and other such notice as may be appro-
priate, of a 30 day period for other ap-
plicants to apply for access. The origi-
nal application and any additional ap-
plications received during the 30 day
period will be reviewed in accordance
with § 36.5.
(3) The Secretary and the Secretary of
Transportation shall jointly prepare
an environmental and economic anal-
ysis solely for the purpose of deter-
mining the most desirable route for the
right-of-way and terms and conditions
which may be required for the issuance
of that right-of-way. This analysis
shall be completed within one year and
the draft thereof within nine months of
the receipt of the application and shall
be prepared in lieu of an EIS which
would otherwise be required under sec-
tion 102(2)(C) of NEPA. This analysis
shall be deemed to satisfy all require-
ments of that Act and shall not be sub-
ject to judicial review. This analysis
shall be prepared in accordance with
the procedural requirements of § 36.6.
(4) The Secretaries, in preparing this
analysis, shall consider the following:
(i) Alternate routes including the
consideration of economically feasible
and prudent alternate routes across the
preserve which would result in fewer,
or less severe, adverse impacts upon
the preserve.
(ii) The environmental, social and
economic impacts of the right-of-way
including impacts upon wildlife, fish,
and their habitat, and rural and tradi-
tional lifestyles including subsistence
activities and measures which should
be instituted to avoid or minimize neg-
ative impacts and enhance positive im-
pacts.
(5) Within 60 days of the completion
of the environmental and economic anal-
ysis, the Secretaries shall jointly agree
upon a route for issuance of the
right-of-way across the preserve. Such
right-of-way shall be issued in accord-
ance with the provisions of § 36.9.
(b) Yukon-Charley Rivers National Pre-
serve. (1) Any application filed by
Doyon, Limited, for a right-of-way to
provide access in a southerly direction
across the Yukon River from its land-
holdings in the watersheds of the
Kandik and Nation Rivers shall be
processed in accordance with this part.
(2) No right-of-way shall be granted
which would cross the Charley River or
which would involve any lands within
the watershed of the Charley River.
(3) An application shall be approved
by the appropriate Federal agency if it
is determined that there exists no eco-
nomically feasible or otherwise reason-
ably available alternate route.
(c) Oil and Gas Pipelines—Arctic Slope
Regional Corporation. (1) Upon the filing
by Arctic Slope Regional Corporation
for an oil and gas TUS across lands
identified in section 1431(j) of ANILCA,
the appropriate Federal agency shall
review the filing, determine the align-
ment and location of facilities across/
on Federal lands, and issue such au-
thorizations as are necessary with re-
spect to the establishment of the TUS.
(2) No environmental document pur-
suant to NEPA shall be required.
(3) Investigations as to the proper
final alignment of the pipeline and lo-
cation of related facilities are at the
discretion of the Federal agency and
the costs associated with such inves-
tigations are not recoverable under
§ 36.6.
(d) Forty Mile Component of National
Wild and Scenic Rivers System. The clas-
sification of segments of the Forty
Mile Components as Wild Rivers shall
not preclude access across those river
segments where the appropriate Fed-
eral agency determines such access is
necessary to permit commercial devel-
opment of asbestos deposits in the
North Fork drainage.
[51 FR 31629, Sept. 4, 1986; 51 FR 36011, Oct. 8,
1986]

PART 37—CAVE MANAGEMENT

Subpart A—Cave Management—General

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Subpart B—Cave Designation

37.11 Nomination, evaluation, and designa-
tion of significant caves.
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mation.

1740.
Subpart A—Cave Management—General

§ 37.1 Purpose.

The purpose of this part is to provide the basis for identifying and managing significant caves on Federal lands administered by the Secretary of the Interior.

§ 37.2 Policy.

It is the policy of the Secretary that Federal lands be managed in a manner which, to the extent practical, protects and maintains significant caves and cave resources. The type and degree of protection will be determined through the agency resource management planning process with full public participation.

§ 37.3 Authority.

Section 4 of the Federal Cave Resources Protection Act of 1988 (102 Stat. 4546; 16 U.S.C. 4301) authorizes the Secretary to issue regulations providing for the identification of significant caves. Section 5 authorizes the Secretary to withhold information concerning the location of significant caves under certain circumstances.

§ 37.4 Definitions.

(a) Authorized officer means the agency employee delegated the authority to perform the duties described in this part.

(b) Cave means any naturally occurring void, cavity, recess, or system of interconnected passages beneath the surface of the earth or within a cliff or ledge, including any cave resource therein, and which is large enough to permit a person to enter, whether the entrance is excavated or naturally formed. Such term shall include any natural pit, sinkhole, or other feature that is an extension of a cave entrance or which is an integral part of the cave.

(c) Cave resources means any materials or substances occurring in caves on Federal lands, including, but not limited to, biotic, cultural, mineralogic, paleontologic, geologic, and hydrologic resources.

(d) Federal lands, as defined in the Federal Cave Resources Protection Act, means lands the fee title to which is owned by the United States and administered by the Secretary of the Interior.

(e) Secretary means the Secretary of the Interior.

(f) Significant cave means a cave located on Federal lands that has been determined to meet the criteria in § 37.11(c).

§ 37.5 Collection of information.

(a) The collections of information contained in this part have been approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq. and assigned clearance numbers 1004–0165 (cave nominations) and 1004–0166 (confidential information). The information provided for the cave nominations will be used to determine which caves will be listed as “significant” and the information in the requests to obtain confidential cave information will be used to decide whether to grant access to this information. Response to the call for cave nominations is voluntary. No action may be taken against a person for refusing to supply the information requested. Response to the information requirements for obtaining confidential cave information is required to obtain a benefit in accordance with Section 5 of the Federal Cave Resources Protection Act of 1988 (102 Stat. 4546; 16 U.S.C. 4301).

(b) The public reporting burden is estimated to average 3 hours per response for the cave nomination and one-half hour per response for the confidential cave information request. The estimated response time for both of the information burdens includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Bureau of Land Management Clearance Officer, WO–873, Mail...
Subpart B—Cave Designation
§ 37.11 Nomination, evaluation, and designation of significant caves.

(a) Nominations for initial and subsequent listings. The authorized officer will give governmental agencies and the public, including those who utilize caves for scientific, educational, and recreational purposes, the opportunity to nominate potential significant caves. The authorized officer will give public notice, including a notice published in the FEDERAL REGISTER, calling for nominations for the initial listing, including procedures for preparing and submitting the nominations. Nominations for subsequent listings will be accepted from governmental agencies and the public by the agency that manages the land where the cave is located as new cave discoveries are made or as new information becomes available. Nominations not approved for designation during the listing process may be resubmitted if better documentation or new information becomes available.

(b) Evaluation for initial and subsequent listings. The evaluation of the nominations for significant caves will be carried out in consultation with individuals and organizations interested in the management and use of cave resources, within the limits imposed by the confidentiality provisions of §37.12 of this part. Nominations will be evaluated using the criteria in §37.11(c).

(c) Criteria for significant caves. A significant cave on Federal lands shall possess one or more of the following features, characteristics, or values.

1. Biota. The cave provides seasonal or yearlong habitat for organisms or animals, or contains species or subspecies of flora or fauna that are native to caves, or are sensitive to disturbance, or are found on State or Federal sensitive, threatened, or endangered species lists.

2. Cultural. The cave contains historic properties or archaeological resources (as described in 36 CFR 60.4 and 43 CFR 7.3) or other features that are included in or eligible for inclusion in the National Register of Historic Places because of their research importance for history or prehistory, historical associations, or other historical or traditional significance.

3. Geologic/Mineralogic/Paleontologic. The cave possesses one or more of the following features:

   i. Geologic or mineralogic features that are fragile, or that exhibit interesting formation processes, or that are otherwise useful for study.

   ii. Deposits of sediments or features useful for evaluating past events.

   iii. Paleontologic resources with potential to contribute useful educational and scientific information.

4. Hydrologic. The cave is a part of a hydrologic system or contains water that is important to humans, biota, or development of cave resources.

5. Recreational. The cave provides or could provide recreational opportunities or scenic values.

6. Educational or Scientific. The cave offers opportunities for educational or scientific use; or, the cave is virtually in a pristine state, lacking evidence of contemporary human disturbance or impact; or, the length, volume, total depth, pit depth, height, or similar measurements are notable.

(d) National Park Service policy. The policy of the National Park Service, pursuant to its Organic Act of 1916 (16 U.S.C. 1, et seq.) and Management Policies (Chapter 4:20, Dec. 1988), is that all caves are afforded protection and will be managed in compliance with approved resource management plans. Accordingly, all caves on National Park Service-administered lands are deemed to fall within the definition of “significant cave.”

(e) Special management areas. Within special management areas that are designated wholly or in part due to cave resources found therein, all caves within the so-designated special management area shall be determined to be significant.

(f) Designation and documentation. If the authorized officer determines that a cave nominated and evaluated under paragraphs (a) and (b) of this section meets one or more of the criteria in paragraph (c), the authorized officer
§ 37.12 Confidentiality of cave location information.

(a) Information disclosure. No Department of the Interior employee shall disclose information that could be used to determine the location of any significant cave or cave under consideration for determination, unless the authorized officer determines that disclosure will further the purposes of the Act and will not create a substantial risk to cave resources of harm, theft, or destruction.

(b) Requesting confidential information. Notwithstanding paragraph (a) of this section, the authorized officer may make confidential cave information available to a Federal or State governmental agency, bona fide educational or research institute, or individual or organization assisting the land managing agency with cave management activities. To request confidential cave information, such entities shall make a written request to the authorized officer that includes the following:

(1) Name, address, and telephone number of the individual responsible for the security of the information received.

(2) A legal description of the area for which the information is sought.

(3) A statement of the purpose for which the information is sought, and

(4) Written assurances that the requesting party will maintain the confidentiality of the information and protect the cave and its resources.

(c) Decision final. Decisions to permit or deny access to confidential cave information are made at the sole discretion of the authorized officer and are not subject to further administrative review or appeal under 43 CFR part 4.

PART 38—PAY OF U.S. PARK POLICE—INTERIM GEOGRAPHIC ADJUSTMENTS

Sec. 38.1 Definitions.

38.2 Computation of hourly, daily, weekly, and biweekly adjusted rates of pay.

38.3 Administration of adjusted rates of pay.

AUTHORITY: 104 Stat. 1462.

SOURCE: 56 FR 3719, July 23, 1991, unless otherwise noted.

§ 38.1 Definitions.

In this subpart: Adjusted annual rate of pay means an employee’s scheduled annual rate of pay multiplied by 1.08 and rounded to the nearest whole dollar, counting 50 cents and over as a whole dollar.

Employee means a U.S. Park Police officer whose official duty station is located in an interim geographic adjustment area.

Interim geographic adjustment area means any of the following Consolidated Metropolitan Statistical Areas (CMSAs) as defined by the Office of Management and Budget (OMB):

(1) New York-Northern New Jersey-Long Island, NY–NJ–CT; and