

have more complex implementation strategies.

**DATES:** The Measures Strategy announced today will be available on or about September 17, 1997. Written comments must be received by EPA (see address below for contact person) the close of business on October 17, 1997.

**ADDRESSES:** The draft report is available at the following Internet address: <http://es.inel.gov/oeca/perfmeas>. It is also available by contacting Mary Woods at Science Applications International Corporation; telephone 703-645-6958. Hard copies of the draft report are available at EPA's Information Resource Center, which is located at 401 M St. SW (Room #M2904); Washington, DC 20460; telephone (202) 260-5921. The Information Resource Center is open for business Monday-Friday between 8:00 am—5:00 pm, except legal holidays.

**FOR FURTHER INFORMATION CONTACT:** Additional documents relating to the Measures Strategy may also be obtained by contacting James McDonald, U.S. Environmental Protection Agency, Office of Enforcement and Compliance Assurance (2201-A); 401 M St. SW; Washington, DC 20460; telephone (202) 564-4043; fax (202) 501-0701; e-mail: [mcdonald.james@epamail.epa.gov](mailto:mcdonald.james@epamail.epa.gov).

**SUPPLEMENTARY INFORMATION:** The draft report released today will be the subject of a conference in Alexandria, VA on October 7, 1997. It will take place at the Holiday Inn Historic District Alexandria, 625 First Street, Alexandria, Virginia 22314; telephone 703-548-6300. The purpose of the conference is to review and discuss with stakeholders and regulatory partners the alternative performance measures contained in the draft report and which EPA is considering adopting for its enforcement and compliance assurance program. At that conference, panels of stakeholders and interested parties will be asked to provide comments and suggestions about the measures or other aspects of the report. Anyone interested in attending the conference and/or interested in being considered for participation on a panel should contact: James McDonald at the address listed above, or Mary Woods, Science Applications International Corporation, 2222 Gallows Road, Suite 300, Dunn Lorying, VA 22027; telephone 703-645-6958; fax 703-903-1373.

Dated: September 10, 1997.

**Sylvia Lowrance,**

*Deputy Assistant Administrator, Office of Enforcement and Compliance Assurance.*

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## COUNCIL ON ENVIRONMENTAL QUALITY

### American Heritage Rivers Initiative

**AGENCY:** Council on Environmental Quality.

**ACTION:** Description of American Heritage Rivers Initiative and information on how communities nominate their rivers.

**CONTENTS:** The major sections of this document include:

Summary  
 Deadline  
 Availability of Nomination Packets and Supplementary Information  
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### Summary

In the State of the Union Address on February 4, 1997, President Clinton announced an initiative supporting community-led efforts relating to rivers that spur economic revitalization, protect natural resources and the environment, and preserve historic and cultural heritage. President Clinton has since issued Executive Order 13061 directing agencies to establish and implement the initiative. This notice summarizes the initiative developed to implement the President's directive.

The federal government plays two critical roles in supporting river-related projects. First, it offers federal agency services to organizations and governments conducting community-based work. Second, it creates a national information and communications network to encourage communities to provide useful information to communities, including sharing success stories.

The American Heritage Rivers initiative is voluntary and locally driven; communities choose to participate and can terminate their participation at any time. In implementing the American Heritage Rivers initiative, federal departments and agencies shall act with due regard for the protections of private property provided by the Fifth Amendment to the United States Constitution.

The American Heritage Rivers initiative will create no new regulatory requirements or rules for property owners or state, tribal, or local

governments. The American Heritage Rivers initiative will use existing federal resources more effectively to assist communities.

To enhance federal assistance to community-based projects, the federal government will solicit nominations from communities wishing to designate their rivers as American Heritage Rivers. The nomination process is described in this notice. The President will designate 10 American Heritage Rivers in early 1998. The communities surrounding designated rivers will receive a number of benefits, including special recognition; focused support from existing federal programs; a person (the "River Navigator") to serve as a liaison between the community and the federal government; improved delivery of assistance from agencies throughout the federal government; and a "good neighbor" policy. The federal government will work to integrate and streamline its approach to providing existing federal services in designated American Heritage River communities in partnership with local leadership. These partnerships will give the federal government an opportunity to study and improve how it provides assistance to communities across the nation.

Additionally, the federal government will provide a new information center on the World Wide Web for community-based projects in economic revitalization, natural resources and the environment, and historic and cultural preservation. These Web pages will include information about services that can assist community projects and provide opportunities for dialogue between communities. The federal government will also provide this information to people without access to the Internet.

The American Heritage Rivers initiative was developed by an interagency task force convened by the White House.

The President's Executive Order creates a new committee, called the American Heritage Rivers Interagency Committee (Committee) that will be responsible for the implementation of the American Heritage Rivers initiative. The Committee will be composed of the following members or their designees at the Assistant Secretary level or equivalent:

- The Secretary of Defense;
- The Attorney General;
- The Secretary of the Interior;
- The Secretary of Agriculture;
- The Secretary of Housing and Urban Development;
- The Secretary of Transportation;
- The Secretary of Energy;

- The Administrator of the Environmental Protection Agency;
- The Chair of the Advisory Council on Historic Preservation;
- The Chairperson of the National Endowment for the Arts;
- The Chairperson of the National Endowment for the Humanities.

The Executive Order shall apply to any agency on the Committee and such other agencies as designated by the President.

Each of these departments and agencies oversees programs and services, authorized by Congress, that can benefit citizens in riverfront communities. By engaging many of these departments and agencies in the creation of the American Heritage Rivers initiative, the Administration has tried to ensure that the initiative is founded on their various missions they are mandated to address, economic revitalization, natural resources and environmental protection, and historic and cultural preservation, and is directed at improving the coordination and delivery of related services.

The American Heritage Rivers initiative embodies the Administration's effort to reinvent government in accordance with the National Performance Review. The National Performance Review, directed by Vice President Gore, seeks to create a government that works better and costs less through focusing on customer service, developing partnerships, and delegating power to the front lines.

#### **Availability of Nomination Packets and Supplementary Information**

*Deadline:* Nominations must be received by 7:00 p.m., EST, on December 10, 1997. No nomination packets will be accepted after this time.

*Availability of Nomination Packets:* Nomination packets are available by request:

1. To call for nomination packets: 1-888-40RIVER and leave a message to request a nomination packet.
2. To request nomination packets by mail, write to: Karen Hobbs, Agency Representative, Executive Office of the President, Old Executive Office Building, Room 360, Washington, D.C. 20502.
3. To request nomination packets by Internet, access the American Heritage Rivers homepage at <http://www.epa.gov/rivers>.

#### *Address*

Nomination packets will be accepted in three ways:

1. To mail nomination packets: Executive Office of the President, Old Executive Office Building, Room 360, Washington, D.C. 20502.

2. To fax nomination packets: 202-456-6546.

3. To e-mail nomination packets see instructions on the American Heritage Rivers homepage at <http://www.epa.gov/rivers>.

All applicants will receive a postcard notification that their nomination packet has been received.

*For Further Information:* You can request additional information about American Heritage Rivers in the following ways:

1. To receive an information packet or ask a specific question: Call 1-888-40RIVER and leave a message with your name, address and daytime telephone number. Please be as specific as possible in your information request.
2. Federal field staff have been identified in each state to answer questions. You can obtain a list of the federal field staff by calling 1-888-40RIVER, or by accessing the American Heritage Rivers home page at: <http://www.epa.gov/rivers>. A list of the agency staff in Washington, D.C. is also available via these two methods.
3. The latest information is available on the American Heritage Rivers home page at: <http://www.epa.gov/rivers>.

#### *Supplementary Information*

This notice is available on the American Heritage Rivers home page at: <http://www.epa.gov/rivers>.

#### **Background**

##### *Why This Initiative?*

Rivers are an integral part of our Nation's history. They often define the distinctive character of communities, providing avenues for trade, opportunities for commerce, agriculture and forestry, routes for exploration and discovery, inspiration for ideas and culture, means of recreation, and habitat for wildlife.

Communities across America are working to revitalize their waterfronts and to enhance the historic, cultural, recreational, agricultural, public health, and environmental values of their rivers. At the same time, many people have called for better, smarter, and more coordinated ways to work with the federal government. President Clinton instructed the Cabinet to work with communities in the design of this initiative to support community-led efforts that spur economic revitalization, protect natural resources and the environment, and preserve our historic and cultural heritage.

The American Heritage Rivers initiative is consistent with the existing authorities articulated by Congress in the National Environmental Policy Act

(NEPA) of 1969, as well as other authorities granted to agencies (the National Historic Preservation Act, the Housing and Community Development Act, the Clean Water Act and the Intermodal Surface Transportation Efficiency Act, to name a few). NEPA, for example, instructs federal agencies to seek to create and maintain conditions under which man and nature can exist in productive harmony, while preserving important historic, cultural, and natural aspects of our national heritage. The American Heritage Rivers initiative seeks to coordinate these existing authorities in a more efficient and complementary manner.

##### *How Was the Initiative Developed?*

President Clinton announced the initiative during the State of the Union Address on February 4, 1997. An interagency task force was formed to develop the initiative and was charged to report to the President within 90 days. The task force was chaired by the Council on Environmental Quality, and participating agencies included the Departments of Agriculture, Commerce, Defense, Energy, Housing and Urban Development, Justice, Interior, Transportation, the Environmental Protection Agency, the Advisory Council on Historic Preservation, the National Endowment for the Arts, the National Endowment for the Humanities, and the Smithsonian Institution.

On February 10, 1997, a home page on the World Wide Web was established to share ongoing information with the public and to encourage their input on all components of the initiative (<http://www.epa.gov/rivers>). The home page is updated on a regular basis. In addition, a hotline was established for citizen comments and questions (1-888-40RIVER).

During April and May, meetings were held across the country to solicit input on the criteria and selection process and to identify the particular federal resources sought most by communities. Staff members from the U.S. Congress authorizing and appropriating committees, along with a varied group of stakeholders, were invited to the two Washington, D.C. meetings. Meetings have also been held in Albuquerque, New Mexico; Boston, Massachusetts; Philadelphia, Pennsylvania; Atlanta, Georgia; Chicago, Illinois; San Francisco, California; Los Angeles, California; Seattle, Washington; Asheville, North Carolina; and Denver, Colorado. In addition, members of the interagency task force were invited to meetings in El Paso (organized by Congressman Silvestre Reyes) and

Laredo, Texas (convened by Mayor Saul N. Ramirez, Jr. and Webb County Judge Mercurio Martinez, Jr.)

Participants in these meetings offered many excellent suggestions on the overall initiative design and the needs of communities across the country engaged in river revitalization efforts.

As a result, a draft notice of the initiative was published in the **Federal Register** on May 19. The **Federal Register** notice specifically asked for comments on the proposed overall design of the initiative, the qualifying and selection criteria, and the nomination and selection process. It also solicited advice regarding the specific types of federal assistance communities would find most helpful.

The comment period was originally scheduled to end June 9, 1997, but was extended until August 20, 1997 at the request of individuals and organizations and to encourage additional public comment.

Following the **Federal Register** notice, members of the interagency task force were invited to attend a number of meetings, including those in Minneapolis, Minnesota (organized by St. Paul Mayor Norm Coleman and attended by some 20 mayors along the Upper Mississippi River); the Fox River, Wisconsin (at the request of Congressman Jay Johnson); and the cities of Dubuque, Iowa; Jefferson City, Missouri; and Austin, Texas (at the invitation of representatives from the agriculture community); Denver, Colorado (at the invitation of the Upper Arkansas Watershed Council); West Virginia (at the request of the Hardy County Commissioners); and Frederick, Maryland (at the request of the Frederick County Board of Commissioners).

#### **Summary of Comments Received From the Comment Period (May 19 to August 20, 1997)**

The **Federal Register** notice comment period ran from May 19 to August 20, 1997, for a total of 90 days. The Administration is appreciative of all those who took the time to express their views and ideas on the initiative.

More than 1,700 comments were received. Many respondents wrote in favor of the initiative, citing increased coordination of federal services, the attention to environmental, economic, and cultural and historic values in the design of the initiative, the integrated method to river restoration and revitalization, and the community-driven approach. Many appreciated the fact that no new regulations would be imposed as a result of the initiative.

Many of the respondents wrote in opposition to the initiative. Many were opposed to federal involvement of any kind in restoring and revitalizing rivers and often expressed concern about property rights and the role of the United Nations along designated rivers.

Efforts were made to address all comments received. Special effort was made to clarify and refine the following areas:

- Overall initiative design;
- Need for the initiative;
- Qualifying and selection criteria;
- Role of the federal government;
- Congressional, state, and local roles;
- Benefits to non-designated rivers;
- Role of the River Navigator;
- Private property concerns;
- Nomination and selection process;
- Public involvement in the design of the initiative.

A summary of the comments received, and how each was addressed, appears in Appendix 2 of this notice.

#### **Overall Program Design**

The American Heritage Rivers initiative will be driven by the needs and desires of communities that wish to participate. The federal government will focus the delivery of resources to support community-led efforts that spur economic revitalization, protect natural resources and the environment, and preserve our historic and cultural heritage. The initiative will also pinpoint and recognize outstanding models of community-based development, conservation, and other efforts, and will, through an information clearinghouse, share the lessons learned in these communities with all who are interested.

#### *How Do Communities Nominate a River and Who May Apply?*

The nomination process begins in the local community. People representing all the different interests who live and work in the area should come together to develop the nomination. After meeting to share information, identify common goals for their river, and set strategies to achieve those goals, they should ask one of their members to submit a nomination on their behalf.

The nomination package must include a completed American Heritage Rivers Cover Sheet (printed at the end of this notice in Appendix 1) and responses to items 1–4, listed below. Responses to items 3 and 4 constitute the primary basis for evaluating nominations. Items 1 and 2 will be used to put responses to items 3 and 4 in context, but will not be used to assess the merits of the nomination. The President will designate rivers that receive the highest

evaluation from items 3 and 4 and have substantively answered items 1 and 2. The President will also seek rivers representing the geographical, historical, and resource diversity of the nation (for a complete discussion of additional factors used in the selection process, please see "How Will Rivers Be Selected for Designation?" below).

These four items reflect changes made to the initiative as a result of public comment. In the May 19 and June 20 **Federal Register** notices, five criteria were listed: (1) Broad community support; (2) notable resource qualities; (3) local and regional partnership agreements; (4) strategies that lead to action; and (5) measurable results. In this final notice, two criteria from the earlier notices, (1) broad community support and (2) local and regional partnership agreements, have been combined into one item: "illustrate support for the nomination and plan of action." The second criterion from earlier notices, notable resource qualities, is no longer a criterion because it is primarily descriptive. The two criteria from the earlier notices, (3) strategies that lead to action and (4) measurable results, have been combined into one item: "describe the community's plan of action," which includes measures of performance as one of the components of the plan of action.

The four items to be addressed in the nomination packet are:

#### 1. Describe the Proposed American Heritage River Area

Define the proposed area and describe its natural qualities and current uses; for example, economic activities, population patterns, and topography. The size may vary from a short stretch to the whole length of the river. It can cover land immediately adjacent to the river, such as the waterfront and stream side areas, or span the entire watershed. It may cross jurisdictional boundaries. The scope of the area, however, should be sufficient to achieve the community's goals.

#### 2. Describe the Notable Resource Qualities in the Area

Explain how the natural, economic, agricultural, scenic, historic, cultural, and/or recreational resources are distinctive or unique.

#### 3. Describe the Community's Plan of Action

Demonstrate that the community has in hand, or is developing, a clearly defined plan of action to achieve its vision for the river area. Applicants are expected to address all three American

Heritage Rivers objectives—economic revitalization, natural resource and environmental protection, and historic and cultural preservation—either through planned actions or past accomplishments. Any actions planned on the designated river area should not adversely impact neighboring communities. The community may describe both long-term plans and short-term actions. It should also describe how private property rights will be respected.

At a minimum, the plan of action should address:

- Community vision.
- Products and projects, including project maintenance.
- Resources, both committed and anticipated, including means of generating additional support from both private and public sources.
- Expected federal role.
- Schedule or timeline.
- Citizen involvement.
- Public education.
- Logistical support, operating procedures and policies.
- Prior accomplishments, if relevant, and relationship to existing plans and projects in the area.
- Challenges to community action.
- Measures of performance.

#### 4. Illustrate Who Supports the Nomination and Plan of Action

Demonstrate that a range of citizens and organizations support the nomination and plan of action. Provide evidence that members of the community have had an opportunity to comment on and discuss the nomination and plan of action.

- Supporters should reflect the diversity of the community. As appropriate, they should include farmers, ranchers, landowners, businesses and industries, educational and arts organizations, youth groups, community leaders, developers and community development organizations, historical societies, environmental groups, and other nonprofit organizations, elected officials, and state, tribal and local governments. Supporters should include minority and low income-individuals and groups. Those who rely on the resources but live outside the area should also be included in discussions about the plan of action, but may not submit a nomination.
- Describe the nature and scope of the supporters' role. Demonstrate that they come from all affected jurisdictions.
- As appropriate, describe how past and continuing partnerships or agreements support the nomination proposal. If relevant, describe partnerships or agreements that were

forged and commitments that were made specifically to support the American Heritage Rivers nomination proposal.

- Letters of endorsement and support are highly recommended, especially those from elected officials and appropriate state, tribal and local governments. Letters from federal agencies will not be accepted.

Nominations must be limited to 15 pages of 10-point text or larger, using one-inch margins. Letters of endorsement should include names, addresses, and phone numbers of the supporters and will not count toward the 15-page limit. Letters of endorsement should also indicate the level of support to be given to the American Heritage River plan of action by the individual or organization writing the letter. Letters of endorsement must be included in the nomination packet; letters of endorsement sent separately will not be considered. Due to constraints on the review and selection process, additional materials, such as videos, photographs, and plans, will not be accepted; however, photographs may be embedded in the text if the total length does not exceed 15 pages.

As part of a nomination packet, communities must identify projects they wish to undertake. Communities seeking designation do not have to agree on every aspect of the river's use; they must only agree to support the plan of action for the river they identify in their nomination package. Of course, any projects identified in the nomination packet must still undergo applicable state and local review processes.

The most successful applicants will show evidence of broad community support and a clearly defined plan of action. A single nomination for the same river, river stretch or river confluence will indicate, in part, this broad community support. One nomination per river, river stretch or river confluence is recommended. Multiple nominations will be ranked and scored separately.

The scope of the nomination does not have to include contiguous segments of the river. While it is desirable to apply for designation of contiguous river segments, nominations for two or more noncontiguous segments will be accepted and considered. It is conceivable that two communities will choose to nominate noncontiguous segments of the same river. Although this is acceptable, actions proposed should not adversely affect neighboring communities or have a negative impact on such things as cultural or natural resources, the environment, river access,

water quantity or quality, agriculture, navigation, or flood plain management.

After a designation is made, some communities may wish to add stretches of river as part of their designated river. The same process used by the community to seek designation should be used to augment the designated river area. The community should notify the Committee (see "Coordinated Delivery of Federal Services" below) of this augmentation. The Committee will then make such recommendations to the President on behalf of the community.

Foreign governments and their international organizations are ineligible to nominate rivers. Foreign governments and their international organizations will have no authority granted to them as a result of an American Heritage Rivers designation.

Nominations are welcomed from community-led efforts that are well underway, as well as from new efforts that are not yet being implemented.

#### *How Will Rivers Be Selected for Designation?*

A panel of experts on river issues will review nominations and recommend rivers to the President for designation. The panel will be composed of a number of interests, such as representatives of natural, cultural and historic resources concerns; scenic, environmental and recreation interests; tourism, transportation, and economic development interests; labor; and industries such as agriculture, hydropower, manufacturing, mining, forest management and others.

The Chair of the Council on Environmental Quality shall develop procedures for selecting the members of the panel and directing its activities.

In preparation for review by the panel, agency staff will score individual nominations based on community responses to items 1–4 explained in detail above and summarized as follows:

1. Description of the proposed American Heritage River area.
2. Description of the notable resource qualities in the area.
3. Description of the community's plan of action.
4. Illustration of who supports the nomination and plan of action.

Responses to items 3 and 4 constitute the primary basis for evaluating nominations and will be given equal weight in the scoring process, while items 1 and 2 will be used to put responses to items 3 and 4 in context.

From among those nominations that are considered to be qualified, the reviewing panel will also seek to recommend rivers for designation that

represent a range and variety of kinds of rivers, including those that:

- As a group and individually, represent the natural, historic, cultural, social, economic and agricultural diversity of American rivers.
- Showcase a variety of stream sizes and an assortment of urban, rural, and mixed settings from around the country. The Committee may recommend both relatively pristine and degraded rivers.
- Highlight a variety of innovative programs in such areas as historic preservation, wildlife management, fisheries restoration, recreation, community revitalization, agricultural practices, public health and drinking water source protection, and flood plain and watershed management.
- Include community partnerships in an early stage of development, as well as those that are more well established.
- Stand to benefit from requested federal assistance.

#### Number of Designations

The President will designate ten rivers in early 1998. Additional designation in subsequent years will be guided by experience gained from the designated rivers and the level of community support for the initiative.

#### Terms of Designation

American Heritage Rivers designation is intended to enhance the partnership between a community along a designated river and the federal government. Although the term of focused, active assistance will be limited to five years, it may be impossible to achieve measurable results from a community's plan of action in that time. Federal agencies may continue to provide appropriate services as part of their ongoing activities after this time.

The community, with the support of the federal government, will work together to implement the plan of action. Designation will generally be considered permanent or until and unless termination of designation is sought.

The Committee will develop a process by which any community that nominates and has its river designated may have this designation terminated at its request.

Upon a determination by the Chair of the Council on Environmental Quality that a community has failed to implement its plan, the Chair may recommend to the President that a designation be revoked. The Chair shall notify the community at least 30 days prior to making such a recommendation to the President. Based on that

recommendation, the President may revoke the designation.

The federal government may also find it necessary to terminate designation because a community has failed to pursue its plan of action. The procedures for such an action will accompany the designation of American Heritage Rivers. Regardless of whether the community or the federal government has requested termination of designation, the other party shall be entitled to know the rationale for the other party's action.

#### Benefits of Designation

##### *Presidential Recognition*

Designated American Heritage Rivers will be selected by the President of the United States as rivers which deserve special recognition.

##### *Coordinated Delivery of Federal Services*

Programs exist in numerous federal agencies to support economic revitalization, natural resources and environmental protection, and historic and cultural preservation, especially in the agencies that have participated in the development of American Heritage Rivers.

All assistance from the federal government under the auspices of the American Heritage Rivers initiative will come at the request of the community. However, once a river is designated, a preliminary team of federal agency representatives will be available to help the community determine the role for federal assistance. A River Navigator, formerly referred to as a "caseworker" in public meetings and earlier documents (see "River Navigator" below, for a full description of this position) will be made available for each community. The American Heritage Rivers Interagency Committee (see "Summary" above) may assist in overcoming obstacles that arise as many federal services are provided.

Examples of the federal assistance a community might receive include: information and maps to help communities identify and evaluate historic, environmental and economic resources; capacity building, planning and community outreach assistance to ensure a well-defined action strategy and a broad base of support; training in the use of soil and water quality information as a basis for decision-making and against which to measure progress; training and assistance with environmental monitoring to help communities develop a report card on river conditions and trends; research assistance to identify events and trends

in local history; interpretive assistance to develop a framework for communicating the importance of the community's river heritage; technical and financial assistance to implement restoration and pollution prevention activities; and economic modeling to help communities assess benefits and costs of proposed projects.

Within 90 days of designation, the community and the federal agency team should agree on a framework document to identify their proposed roles. The community and the federal team should agree upon one sponsoring federal agency to lead the coordination of federal resources. Methods for simplifying and expediting individual program services will be investigated, and, recommendations made, as appropriate, for improving the scope and substance of federal tools.

The federal teams will function in partnership with each community, state, local, tribal governments, non-governmental organizations, and others, as appropriate.

The Committee will oversee the federal responsibilities under the initiative. Based on the lessons learned from each designated river, the Committee will look for opportunities to reduce bureaucracy, streamline services, and overcome obstacles.

Finally, federal employees providing assistance to designated American Heritage Rivers will participate in an evaluation of the successes and problems associated with the initiative and make recommendations for improving delivery and accessibility of services and programs.

##### *River Navigator*

The community surrounding each designated river will have the opportunity to help select a River Navigator who will assist the community in implementing its plan of action. The River Navigator will serve as a liaison between the community and the appropriate federal programs; assist the community, if requested, in engaging the assistance of state, tribal, and local governments and private sector interest; provide information services; offer technical advice; and perform other duties as the community may request, consistent with the goals of the American Heritage Rivers initiative.

The community, rather than the River Navigator, will be responsible for implementation of the community's plans. The River Navigator will have no authority to adjudicate and may not engage in the following: lobbying; leadership of the community partnership or any of its endeavors, or sponsoring organizations; or serve as an

officer or voting member of the partnership or any sponsoring organization.

In order to ensure clear communication, the federal government will request that the community identify a single point of contact as its representative to work closely with the River Navigator. Of course, all members of the community may speak with the River Navigator and other appropriate federal officials assisting American Heritage Rivers.

The framework document, drafted by the federal agencies and the community within 90 days of designation, should include a position description for the River Navigator tailored to the unique needs of the community. The federal agencies and the community should develop performance measures for the River Navigator once she or he is identified. These performance measures must reflect the role of the River Navigator as defined in this **Federal Register** notice.

The River Navigator will be selected by the sponsoring federal agency with input from the community (see "Coordinated Delivery of Federal Services" above), and will be filled for a period no longer than five years beginning no later than 120 days after the date of designation. Because each community will have difference needs, the sponsoring federal agency will identify several candidates for the River Navigator position from existing staff and provide an opportunity for the community to interview these candidates and provide input to the selection process. The River Navigator will have maximum latitude to work with the community, while also having direct access to principal staff of the sponsoring agency, including the agency representative on the Council (see "Coordinated Delivery of Federal Services" above) as well as other agencies.

The River Navigator position will be fully federally funded, unless the community volunteers non-federal funds to support the position. There is no requirement that a community accept a federal employee as their River Navigator. If the community chooses not to take advantage of the benefit of having a River Navigator, the federal government will provide a point of contact on the Council to call upon as needed.

#### *"Good Neighbor" Policy*

Regarding those sites designated as American Heritage Rivers, the federal government intends to act as a "good neighbor" in planning and making decisions that affect economic

development, natural resources and environmental protection, and historic and cultural preservation. The assistance provided by federal agencies is intended to enhance and complement local community goals. In coordinating with state, tribal and local governments, federal agencies will strive to minimize inconsistency, and to reduce or eliminate conflicting policies and programs operating on and around designated rivers. Through early coordination and public involvement, federal agencies will be in a better position to accommodate the local community plans for designated rivers when planning proposed federal actions. The Good Neighbor policy will add no new layers of review or approval to federal actions—it will simply facilitate those coordination policies and review processes already in place, and encourage the consolidation and streamlining of existing review processes, where possible.

Federal agencies will be encouraged to work in partnership with communities. Local federal facilities will be encouraged to provide public access, physical space, technical assistance, and other support for which they have authority and resources.

#### *Private Sector Opportunities*

The Administration will look for opportunities to help communities access resources from the private sector to help accomplish the purposes of this initiative.

#### **Benefits to Applicants Who Submit Complete Nomination Packages**

Communities that invest their time to complete the American Heritage Rivers nomination package have already taken important steps to revitalize their communities and improve their rivers. In recognition of these efforts, those who submit complete nomination packages will receive:

- An invitation to a national or regional symposium on partnering with federal, state, tribal and local governments to share information and learn about the tools and resources available from a variety of sources, including community organizations. These symposia will also provide community members an opportunity to give important feedback to federal program managers.

- Relevant site-specific data and computer software, including environmental information, geological maps, community planning software and economic modeling tools. This information will be tailored to meet the community's needs as identified in their nomination.

#### **Improved Services Available to All Communities**

All communities will benefit from improved federal services. American Heritage Rivers Services consolidates existing information from many organizations in one, easy-to-use World Wide Web site. Those who do not have Internet access can call 1-888-40RIVER to request information.

Services, tools and products related to these three primary objectives of American Heritage Rivers are referenced in the web site. Users may choose from categories such as:

- Information Centers, Publications, Maps and Databases.
- Calendars, Discussion Groups, and Contacts.
- Hands On Assistance and Talent Banks.
- Laws and Regulations.
- Financial Assistance.
- Community Outreach Tools, Curricula, and Professional Training.
- Data Collection and Evaluation Techniques.
- Planning and Management Tools.
- Research and Development.

Each entry describes the services and provides contacts for further information, including Internet links (where possible).

American Heritage Rivers Services also provides information organized geographically. Using familiar prompts, such as a river or city name, users can locate information on flood events, population change, road networks, the condition of the water resources, and the partnerships already at work in their area. They can construct customized maps and download them, use economic and environmental assessment models, find information on relevant educational programs, link their own information, or enter a dialogue with others.

#### **Clarifications**

##### *What is the Role of the Federal Agencies?*

The role of the federal agencies in this initiative is to listen to community concerns and needs; to work with communities engaged in conservation and development activities; to overcome obstacles in the delivery of federal services to identified local priorities; and to play a coordination role in helping communities and government agencies learn from each other and compile the best practices, standards, and models for emulation throughout the country.

The greater coordination of federal agencies involved in the American Heritage Rivers initiative may result in

more efficient review of federal actions taken in conjunction with implementation of the community's plan of action.

While federal agencies will not endorse individual nominations for designation as an American Heritage River, they will be able to answer questions about the nomination process and continue to work with local government and nongovernmental organizations, some of which may be pursuing designation.

All activities proposed under the American Heritage Rivers initiative must comply with and be consistent with any applicable federal, state, tribal and local laws, be voluntary, and be helpful to local governments. There is nothing in the American Heritage Rivers initiative that will alter any obligation of the federal government to comply with NEPA or any other statutory or regulatory requirements. Nothing herein shall create or alter any rights, duties, obligations, causes of action or defenses, implied or otherwise, of any person or entity. American Heritage Rivers is a commitment by the federal government to try to provide those programs and resources, identified by the community and paid for by taxpayers, in the most efficient and effective manner possible.

#### Protection for Private Property and Other Rights

The Administration is committed to ensuring that private property rights, water rights, and other rights are fully respected and protected under the American Heritage Rivers initiative.

- The American Heritage Rivers initiative will work in coordination with laws and regulations that seek to reduce pollution, improve water quality, protect drinking water, manage floodplains, promote economic development, facilitate interstate commerce, promote agriculture, protect wetlands and endangered species, preserve important historic and archaeological sites, and address other concerns.

- The American Heritage Rivers initiative will not conflict with matters of state and local government jurisdiction, such as water rights, land use planning and water quality standards, nor will it change interstate water compacts, Indian tribal treaty rights, flood damage reduction, or other existing rights. By achieving greater coordination between programs and local needs, American Heritage Rivers will work to build mutual understanding and better solutions to existing and future problems. It will provide a forum in which federal officials, community organizations, and

other stakeholders can examine how the range of regulations are implemented locally.

- Employees of the federal government, including the River Navigator, may not as a result of the American Heritage Rivers initiative infringe on the existing authority of local governments to plan or control, land use, or provide or transfer authority over such land use; nor may the initiative affect any existing limitations on or create any new authorities for the participation of federal employees, including River Navigators, in local zoning or land management decisions involving private property.

- The initiative will not supersede, abrogate, or otherwise impair the authority of each state to allocate quantities of water within its jurisdiction; and any proposal relating to water rights in a community's plan must comport with all applicable laws and interstate compacts. Nothing in this initiative is meant to preclude any holder of a state water right from exercising that right in a manner consistent with state law.

- In implementing the American Heritage Rivers initiative, federal departments and agencies shall act with due regard for the protections of private property provided by the Fifth Amendment to the United States Constitution.

#### *What is the Role of State, Tribal, and Local Governments?*

State, tribal, and local governments play critical roles in the American Heritage Rivers initiative. The initiative is designed to complement the work already taking place at the state, tribal and local levels. Local agencies in particular bring a unique and valuable perspective. The American Heritage Rivers initiative can serve as a catalyst to bring these stakeholders together, including neighboring localities and states that share rivers.

Through partnerships, the American Heritage Rivers initiative will bring federal, state, tribal and local resources together to improve the ten designated rivers and provide more efficient services to communities. The greater efficiency achieved through greater coordination of federal services will translate into easier access to federal services by state, tribal, and local governments.

Projects identified through the nomination process for American Heritage Rivers will undergo appropriate state and local review processes. The identification of projects in the nomination process should not

circumvent local, regional, or state planning forums, especially those involving public review process. Indeed, as appropriate, such processes should complement public outreach efforts and can serve as public forums on proposed projects to be undertaken as part of designation as an American Heritage River. Designation should not impact existing timetables for projects already identified by the community. In many cases, designation could accelerate completion of common objectives.

Many of the federal agencies already have close working relationships with state, tribal, and local governments. These relationships will continue. The River Navigator may request that state, tribal, and local governments participate in the teams that will be assembled to work with each community to implement its plan of action.

Evidence of state, tribal, and local government support will be a key element in selecting American Heritage Rivers. It is likely that state, tribal, and local governments will submit nominations on behalf of communities who wish to participate.

The American Heritage Rivers initiative schedule:

#### **1997**

*February-ongoing:* Outreach to Interested Organizations and Individuals

*May-August:* **Federal Register** notice of Draft Program Design, with Comment Period

*September:* Cabinet Recommends Initiative Design to President

*Mid-September:* **Federal Register** notice of Final Program, Open Nomination Period

*December 10:* Nominations Due

#### **1998**

*Early 1998:* Designated Rivers Announced  
Dated: September 12, 1997.

**Kathleen A. McGinty,**

*Chair, Council on Environmental Quality.*

#### **APPENDICES**

##### **Appendix 1—American Heritage Rivers Cover Sheet for Nomination Packet**

[OMB Control No. 0596-0143; Expiration Date: 3/31/98]

To be considered, nomination packets must be received by 7:00 p.m. Eastern Standard Time on December 10, 1997.

Mail your completed nomination packet to: American Heritage Rivers, Executive Office of the President, Old Executive Office Building, Room 360, Washington, D.C. 20502.

Or fax to: (202) 456-6546.

Or to e-mail: See instructions on American Heritage Rivers web site at <http://www.epa.gov/rivers>.

1. Name of proposed American Heritage River: \_\_\_\_\_
2. Nominating Organization(s): \_\_\_\_\_
3. Primary Point of Contact: \_\_\_\_\_

Title: \_\_\_\_\_  
 Organization: \_\_\_\_\_  
 Street Address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_  
 ZIP: \_\_\_\_\_  
 Phone: Work \_\_\_\_\_  
 Home: \_\_\_\_\_  
 FAX \_\_\_\_\_

#### 4. Certification and Signature of Primary Point of Contact:

To the best of my knowledge, the information contained in this Nomination Packet is accurate.

Name of Contact (print): \_\_\_\_\_

Title: \_\_\_\_\_

Signature and Date: \_\_\_\_\_

Nominations must be limited to 15 pages of 10-point text or larger, using one-inch margins. Letters of endorsement should include names, addresses, and phone numbers of the supporters and will not count toward the 15-page limit. Letters of endorsement should also indicate the level of support to be given to the American Heritage River plan of action by the individual or organization writing the letter. Letters of endorsement must be included in the nomination packet; letters of endorsement sent separately will not be considered. Due to constraints on the review and selection process, additional materials, such as videos, photographs, and plans, will not be accepted; however, photographs may be embedded in the text if the total length does not exceed 15 pages.

Facsimile (FAX) of nomination packets will be accepted. Fax to (202) 456-6546.

Nomination packets may be submitted electronically. See instructions on the American Heritage Rivers web site at <http://www.epa.gov/rivers>.

If faxing or sending electronically, please also complete and mail the cover sheet along with any letters of endorsement.

The nomination packet must be received by 7:00 p.m. Eastern Standard Time on December 10, 1997.

Information supplied on the nomination cover sheet will be used to determine eligibility for American Heritage River designation and is required to receive program benefits.

Estimated burden for preparing this application is 32 hours per response. If you have comments on this burden estimate, contact American Heritage Rivers c/o Council on Environmental Quality, Executive Office of the President, Old Executive Office Building, Room 360, Washington, DC 20502. Information supplied on the nomination cover sheet is public and may not be held confidential. An agency may not contact or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

#### Appendix 2—Summary of Comments Received and How They Were Used

A content analysis of the comments was performed to provide an accurate picture of expressed public opinion on the initiative. The comments were incorporated into the final design of the initiative. A 100 percent analysis was carried out on the 1,727 letters,

e-mail messages, phone messages, faxes, petitions and form letters received through August 20. Each letter was read and coded by a team trained in content analysis procedures. Each substantive comment was divided into subject categories and captured verbatim in the database.

Individuals made up the largest response (58.5 percent). Others who commented identified themselves as farmers and ranchers (4.2 percent); environmental organizations (3.9 percent), and elected officials (12.1 percent, including Members of Congress).

Respondents commented on a wide range of subjects. In particular they focused on the following (not in rank order):

- Overall initiative design;
- Need for the initiative;
- Qualifying and selection criteria;
- Role of the federal government;
- Congressional, state, and local roles;
- Benefits to non-designated rivers;
- Role of the River Navigator;
- Private property concerns;
- Nomination and selection process
- Public involvement in the design of the initiative.

#### Overall Initiative Design

Many comments were favorable, citing increased federal coordination, the attention to a range of values in the design of the initiative, the integrated approach to river restoration and revitalization, and the community-driven approach. Many comments were appreciative of the non-regulatory design of the initiative.

Several comments addressed initiative funding. Some requested that the initiative be funded adequately to ensure success; others stated that the initiative would be too costly. Many respondents wanted to know more about the cost of the initiative and many were concerned that support for existing programs would be withdrawn in order to pay for the initiative. Still others stated that "no new money" was a good catalyst and freed communities to develop more creative solutions.

In response, this **Federal Register** notice clarifies that the American Heritage Rivers initiative is about improved government responsiveness, efficiency, and effectiveness. The programs that are part of the initiative are already authorized by Congress; the initiative will ensure these programs are better coordinated and targeted. With a full understanding of the community's needs and coordinated assistance, the appropriate federal program will more quickly be available to a given community (reducing costly delays and wasteful duplication of efforts).

#### Need for the Initiative

Some respondents expressed concern that the initiative would create another bureaucratic layer and merely duplicate existing federal, state, and local programs. Among those who stated that the initiative was useful and needed, the principal reasons given were river revitalization and improvement of federal programs by focusing on community-based solutions. This **Federal Register** notice clarifies that the initiative is

needed in order to support locally-led efforts aimed at economic development, natural resources and environmental protection, and historic and cultural preservation in an efficient and effective manner. See additional discussion under "Why this initiative?"

#### Qualifying and Selection Criteria

On the subject of qualifying criteria, a number of respondents were concerned that only certain types of rivers would be designated—those with prior successes, those rivers in relatively pristine condition, or only rivers in the East. A number of respondents stated that highly degraded rivers and efforts at an early stage of development were most deserving of designation. This **Federal Register** notice clarifies that a diversity of rivers will be selected. See additional discussion under "How will rivers be selected for designation?"

#### Role of the Federal Government

Respondents raised many questions on what new roles, in any, federal agencies would play in their communities. The role of federal agencies in this initiative is to listen to community concerns and needs; work with communities engaged in conservation and development activities; overcome obstacles in the delivery of federal services and responses to identified local priorities; and play a coordination role in helping communities and government agencies learn from each other and compile the best practices, standards, and models for emulation throughout the country. See additional discussion under "What is the role of the federal agencies?"

#### Congressional, State, and Local Roles

Respondents raised questions about the involvement of Congress and the states in both the design of the initiative and its implementation. Because Congress authorizes and appropriates funds for the agencies involved in American Heritage Rivers, efforts have been made to inform Members of Congress of the initiative's progress from the beginning. Representatives from the participating agencies invited staff from the authorizations and appropriations committees to two meetings held in Washington, D.C. In addition, the agencies held briefings for House and Senate staff and met or talked with over 100 Congressional offices.

The states have provided input into the initiative, through the National Governors Association and through individual agencies. Individual elected officials, as well as the National Conference of Mayors, commented as well. This **Federal Register** notice clarifies that state and local support will be critical to successful designation and that the initiative will not conflict with matters of state, tribal and local government jurisdiction.

Many respondents from all parts of the country called for more involvement by the states in implementing such an initiative, so that the states' priorities are not overlooked. This **Federal Register** notice clarifies that state, tribal, and local governments all play critical roles in implementing this initiative.

See additional discussion on the role of states in implementing the initiative under "What is the role of the states and local

government?" and "What is the Role of the Federal Agencies?"

#### *Benefits to Non-Designated Rivers*

Respondents were curious about what benefits will go to non-designated rivers. The initiative provides benefits to all people working to revitalize their rivers. See additional discussion under "Benefits to Applicants Who Submit Complete Nomination Packets" and "Improved Services Available to All Communities."

#### *Role of the River Navigator*

Some respondents stated that the River Navigator would be of great help to the community; others focused on the possibility that this individual would hold too much power, would add a layer of bureaucracy, and/or would not represent the community's wishes. These issues have been clarified in this **Federal Register** notice. The River Navigator will not be given any new authority over local zoning or local land use decisions. When American Heritage Rivers are selected, members of the relevant communities will have the opportunity to help shape the specific duties of their River Navigator and have a role in choosing one Navigator from several candidates. Although the Administration believes that River Navigators will be extremely helpful, no community will be required to accept a River Navigator. See additional discussion under "Benefits of Designation," subsection "River Navigator."

#### *Private Property Concerns*

Many wrote in with concerns about private property rights. While existing laws and programs will continue to apply, the American Heritage Rivers initiative, in and of itself, will have no effect on private property rights. However, several new directives concerning protection of property rights were included in the **Federal Register** notice. See additional discussion under "What is the Role of the Federal Agencies?" and "Protection for Private Property and Other Rights."

#### *Nomination and Selection Process*

Many respondents questioned how rivers would be nominated. The term "river community" was confusing to many people. They sought clarification on which groups composed a "river community" and the extent of community support needed for a nomination. Of particular concern was that a group of people who lived outside the "river community" could successfully nominate a river without the support of the people who relied on the river for their livelihood or recreation.

Only those people who live or work in the proposed area may nominate their river. However, people representing all interests should be involved in the process. See discussion under "Summary of American Heritage Rivers Initiative" and "How do communities nominate a river and who may apply?"

Respondents showed considerable interest in particular rivers being designated. As of September 12, 1997, no nominations have been solicited or accepted and no rivers have been selected. Nomination packets are now

available. The nomination period will be open from September 11 to December 10. The President will announce the selected rivers in early 1998. See more detailed discussion under "How do communities nominate a river and who may apply?" and "How will rivers be selected?"

#### *Public Involvement in the Design of the Initiative*

Respondents sought information on when and how the public has played a role in designing the initiative. Extensive public involvement has been a cornerstone of the initiative from the beginning. See discussion under "How the initiative was developed."

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## FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2224]

### Petitions for Reconsideration and Clarification of Action in Rulemaking Proceedings

September 12, 1997.

Petitions for reconsideration have been filed in the Commission's rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, N.W., Washington, D.C., or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857-3800. Oppositions to this petitions must be filed October 2, 1997. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

*Subject:* Changes to Board of Directors of the National Exchange Carrier Association, Inc. (CC Docket No. 97-21). Federal-State Joint Board on Universal Service (CC Docket No. 96-45).

*Number of Petitions Filed:* 5.

*Subject:* Federal-State Joint Board on Universal Service (CC Docket No. 96-45).

*Number of Petitions Filed:* 6.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

[FR Doc. 97-24723 Filed 9-16-97; 8:45 am]  
BILLING CODE 6712-01-M

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval,

pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 9, 1997.

**A. Federal Reserve Bank of Richmond** (A. Linwood Gill III, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. *One Valley Bancorp, Inc.*, Charleston, West Virginia; to acquire 100 percent of the voting shares of One Valley Bank-Central Virginia, N.A., Lynchburg, Virginia. The proposed successor by charter conversion to One Valley Bank-Central Virginia, Lynchburg, Virginia, a subsidiary of One Valley Bancorp, Inc.

**B. Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

1. *First United Bancshares, Inc.*, El Dorado, Arkansas; to acquire 100 percent of the voting shares of City Bank & Trust of Shreveport, Shreveport, Louisiana.

**C. Federal Reserve Bank of Kansas City** (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *FirstBank Holding Company of Colorado, ESOP*, Lakewood, Colorado; to acquire an additional .86 percent for a total of 26.36 percent, of the voting shares of FirstBank Holding Company of Colorado, Lakewood, Colorado, and thereby indirectly acquire FirstBank of