



Appendix B

Other Laws and Regulations

**APPENDIX B:
OTHER LAWS AND REGULATIONS**

INTRODUCTION

Various laws, policies, and regulations by NPS and the federal and state governments are described in this appendix to show the constraints within which this EIS will need to operate and the goals and policies it must meet. The NPS, in preparing this EIS, must conform to the federal laws, regulations, and policies described in this section. The parks planning documents are also presented in this section. A summary of federal, state and local laws, plans, regulations, and policies is presented. This list is not intended to be exhaustive and if a law is not listed it does not relieve the NPS from compliance with that directive.

FEDERAL LAWS

National Environmental Policy Act (NEPA) of 1969, as amended: Section 102(2)(C) of NEPA (42 USC § 4371 et seq.) requires that an EIS be prepared for proposed major federal actions that may significantly affect the quality of the natural and human environment. The EIS is to address the environmental impacts of the proposed action, any adverse environmental effects that cannot be avoided should the action take place, alternatives to the proposed action, the relationship between short-term uses of man's environment and maintenance of long-term productivity, and any irreversible and irretrievable commitments of resources needed should the project be implemented.

Title 36, Code of Federal Regulations: Title 36 provides the regulations “for the proper use, management, government, and protection of persons, property, and natural and cultural resources within areas under the jurisdiction of the National Park Service” (36 CFR § 1.1(a)). NPS regulations governing issuance of rights-of-way for power transmission lines falls under 36 CFR Part 5.

Endangered Species Act (ESA): ESA (16 USC §§ 1531-1544, 87 stat. 884) provides for the protection of federally listed threatened or endangered species and their habitats. NPS policy also requires examination of the impacts on federal candidate species, as well as state-listed threatened, endangered, candidate, rare, declining, and sensitive species. Section 7 of ESA requires federal agencies, through consultation with USFWS, to ensure that any action authorized, funded, or carried out by them is not likely to jeopardize the continued existence of listed species or modify their critical habitat.

Bald and Golden Eagle Protection Act (BGEPA) of 1940, as amended: BGEPA (16 USC §§ 668-668c), enacted in 1940 and amended several times since then, prohibits anyone without a permit issued by the Secretary of the Interior from taking bald eagles, including their parts, nests, or eggs. BGEPA provides criminal penalties for persons who “take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle... [or any golden eagle], alive or dead, or any part, nest, or egg thereof.” BGEPA defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.”

The National Bald Eagle Management Guidelines, released by the USFWS, provide guidance for the implementation of the BGEPA. These guidelines include general recommendations and information for agencies on measures for adherence to the BGEPA. These guidelines provide information the natural history of bald eagles, as well as information on impacts of activities on bald eagles (USFWS 2007a, 1). According to these guidelines, “disturb” means “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.” (USFWS 2007a, 2).

In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon

the eagle's return, such alterations agitate or bother an eagle to a degree that interferes with or interrupts normal breeding, feeding, or sheltering habits and causes injury, death, or nest abandonment.

Migratory Bird Treaty Act (MBTA) of 1918: MBTA (16 USC §§ 703-711) implements various treaties and conventions between the United States and Canada, Japan, Mexico, and the former Soviet Union for the protection of migratory birds. Under this act it is prohibited, unless permitted by regulations, to “pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention ... for the protection of migratory birds ... or any part, nest, or egg of any such bird” (16 USC § 703). Subject to limitations in this act, the Secretary of the Interior may adopt regulations determining the extent to which, if at all, hunting, taking, capturing, killing, possessing, selling, purchasing, shipping, transporting, or exporting any migratory bird, part, nest, or egg will be allowed, having regard for temperature zones, distribution, abundance, economic value, breeding habits, and migratory flight patterns.

National Historic Preservation Act (NHPA) of 1966 as amended: Section 106 of NHPA (16 USC § 470 et seq.) requires federal agencies to consider the effects of their undertakings on properties listed or potentially eligible for listing on the NRHP. All actions affecting the parks’ cultural resources must comply with this law, which is implemented through the Advisory Council on Historic Preservation (36 CFR § 800).

Wild and Scenic Rivers Act (WSRA): This act calls for the protection of specific U.S. rivers that “possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values” (16 USC §§ 1271, 1526). This policy is to preserve selected rivers “in their freeflowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes” (16 USC §§ 1271, 1526). These rivers are to be protected “for the benefit and enjoyment of present and future generations” (16 USC §§ 1271, 1526). This part of the act echoes the NPS Organic Act, which states that the purpose of the NPS is to conserve park resources “and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations” (16 USC § 1). The WSRA identifies MDSR and the land adjacent to it as a component of the national wild and scenic rivers system to be administered by the Department of the Interior, specifically, the NPS (16 USC §§ 1274, 1530 and 1281(c), p. 1572).

Noise Control Act of 1972 and the Quiet Communities Act of 1978: These acts instituted federal laws relating to noise control. However, in 1981, it was determined that noise regulations were best administered at the state and local levels, thus allocating federal funding to state and local governments for the development of noise regulations. While these acts currently remain in effect, federal funding for the Noise Control Act of 1972 and The Quiet Communities Act of 1978 has terminated (USEPA 2009). The Federal Noise Control Act authorizes states to enforce noise rules, codes, and regulations, and allows municipalities to adopt noise control ordinances that usurp the state code. There are no noise regulations at the state level in Pennsylvania; local townships are responsible for developing their own noise ordinances.

Energy Policy Act of 2005: This act states just compensation shall be provided for any ROW acquired for electric transmission facilities on private property. Just compensation is defined as an amount equal to the fair market value of the property taken on the date of the exercise of eminent domain authority (Title XII – Electricity, Subtitle B, section 1221[e]).

Magnuson-Stevens Fishery Management and Conservation Act: This act, as amended by the Sustainable Fisheries Act of 1996 (PL 104-267), requires all federal agencies to consult with NOAA Fisheries on all actions or proposed actions allowed, funded, or undertaken by the agency that may adversely affect essential fish habitat. Essential fish habitat is defined as “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.”

Federal noxious and invasive weed laws: Several federal laws pertain to noxious and invasive weeds, including the Lacey Act as amended (18 USC § 42), the Federal Plant Pest Act (7 USC § 150aa et seq.), the Federal Noxious Weed Act of 1974, as amended by the Food, Agriculture, Conservation, and Trade Act of 1990 (“Management of Undesirable Plants on Federal Lands,” 7 USC § 2814), and the Carlson-Fogey Act of 1968 (PL 90-583).

Clean Water Act (CWA): Section 404 of the CWA established a program to regulate the discharge of dredged or fill material into waters of the United States. The CWA does not allow for the filling of wetlands if there is another practicable alternative that would be less damaging to aquatic resources or if significant degradation would occur. Permits for work in wetlands are issued by USACE and state agencies. USACE encourages agencies to avoid and/or minimize impacts on wetlands, and requires mitigation if unavoidable impacts on wetlands occur.

The Rivers and Harbors Act of 1899: This act defined navigable waters of the United States as “those waters that are subject to the ebb and flow of the tides.” The CWA built on this definition and defined the waters of the United States to include tributaries to navigable waters and wetlands adjacent to other waters of the United States.

Fish and Wildlife Coordination Act of 1934 (as amended): This act authorizes Agriculture and Commerce Secretaries to provide assistance to state and federal agencies to protect, rear, stock, and increase the supply of game and fur-bearing animals, as well as to study the effects of sewage, trade wastes, and other polluting substances on wildlife. The act also authorizes the transfer of funds to USFWS to conduct investigations, and the transfer of project lands. Amendments in 1946 require consultation with USFWS and state fish and wildlife agencies where waters of any stream or water body are proposed or authorized to be impounded or diverted, or controlled in some manner under a federal permit or license, for the protection of wildlife resources.

Paleontological Resource Preservation Act of 2009 (P.L. 111-11): This act provides directives for the management of paleontological resources, and the development of inventory and monitoring plans, as well as the use of paleontological resources in science and education. It introduced permit requirements for the collection of paleontological resources on federal lands. This act also set criminal penalties for the illegal collection, exchange or sale of paleontological resources on federal lands, as well as the false labeling of such resources illegally collected on federal lands.

EXECUTIVE ORDERS

EOs are those orders issued by the president to alert federal agencies to new guidelines or practices. A complete listing of EOs can be found on the National Archives website (<http://www.archives.gov/federal-register/executive-orders/disposition.html>).

Along with NPS *Management Policies 2006*, the director of NPS may issue additional directives in DOs containing additional information or clarification of NPS practices. A complete list of NPS DOs can be found on the U.S. Department of the Interior National Park Service Office of Policy website (<http://www.nps.gov/applications/npspolicy/DOrders.cfm>).

The following sections present applicable EOs and DOs. This section is not intended to be an exhaustive list of all orders that may apply:

EO 11988, “Floodplain Management”: EO 11988 directs all federal agencies to avoid both long- and short-term adverse effects associated with occupancy, modification, and development in the 1 percent annual chance floodplain, when possible. All federal agencies are required to avoid building in a 1 percent annual chance floodplain unless no other practicable alternative exists.

EO 11990, “Protection of Wetlands”: EO 11990 directs federal agencies to avoid, to the extent possible, the long- and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative. NPS complies with this executive order through the guidance outlined in DO 77-1.

EO 13112, “Invasive Species”: This executive order directs all federal agencies to prevent and control introductions of invasive non-native species in a cost-effective and environmentally sound manner to minimize their economic, ecological, and human health impacts.

EO 13186, “Responsibilities of Federal Agencies to Protect Migratory Birds”: EO 13186 was established on the premise that migratory birds contribute to biological diversity, bring enjoyment to millions of Americans, and are of great ecological and economic value to this country and to other countries. Under this order, federal agencies taking actions that have, or are likely to have, a measurable negative effect on the migratory bird population are directed to develop and implement a memorandum of understanding with USFWS that promotes the conservation of migratory bird populations. This EO also requires that the environmental analysis of federal actions required by NPS or other established environmental review processes evaluate the effects of the action and agency plans on migratory birds, with an emphasis on species of concern. A *2010 Memorandum of Understanding (MOU) Between the U.S. Department of Interior National Park Service and the U.S. Fish and Wildlife Service to Promote the Conservation of Migratory Birds* that sought to strengthen agency coordination on the protection of migratory birds. The MOUs meet the requirements outlined in EO 13186, section 3, which regards the responsibilities of federal agencies in protecting migratory bird species. These responsibilities include studies of migratory birds, the development of BMPs and conservation measures, and educational programs and training programs to promote ongoing education on migratory birds and integrated management for bird conservation across the agencies. The MOU also requires identifying actions that impact migratory birds and their habitats, and developing measures to mitigate these impacts. The MOU also requires that NPS implement measures to prevent or mitigate intentional and unintentional take of migratory birds as a result of authorized activities (NPS and USFWS 2010).

NATIONAL PARK SERVICE LAWS AND POLICIES

Organic Act: The Organic Act (16 USC § 1) commits NPS to conserve NPS resources and provide for their enjoyment, leaving them unimpaired for the benefit and enjoyment of future generations.

The Organic Act and its amendments afford NPS latitude when making resource decisions about visitor use and resource preservation. Despite this discretion, courts consistently interpret the Organic Act and its amendments to elevate resource conservation above visitor use. The Organic Act prohibits actions that permanently impair park resources unless a law directly and specifically allows for the action (16 USC § 1a-1). An action constitutes an impairment when its impacts “harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values” (NPS 2006a, section 1.4.5). To determine impairment, NPS must evaluate “the particular resources and values that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts”

(NPS 2006a, section 1.4.5). The EIS that is being prepared, therefore, must analyze the effects of the alternatives on the parks' resources and values and determine whether these effects would cause impairment.

General Authorities Act of 1970 and the Redwood National Park Expansion Act of 1978: The General Authorities Act sought to improve the management and administration of the national park system, and defined it as a single unified system. This united the management of all NPS properties, regardless of the resources found at each park. The 1978 "Redwood Amendment" reaffirmed that the entire national park system was to be managed to the same high standard and stated that NPS must conduct its actions in a manner that will ensure no "derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress" (16 USC § 1a-1).

NPS Management Policies 2006, Section 1.4: Prohibition on Impairment of Park Resources and Values: Implementing the Organic Act, *NPS Management Policies 2006* (section 1.4) requires analysis of potential effects to determine whether or not proposed actions would impair a park's resources and values. The prohibited impairment is an impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values (NPS 2006a).

The NPS has discretion to allow impacts on Park resources and values when necessary and appropriate to fulfill the purposes of a Park (NPS 2006 sec. 1.4.3). However, the NPS cannot allow an adverse impact that would constitute impairment of the affected resources and values (NPS 2006 sec 1.4.3). An action constitutes an impairment when its impacts "harm the integrity of Park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values" (NPS 2006 sec 1.4.5). To determine impairment, the NPS must evaluate "the particular resources and values that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts" (NPS 2006 sec 1.4.5). A determination on impairment for the preferred alternative evaluated in this EIS is provided in appendix B.

NPS Management Policies 2006: Several other sections of the *NPS Management Policies 2006* (NPS 2006a) are relevant to processing applications for electrical power transmission ROWs at the parks, such as section 4, "Resource Management"; section 5, "Cultural Resource Management"; section 8.2.5, "Visitor Safety and Emergency Response"; and section 8.6.1.1, "Requests for Permits." The sections mentioned above are just a few of the *NPS Management Policies 2006* sections relevant to the proposed S-R Line.

Authority for Authorizing Construction Permit: NPS regulations are generally applicable to lands within the national park system in which the United States owns a partial interest or a fee interest subject to an easement (36 CFR § 1.2(a)(5)). Construction within the national park system is generally forbidden without a permit (36 CFR §§ 5.7, 1.6).

Park Service Resource Protection Act (PSRPA): The PSRPA holds liable anyone who destroys or otherwise injures any resource found within the park service system for the response costs and damages resulting from the destruction or loss of the resource.

OTHER APPLICABLE PARK SERVICE EXECUTIVE ORDERS AND DIRECTOR ORDERS

DO 12: *Conservation Planning, Environmental Impact Analysis, and Decision Making*: DO 12 directs the way NPS complies with NEPA, including all aspects of environmental analysis, public involvement,

and resource-based decisions. NPS must follow all sources of NEPA guidance, including, but not limited to, 40 CFR §§ 1500–1508 and 516 DM. DO 12 outlines the responsibilities of the parties accountable for ensuring compliance with NEPA, from the director to project managers and contracting officers (NPS 2001a).

DO 28: *Cultural Resource Management*: DO 28 (NPS 1998a) directs the NPS to protect and manage cultural resources in its custody through effective research, planning, and stewardship in accordance with the policies and principles contained in the *NPS Management Policies 2006*. This DO is carried out through NPS-28: *Cultural Resource Management Guideline*, which provides the fundamental concepts of cultural resource management for the NPS. The cultural resource management guidelines address cultural landscapes, stating: “preservation practices [should be implemented] to enable long-term preservation of a resource’s historic features, qualities, and materials [of a cultural landscape]” (NPS 1998a).

DO 47: *Soundscape Preservation and Management*: DO 47 provides guidance for “the protection, maintenance, or restoration of the natural soundscape resource in a condition unimpaired by inappropriate or excessive noise sources” (NPS 2000b). Director’s Order 47 notes that NPS has authority to “determine the nature, extent, and acceptability of impacts on park resources and visitors. This includes determining the type, magnitude, duration, and frequency of occurrence of noise that is compatible or incompatible with protecting the resources or the visitor experience for which the park was established and planned, as well as determining the significance of noise levels or impacts. This may also include determining whether certain noise sources are necessary or appropriate” (NPS 2000b).

DO 53: *Special Park Uses*: This Director’s Order and the manual derived from it contain NPS policy concerning the processes for issuing permits for special park uses, including right-of-way permits. Special park uses are not initiated by the park; do not necessarily benefit the park or the public; and are managed by the park, to a degree, in order to protect the park resources and public interest. According to this policy, a ROW permit may be issued by the park when no other alternative is feasible and upon a finding that the use is not incompatible with the public interest. Special guidance in issuing right-of-way permits is found in RM-53, Appendix 5.

DO 77-1: NPS has adopted a goal of “no net loss of wetlands.” DO 77-1 states that for new actions where impacts to wetlands cannot be avoided, proposals must include plans for compensatory mitigation that restores wetlands on NPS lands, where possible, at a minimum acreage ratio of 1:1. DO 77-1 emphasizes: 1) exploring all practical alternatives to building on, or otherwise adversely affecting, wetlands; 2) reducing impacts to wetlands whenever possible; and 3) providing direct compensation for any unavoidable wetland impacts by restoring degraded or destroyed wetlands on other NPS properties. If a preferred alternative would have adverse impacts on wetlands, a Statement of Findings (SOF) must be prepared that documents the above steps and presents the rationale for choosing an alternative that would have adverse impacts on wetlands.

DO 77-2: NPS policy dictates guidelines to restore and maintain natural floodplains. Guidelines also require avoidance of the environmental impacts of development within floodplains, or modification of floodplains. The guidelines also require that, where practicable alternatives exist, Class I action be avoided within a 100-year floodplain. Class I actions include the location or construction of administration, residential, warehouse, and maintenance buildings, non-excepted parking lots, or other man-made features that by their nature entice or require individuals to occupy the site.

Reference Manual #77: *Natural Resource Management Guideline (1991)*: The *Natural Resource Management Guideline* (1991) provides guidance on implementing laws and regulations relevant to natural resources to park managers for all planned and ongoing natural resource management activities.

This document provides the guidance for park management to design, implement, and evaluate a comprehensive natural resource management program in accordance with relevant laws.

NATIONAL PARK SYSTEM UNIT PLANNING DOCUMENTS

The following plans occurring at DEWA, MDSR, and APPA were considered during the development of this EIS. MDSR is contained entirely within DEWA and is managed through DEWA's plans and policies.

DELAWARE WATER GAP NATIONAL RECREATION AREA

Delaware Water Gap National Recreation Area, General Management Plan, 1987: The DEWA GMP guides the overall management and use of the park's resources and helps to ensure the perpetuation of its natural and cultural resources and the scenic setting for present and future public enjoyment (NPS 1987a). The plan also provides the foundation for subsequent detailed implementation plans, programs, and operations. The GMP outlines the following strategies:

- Public outdoor recreation benefits
- Preservation of scenic, scientific, and historic features contributing to public enjoyment
- Such use of natural resources as in the judgment of the Secretary of the Interior is consistent with, and does not significantly impair, public recreation and protection of scenic, scientific, and historic features contributing to public enjoyment

Delaware Water Gap National Recreation Area Resource Management Plan, 1997: The DEWA Resource Management Plan (RMP) documents the park's natural and cultural resources, provides direction and continuity, and establishes priorities for the protection and preservation of these resources (NPS 1997). It defines resource management issues and describes current management, research, and monitoring actions as well as issues or problems that require future action or research to protect park resources, to implement recommendations, or to restore damaged resources. In some cases, this plan recognizes the need for preparation of action plans that deal with specific resource management issues. One of the goals of the plan is to preserve the scenic, scientific, and historic features contributing to public outdoor recreation use and enjoyment and to use these natural resources as long as the primary values of the park are not impaired.

Delaware Water Gap National Recreation Area Business Plan of 2003: The DEWA Business Plan is a tool for the park to communicate its financial status with principal stakeholders. The business plan provides information on the business of the park unit and the funding necessary to operate the park unit within appropriate standards. Funding (park staff needed for S-R Line monitoring during construction and operation) for the S-R Line was not included in the 2003 DEWA Business Plan.

Delaware Water Gap National Recreation Area, Research and Resource Planning Strategic Plan, 2006–2010: The DEWA strategic plan outlines primary work elements currently undertaken by the Division of Research and Resource Planning (R&RP) at DEWA and the role and function of R&RP for projects to be worked on for the duration of the plan, from 2006 to 2010 (NPS n.d.a). The plan identifies goals, objectives and work targets that support overall park management and operations. The R&RP staff collectively synthesized existing management documents to form a logical basis for developing this strategic plan in order to refocus staff time and energy. This plan does not supersede or take the place of any other required document for the management of the park's resources. Planning of park staff needed for S-R Line monitoring during construction and operation was not included in this plan. T

Delaware Water Gap Fire Management Plan, 2003–2004: The fire management plan (FMP) for DEWA is a subsection of the DEWA RMP and will help achieve resource management and fire protection goals as defined in the GMP and the RMP (NPS 1997). The original FMP for DEWA, which was approved in 1992, was revised from 2003 through 2004 to incorporate the revised Wildland Fire Management Terminology (adopted By National Wildfire Coordinating Group 1997) as well as revised NPS wildland fire management policy and guidelines as set forth in the current versions of DO 18 and Reference Manual 18. DO 18: *Wildland Fire Management* mandates that

Each park with vegetation capable of burning will prepare a fire management plan to guide a fire management program that is responsive to the park’s natural and cultural resource objectives and to safety considerations for park visitors, employees, and developed facilities. (NPS 2008a)

The FMP is designed to help meet the objectives of the GMP and RMP by protecting and/or perpetuating the existing natural, cultural, and historic resources; by protecting park structures; and by protecting the health and safety of park visitors and employees.

Delaware Water Gap Landscape-scale Connectivity Proposal, 2009: In many areas of the country there are NPS-administered lands that are geographically and ecologically related to nearby lands owned or administered by other federal, state, county, municipal, or nonprofit organizations. While these various units may have different missions, jurisdictions, ownership patterns, and uses, their overall contiguous nature creates a much greater ecological whole than the sum of their individual parts. This biological principle is well understood and accepted in the scientific community. Overarching goals in this effort include identifying and designing resiliency networks and corridors through collaborative efforts that enhance ecological integrity and biodiversity, increasing native species capacity to recover and retain native biodiversity, and determining how to define success (NPS 2009b).

Delaware Water Gap National Recreation Area Land Protection Plan of 1984 and its 1992 revision: The DEWA Land Protection Plan (LPP) details the minimum actions needed to assure resource protection and provide essential public access to and use of federal lands within DEWA and determines priorities for those actions. Some of the S-R Line alternatives may not meet the goals of the plan.

APPALACHIAN NATIONAL SCENIC TRAIL

Comprehensive Plan for the Protection, Management, Development, and Use of the Appalachian National Scenic Trail: 1981, Abridged Version Published in 1987: The comprehensive plan describes the unique management approach to maintaining the scenic and recreational aspects of APPA. One of the main goals of this plan is to provide Congress with the information it needs to adhere to its oversight responsibility for APPA. Further, the plan organizes policy directions and guidelines in relation to the administration of APPA regarding private, state, and federal organizations that manage the operation of APPA (NPS 1987b). The management approach set forth in the comprehensive plan has many management philosophies, including managing the trail in such a way as to “lie lightly on the land” (NPS 1987b); to maintain APPA as a simple footpath, preserving the natural environment; and to discourage any activities that would degrade APPA’s natural or cultural resources or social values.

The comprehensive plan does not specifically describe how projects should be carried out or prioritized and is not intended to be a substitute for more detailed plans, nor does it dictate precisely what other plans must cover. Rather, it is the one document that bridges management and protection topics related to APPA.

The Future Protection of Trailway Values: The comprehensive plan discusses the concern for the continued protection of future trail values. The isolated and scenic character of APPA will be threatened in the future. Extending the length of the eastern seaboard, within a third-day's drive of a third of the nation's populace, the now wild or pastoral areas through which the trail passes will be continuously under pressure for many kinds of development, including recreational homes, ski areas, mining and industrial operations, communications facilities, highways, and energy projects. For example, impacts of major second-home developments on ridgetop land have been averted in more than a dozen cases through federal acquisition, and more such development proposals are probable near the trail. Plans for energy-producing windmills in the high ridges of the Appalachian Mountains are in progress.

The comprehensive plan further states that it is not only the quality of the landscape and visible land uses that affect the Appalachian Trail experience, but noise pollution, degradation of air quality, and the various effects of the human community along APPA all affect the enjoyment of users. Even where APPA seems securely enveloped in national parks, national forests, and state park and forest land, activities on lands adjacent to or within these units may adversely affect APPA.

Long-term protection of APPA rests not so much with acquiring tracts of wild land as with the relationships established with national forests and parks, state and local agencies, and the people who own land or reside along APPA. The APPA values to be perpetuated include more than a narrow footpath, and the scheme for protecting those values must thus be broader than simple ownership of land. Only through the continued and growing recognition of APPA as a valued resource, with actions and policies backing that recognition, will APPA values be perpetuated.

Appalachian National Scenic Trail: Resource Management Plan: The RMP documents the natural and cultural resources of APPA and describes and sets priorities for management, monitoring, and research programs intended to ensure the best use for those resources. This plan provides a 10-year guide to resource management activities conducted by the NPS-Appalachian Trail Park Office (ATPO) and ATC, as well as other organizations who wish to participate. Further, the plan addresses ways to establish priorities for project funding and the need for preparation of future actions regarding specific resource management issues (NPS 2008b). Management objectives are consistent with the Appalachian Trail Comprehensive Plan, the Appalachian Trail Statement of Significance, and the Appalachian Trail Strategic Plan (NPS 1987b, 2000d, 2005c). The plan also presents the current status of resources, including geology and soils, biological resources, air resources, water resources, and cultural resources. The plan describes current resource management capabilities, issues, threats, and program needs for trailwide resource management programs and site-specific resource management needs and issues of land administered by NPS-ATPO (NPS 2008b). Resource monitoring that will be needed for the S-R Line was not included in this RMP.

Appalachian Trail Park Office Strategic Plan: Developed by NPS-ATPO, this plan focuses on the four NPS service goal categories:

- Preserve park resources.
- Provide for the public enjoyment and visitor experience of parks.
- Strengthen and preserve natural and cultural resources and enhance recreational opportunities managed by partners.
- Ensure organizational effectiveness (NPS 2005c).

The NPS-ATPO mission and long-term goals focus on the cooperative management system partner satisfaction. This goal tracks the overall satisfaction of federal, state, local, and private organizations that

support NPS-ATPO. NPS continues to collect information related to partners' satisfaction with the cooperative management system. Planning of park staff needed for S-R Line monitoring during construction and operation was not included in this strategic plan.

Appalachian Trail Conservancy: 2009 Local Management Planning Guide, Chapter 4(f), "Roads and Utilities": In 1983, the Forest Roads Task Force convened and produced a one-page statement—the first ATC policy on roads. In November 1988, the ATC board of managers adopted a policy statement on utilities and communications facilities. That policy was first amended in 1992 to address utility-line maintenance practices, amended again in April 1994 to include criteria for proposed utility-line crossings of APPA, and amended a third time in April 1996 to address the more specific impacts of communications sites, airport beacons, wind-generation towers, and other mountaintop facilities. In 2000, the ATC board adopted a policy on roads and utility developments that replaces both previous policies, but retains many of the previous provisions. It is the policy of ATC to oppose construction of any such facilities on APPA corridor lands or those facilities on adjacent lands that could have an adverse impact on the viewshed of APPA, unless they meet all the following criteria:

- The proposed development represents the only prudent and feasible alternative to meet an overriding public need, as demonstrated in a thorough and detailed analysis of alternatives;
- Any new impacts associated with the proposed development shall coincide with existing major impacts to the Appalachian Trail experience;
- Any proposed development of linear facilities shall be limited to a single crossing of the APPA corridor;
- Any adverse impacts of a proposed development shall be sufficiently mitigated so as to result in no net loss of recreational values or the quality of the recreation experience provided by APPA. To the extent practicable, mitigation shall occur on site; and
- The proposed development shall avoid, at a minimum: (a) wilderness or wilderness study areas; (b) NPS natural areas; (c) U.S. Forest Service semi-primitive non-motorized or designated backcountry areas; (d) natural heritage sites; (e) cultural resource sites; (f) Trail-related facilities such as shelters and campsites; and (g) alpine zones, balds, and wetlands.

After construction, all impacted areas would be restored to the extent feasible. Restoration measures could include installation of permanent erosion control measures and planting of native vegetation.

Fire Management Plan for the Appalachian National Scenic Trail: The FMP for APPA is guided by DO 18, which requires that all parks with vegetation capable of sustaining fire develop an FMP. Appalachian National Scenic Trail Office management will work with partner agencies to aggressively suppress all wildland fires, taking into account the safety of firefighting personnel, the visiting public, and protection of all resources at risk in the park unit (NPS 2005d). The APPA FMP covers only those portions of the trail corridor that are managed by the NPS-ATPO. These lands total approximately 80,000 acres and are frequently interspersed with lands administered by other agencies (NPS 2005d).