

*National Environmental Policy Act*

Section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that a decision on a proposed State regulatory program provision does not constitute a major Federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA) (42 U.S.C. 4332(2)(C)). A determination has been made that such decisions are categorically excluded from the NEPA process (516 DM 8.4.A).

*Paperwork Reduction Act*

This rule does not contain information collection requirements that require approval by the OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

*Regulatory Flexibility Act*

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulation.

*Small Business Regulatory Enforcement Fairness Act*

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) Does not have an annual effect on the economy of \$100 million; (b) Will not cause a major increase in costs or prices for consumers, individual industries, geographic regions or Federal, State, or local government agencies; and (c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

This determination is based upon the fact that the State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

*Unfunded Mandates*

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

**List of Subjects in 30 CFR Part 948**

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 24, 2002.

**George J. Rieger,**

*Acting Regional Director, Appalachian Regional Coordinating Center.*

[FR Doc. 02-11247 Filed 5-3-02; 8:45 am]

**BILLING CODE 4310-05-P**

**DEPARTMENT OF THE INTERIOR****National Park Service****36 CFR Chapter I****Public Meeting of the Negotiated Rulemaking Advisory Committee for Off-Road Driving Regulations at Fire Island National Seashore**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of meetings.

**SUMMARY:** Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. App 1, section 10), of meetings of the Negotiated Rulemaking Advisory Committee for Off-Road Driving Regulations at Fire Island National Seashore (36 CFR 7.20).

**DATES AND TIMES:** The Committee will meet on the following dates—Friday and Saturday, June 28–29, 2002; Friday and Saturday, July 26–27, 2002; and Friday and Saturday, September 13–14, 2002. All meetings will begin at 9 a.m.

**ADDRESSES:** All meetings will be held at Dowling College, Oakdale, New York.

**FOR FURTHER INFORMATION CONTACT:** Constantine Dillon, Superintendent, Fire Island National Seashore, 120 Laurel Street, Patchogue, NY 11772, 631-289-4810 (Ext. 225).

**SUPPLEMENTARY INFORMATION:**

*Matters to be Considered:* Meetings will be held for the to develop advice for the National Park Service with regard to proposed rulemaking governing off-road vehicle use at Fire Island National Seashore.

Below is the initial agenda for the Committee. There will be public comment periods during each negotiating session. However, the Committee may modify its agenda during the course of its work.

**Session I—June 28–29, 2002**

Welcoming Remarks by National Park Service

Introductions of Committee Members  
Discuss and adopt Organizational Protocols (Committee groundrules)  
Discuss and adopt draft agenda  
Presentation and discussion on applicable laws, regulations, policies and data  
Discussion of Committee Member's Ideas For Improving Management of Off-Road Vehicles  
Discussion of Agenda for Next Meeting and Tasks Between Sessions  
Adjourn Session I.

**Session II—July 26–27, 2002**

Review and Adopt Session I Meeting Summary  
Discussion of Proposed Agenda for Session  
Updates and Reports  
Review and Discussion of Proposed Draft Rule  
Refine Proposals, Seek Tentative Agreements, Clarify Outstanding Issues  
Discussion of Agenda for Session III and Tasks Between Sessions  
Adjourn Session II

**Session III—September 13–14, 2002**

Review and Adopt Session II Meeting Summary  
Discussion of Proposed Agenda  
Review and Discussion of Outstanding Issues  
Review and Discussion of Outstanding Issues—Seek Tentative Agreement on Remaining Issues  
Seek Consensus on Complete Draft Rule  
Discuss Next Steps  
Adjournment

The meetings are open to the public. It is expected that 75 persons will be able to attend the meetings in addition to the Committee members.

The Committee was established pursuant to the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561–570). The purpose of the Committee is to advise the National Park Service with regard to proposed rulemaking governing off-road vehicle use at Fire Island National Seashore. Notice of intent to establish this committee was published in 65 FR 70674–70675, November 27, 2000.

Interested persons may make brief oral/written presentations to the Committee during the meetings or file written statements. Such presentations may be made to the Committee during the Public Comment Periods of the meeting, or in writing to the Park Superintendent at the above address at least seven days prior to the meeting.

Draft minutes of the meeting will be available for public inspection about 12

weeks after the meeting at Fire Island National Seashore, 120 Laurel Street, Patchogue, NY 11772.

Dated: April 2, 2002.

**Constantine J. Dillon,**  
Superintendent, Fire Island National Seashore.

[FR Doc. 02-11048 Filed 5-3-02; 8:45 am]

BILLING CODE 4310-70-M

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### 36 CFR Part 7

#### RIN 1024-AD02

### Assateague Island National Seashore, Personal Watercraft Use

**AGENCY:** National Park Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The National Park Service is proposing to designate areas where personal watercraft (PWC) may be used in Assateague Island National Seashore, Maryland and Virginia. This rule is necessary because regulations requires any park allowing the use of PWC to promulgate a special regulation authorizing the use. Furthermore, the NPS Management Policies 2001 also, require individual parks, in order to promulgate a special regulation, to determine that PWC use is appropriate for a specific park area based on that area's enabling legislation, resources, values, other visitor uses, and overall management objectives.

**DATES:** Comments must be received by July 5, 2002.

**ADDRESSES:** Comments on the rule and the Environmental Assessment should be sent to Superintendent, Assateague Island National Seashore, 7206 National Seashore Lane, Berlin, Maryland 21811 Email: [Regina.Jones-Brake@nps.gov](mailto:Regina.Jones-Brake@nps.gov) Fax: (410) 641-1099.

**FOR FURTHER INFORMATION CONTACT:** Kym Hall, Regulations Program Manager, National Park Service, 1849 C Street, NW, Room 7413, Washington, DC 20240. Phone: (202) 208-4206. Email: [Kym\\_Hall@nps.gov](mailto:Kym_Hall@nps.gov). Fax: (202) 208-6756.

#### SUPPLEMENTARY INFORMATION:

##### *Purposes of the National Seashore*

Assateague Island National Seashore was authorized on September 21, 1965 (Pub. L. 89-195) "for the purpose of protecting and developing Assateague Island \* \* \* and certain adjacent waters and small marsh islands for public outdoor recreation, use and enjoyment \* \* \*". The 1965 Act went

on to state " \* \* the Secretary shall administer the Assateague Island National Seashore for the general purposes of public outdoor recreation, including conservation of natural features contributing to public enjoyment. In the administration of the seashore \* \* \* the Secretary may utilize such statutory authorities relating to areas administered \* \* \* through the National Park Service \* \* \* for conservation and management of natural resources as he deems appropriate \* \* \*".

This purpose was amended by the Act of October 21, 1976 (Pub. L. 94-578) that directed the Secretary of the Interior to prepare a "comprehensive plan" which would include, among other things, "Measures for the full protection and management of natural resources and natural ecosystems of the seashore." The General Management Plan that evolved from this mandate reflects a systematic approach to park management whereby recreational use and development is balanced with the need to ensure long-term protection of natural resources and values.

##### *Description of the National Seashore*

Assateague Island National Seashore is an important national resource visited by more than 1.8 million people annually, showcasing one of the few remaining undeveloped barrier island environments along the Mid-Atlantic Coast. The National Park Service shares responsibility for land management on Assateague Island with the State of Maryland, which operates Assateague State Park, and the U.S. Fish and Wildlife Service, which manages Chincoteague National Wildlife Refuge on the Virginia portion of the island.

Assateague Island is a 37-mile long coastal barrier island located along the Delaware-Maryland-Virginia (Delmarva) peninsula, extending from Ocean City Inlet, Maryland to Chincoteague Inlet, Virginia. The Island varies in width from less than 1000 feet along portions of the northern end to more than 4300 feet adjacent to Toms Cove in Virginia. Elevation is generally very low, averaging approximately 7 feet, but can exceed 35 feet on isolated dunes. The ocean shoreline has a smooth curving configuration while the bay shoreline is a highly irregular mosaic of terrestrial and aquatic habitats created by numerous small landforms lying adjacent to Assateague Island proper.

The boundary of the National Seashore includes approximately 48,700 acres, most of which are adjacent oceanic and estuarine waters. The boundary extends offshore from Assateague Island approximately one-

half mile on the ocean side, and a variable distance on the bay side ranging from less than 600 feet to more than 5,000 feet. On the Island itself, approximately 9,000 acres (predominantly in Virginia) and 700 acres (Maryland) fall under the jurisdiction of the U.S. Fish and Wildlife Service and State of Maryland, respectively, with the balance, some 8,100 acres (predominantly in Maryland), managed by the National Park Service.

The resources and values that define the natural environment of Assateague Island National Seashore include a diverse assemblage of wildlife, vegetation communities, water resources, geological features and physical processes reflecting the complexity of the land/sea interface along the Mid-Atlantic coast. Wildlife resources range from a myriad of aquatic and terrestrial species inhabiting estuarine habitats to the free roaming feral horses for which Assateague is famous. The indigenous plant communities reflect the adaptive extremes necessary for survival on a barrier island, where exposure to salt spray, lack of freshwater, and shifting sands create a harsh and dynamic environment. Throughout the Seashore, the relationship of land and water is paramount and change is the only constant.

The aquatic habitats of Assateague Island and the adjacent coastal bays are central to the significance of the National Seashore. The inshore waters are part of a relatively small network of coastal lagoons that parallel the Atlantic coast from Delaware to Virginia. Assateague Island forms the eastern boundary of the Sinepuxent/Chincoteague bays complex, the largest component of the system. Combined, these two bays have a total surface area of approximately 36,000 acres and a watershed of approximately 150 square miles. The bays are uniformly shallow with an average depth of 1.2 meters (4 feet) and are generally characterized as poorly flushing due to the limited freshwater inflow, restricted tidal exchange through two inlets, and a tidal range of less than 1 foot.

From a regional perspective, Assateague Island National Seashore includes the only remaining undeveloped barrier island in the State of Maryland, and a significant portion of the region's highest-quality marine/estuarine habitat. A substantial portion of the submerged aquatic vegetation (SAV) occurring in Maryland's coastal bays is found within park boundaries. Extensive salt marshes, inter-tidal flats, and the broad shallow margins of the