use would not result in significant impacts on the environment – prepare FONSI / ROD



Regional Director Approves FONSI or ROD

RD must sign the FONSI or ROD before notice of the written determination is published in the Federal Register.

FONSI or ROD must include conditional language that bike use on the trail will not occur until the RD has signed the written determination. ROD must contain a specific finding of no significant impacts from bicycle use on the trail.

Post FONSI or ROD for public review.

Written Determination (stand-alone document; notice published in Federal Register)



Written determination that bike use on the existing trail:

Is consistent with protection of the park area's natural, scenic, cultural, and aesthetic values, safety considerations and management objectives Will not disturb wildlife or park resources



Prepare written determination

Should refer to EA or EIS and FONSI or ROD WASO Regulations Office assists with preparation Review by the Regional Office and the Regional Solicitor's Office Signed by Superintendent



Publish Federal Register Notice of Written Determination

WASO Regulations Office assists with preparation
WASO / Department surname of Federal Register Notice
Signed by Superintendent
Notice must be published after the RD signs the FONSI or ROD



Public Review Period and Comment Analysis

30 day public comment period



Regional Director approves written determination

RD may not sign the written determination until after signing the FONSI or ROD and after the 30 day public comment period on the Federal Register notice



Superintendent designates trail for bicycle use

Notice provided to the public under 36 CFR 1.7

NEPA / BIKE RULE (36 CFR 4.30) PROCESS FLOW CHART

For New Trails Completely in Developed Areas

EA or EIS
AND
Park Planning Document
(Typically the Same Document)



Prepare EA or EIS - must evaluate:

The effects of bicycle use in the park and on the specific trail

Prepare Park Planning Document - must consider and evaluate:

Suitability of the trail surface and soil conditions for accommodating bicycle use

Maintenance, minor rehabilitation, or armoring that is necessary to upgrade the trail to a sustainable condition

Life cycle maintenance costs

Safety conditions

Methods to prevent or minimize user conflicts

Methods to protect natural and cultural resources and mitigate impacts

Integration with commercial services and alternative transportation systems (if applicable)

Other appropriate topics



Public Review Period and Comment Analysis

36 CFR 4.30: at least 30 days to review and comment on an EA DO-12 Handbook: at least 60 days to review and comment on an DEIS



Regional Director Approves FONSI or ROD

RD must sign the FONSI or ROD before notice of the written determination is published in the Federal Register.

FONSI or ROD must include conditional language that bike use on the trail will not occur until the RD has signed the written determination. ROD must contain a specific finding of no significant impacts from bicycle use on the trail.

Post FONSI or ROD for public review.

Written Determination (stand-alone document; notice published in Federal Register)



Written determination that bike use on the new trail:

Is consistent with protection of the park area's natural, scenic, cultural, and aesthetic values, safety considerations and management objectives Will not disturb wildlife or park resources



Prepare written determination

Should refer to EA or EIS and FONSI or ROD WASO Regulations Office assists with preparation Review by the Regional Office and the Regional Solicitor's Office Signed by Superintendent



Publish Federal Register Notice of Written Determination

WASO Regulations Office assists with preparation
WASO / Department surname of Federal Register Notice
Signed by Superintendent
Notice must be published after the RD signs the FONSI or ROD



Public Review Period and Comment Analysis

30 day public comment period



Regional Director approves written determination

RD may not sign the written determination until after signing the FONSI or ROD and after the 30 day public comment period on the Federal Register notice



Superintendent designates trail for bicycle use

Notice provided to the public under 36 CFR 1.7

EA or EIS
AND
Park Planning Document
(Typically the Same Document)



Prepare EA or EIS - must evaluate:

The effects of bicycle use in the park and on the specific trail

Prepare Park Planning Document – must consider and evaluate:

Suitability of the trail surface and soil conditions for accommodating bicycle use

Maintenance, minor rehabilitation, or armoring that is necessary to upgrade the trail to a sustainable condition

Life cycle maintenance costs

Safety conditions

Methods to prevent or minimize user conflicts

Methods to protect natural and cultural resources and mitigate impacts

Integration with commercial services and alternative transportation systems (if applicable)

Other appropriate topics



Public Review Period and Comment Analysis

36 CFR 4.30: at least 30 days to review and comment on an EA DO-12 Handbook: at least 60 days to review and comment on an DEIS Preferable that public review of the DEIS or EA be concurrent with the proposed rule comment period, but can precede it.

Preferable that the DEIS or EA comment period precede the Superintendent signing the written determination.



Regional Director Approves FONSI or ROD

Preferable that RD signs the FONSI or ROD after the proposed rule comment period, but can precede it.

Must sign FONSI or ROD prior to publication of the final rule, and must include conditional language that bike use on the trail will not occur until a final rule is promulgated allowing such use.

FONSI or ROD is the NEPA decision document for all actions except for allowing bike use. The final rule is the decision document authorizing bike use on the new trail.

ROD must contain a specific finding of no significant impacts from bicycle use on the trail.

Post FONSI or ROD for public review prior to publication of the final rule.

NEPA / BIKE RULE (36 CFR 4.30) PROCESS FLOW CHART

For New Trails with Any Portion Outside Developed Areas

Written Determination

(stand-alone document; placed in the NEPA planning administrative record file; separate document from the special regulation; notice is not published in the Federal Register)



Written determination that bike use on the new trail:

Is consistent with protection of the park area's natural, scenic, cultural, and aesthetic values, safety considerations and management objectives Will not disturb wildlife or park resources



Prepare written determination

Should refer to EA or EIS and FONSI or ROD WASO Regulations Office assists with preparation Review by the Regional Office and the Regional Solicitor's Office Signed by Superintendent



Regional Director approves written determination

Preferable that RD signs the written determination, and FONSI or ROD at the same time, but may sign after the FONSI or ROD.

RD signs prior to publication of the final rule.

FONSI or ROD, and written determination must be signed by the RD before trail construction begins.

Special Regulation

(authorizes bicycle use on the trail; Codified in the Code of Federal Regulations)



Prepare proposed rule

WASO Regulations Office works with the park to develop the rulemaking package that requires:

Economic cost/benefit and Regulatory Flexibility Act analysis (EQD

Social Sciences Branch assists)

Briefing Statement Communications Plan

Regulatory Alert Form



Surnaming and approval of proposed rule

WASO Regulations Office works with SOL, NPS, and Dept. to surname and approve the proposed rule for publication in the Federal Register



Publish proposed rule in Federal Register

60 day public comment period

Economic analysis posted to public (PEPC) prior to publication



Analyze public comments and prepare final rule

WASO Regs Office works with the park to review and respond to public comments and prepare the final rule



Surnaming and approval of final rule

WASO Regulations Office works with SOL, NPS, and Dept. to surname and approve the proposed rule for publication in the Federal Register



Publish final rule in Federal Register

30 day wait period before final rule is effective Preferable that final rule is effective before trail construction begins



Superintendent designates trail for bicycle use

After trail construction

Superintendent provides notice to the public under 36 CFR 1.7