

## APPENDIX J

### IMPAIRMENT DETERMINATION FOR THE NEW ASHEVILLE – ENKA 115KV WEST LINE CROSSING OF THE BLUE RIDGE PARKWAY CORRIDOR, BUNCOMBE COUNTY, NC ON THE PROPERTY OF THE NATIONAL PARK SERVICE

#### IMPAIRMENT DEFINED

The fundamental purpose of the National Park System, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, begins with a mandate to conserve park resources and values. NPS managers must always seek ways to avoid or minimize to the greatest degree practicable adverse impacts on park and monument resources and values. However, the laws do give NPS management discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, as long as the impact does not constitute impairment of the affected resources and values. Although Congress has given NPS management discretion to allow certain impacts within parks, that discretion is limited by statutory requirement that the NPS must leave park resources and values unimpaired, unless a particular law directly and specifically provides otherwise. 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 opportunities that otherwise would be present for the enjoyment of those resources or values. An impact to any park resource or value may constitute impairment. However, an impact would more likely constitute impairment to the extent it affects a resource or value whose conservation is:

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park;
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or
- identified as a goal in the park's General Management Plan or other relevant NPS planning documents.

Impairment may result from NPS activities in managing the park, visitor activities, or activities undertaken by concessionaires, contractors, and others operating in the park.

#### HOW IS AN IMPAIRMENT DETERMINATION MADE?

NPS *Management Policies 2006* directs decision makers to use professional judgment in making an impairment determination. This means that the decision maker must consider any environmental assessment or analyses required under NEPA, consultations required under Section 106 of the National Historic Preservation Act, relevant scientific and scholarly studies, advice and insights offered by subject matter experts, and the results of public involvement activities.

Park resources and values that may be impaired include scenery; natural and historic objects; wildlife and the habitats that sustain them; ecological, biological, and physical processes; natural visibility; natural landscapes and soundscapes; water and air resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals.

Impairment findings are not necessary for visitor experience, socioeconomics, public health and safety, environmental justice, land use, and park operations, etc., because impairment findings relate to park resources and values. These impacts areas are not generally considered to be park resources or values according to the Organic Act.

## **PURPOSE AND SIGNIFICANCE OF THE BLUE RIDGE PARKWAY**

The Blue Ridge Parkway was established by Congress in 1936 to link Shenandoah National Park in Virginia and Great Smoky Mountains National Park in North Carolina and Tennessee by way of a recreation-oriented motor road intended for public use and enjoyment.

### **Park Significance**

- The Blue Ridge Parkway was the first national rural parkway to be conceived, designed, 26 and constructed for a leisurely driving experience. Its varied topography and numerous 27 vista points offer easy public access to spectacular views of central and southern 28 Appalachian rural landscapes and forested mountains.
- As an example of pre- and post-World War II era automotive rural parkway design, the 30 parkway retains the greatest degree of integrity of any parkway in the United States. The 31 parkway is further recognized throughout the world as an international example of 32 landscape and engineering design achievements with a roadway that lies easily on the land 33 and blends into the landscape.
- The parkway is the highest and longest continuous route in the Appalachian area. Along 35 its 469-mile length, the parkway provides scenic access to crests and ridges of five major 36 ranges in the central and southern Appalachian Mountains, encompassing geographic and 37 vegetative zones that range from 649 feet at James River in Virginia to 6,047 feet at 38 Richland Balsam in North Carolina.
- The parkway's uninterrupted corridor facilitates the protection of a diverse range of flora 1 and fauna, including rare and endangered plant and animal species and globally imperiled 2 natural communities.
- The parkway preserves and displays cultural landscapes and historic architecture 4 characteristic of the central and southern Appalachian highlands.
- The parkway is a primary catalyst for promoting regional travel and tourism, serving as a 6 unifying element for 29 counties through which it passes, engendering a shared regional 7 identity, providing a common link of interest, and being a major contributor to regional 8 economic vitality.

## IMPAIRMENT DETERMINATION FOR THE NEW ASHEVILLE – ENKA 115KV WEST LINE CROSSING OF THE BLUE RIDGE PARKWAY CORRIDOR

As directed by the NPS, in a memorandum dated July 6, 2010, an impairment determination must be completed for each resource impact topic carried forward and analyzed for the Preferred Alternative or selected action. The determination must include:

- 1) a brief description of the resource condition
- 2) whether the resource is necessary to fulfill the park’s purpose
- 3) whether the resource is key to the natural or cultural integrity, or opportunity for enjoyment, of the park
- 4) whether the resource is identified as a significant resources
- 5) a “because statement” as to why the proposed action would or would not result in impairment of the resource

Two impact topics subject to the impairment determination were retained for analysis in the New Asheville-Enka 115kV West Line Crossing of the Blue Ridge Parkway Corridor EA. The table below lists the topics and indicates the impairment determination for each.

**Table B1. Impairment Determination Summary for the new Asheville-Enka 115kV West Line Crossing of the Blue Ridge Parkway Corridor**

Resource Topic	Is this resource necessary to fulfill the parks purpose or key to the park’s resource integrity?	Would impairment of the resource result from implementation of the Preferred Alternative?
Vegetation	Yes	No
Cultural Resources	Yes	No
Visual Resources	Yes	No

### Vegetation

The plant communities and ecologically sensitive areas in and along the parkway include a wide variety of species and natural communities. The section of the parkway being analyzed is in the Broad Basin ecoregion, which is mountainous and contains a wide variety of vegetation, generally determined by slope and altitude. Vegetation within the assessment area is consistent with vegetation found throughout the mountainous region of western North Carolina. Three habitat types are present in the corridor: mixed pine-hardwood forest, riparian forest, and wetlands.

The mixed pine-hardwood forest is well-developed and comprises a closed-canopy dominated by deciduous hardwood trees on mesic soils. There is a diverse assemblage of deciduous and evergreen tree species in the canopy and understory, shade-tolerant shrubs, and a sparse groundcover. There are exotic/invasive species present within the proposed and existing ROW, as well, and are described in Appendix H of the EA.

The protection of vegetation along the Blue Ridge Parkway is important for sustaining the natural systems of the area, preserving the public enjoyment of the parkway, and fulfilling the purposes for which the parkway was established. Actions in the preferred alternative would have direct and indirect, long-term minor adverse impacts on localized vegetation. The primary adverse impacts would result from periodic maintenance on the existing ROW and on the new ROW, as well. Maintenance activities would include the treatment and/or removal of vegetation that poses a threat to the safe and reliable operation of the transmission line. Adverse impacts are considered minor because low-growing vegetation would be able to repopulate the ROW corridor and because vegetation edges would not increase in length but instead would be shifted laterally to the west along the new edge of ROW. In addition, mitigation measures would offset some of these adverse impacts. Therefore, the preferred alternative would not result in impairment of vegetation.

## **Cultural Resources**

The area of potential effect for the new Asheville-Enka 115kV West line crossing includes the cultural landscape as viewed from the Blue Ridge Parkway and its overlooks. The preferred alternative includes constructing a new 115kV line parallel to the existing transmission line on the Blue Ridge Parkway. The presence of the completed line could result in direct, long-term minor adverse impacts on character-defining features of the cultural landscape by altering such elements as the viewshed.

One of the purposes of the Blue Ridge Parkway is to preserve the cultural resources of the parkway's designed and natural area. The Parkway Historic Design Landscape is a fundamental resource of the parkway, and the cultural landscape is a key part of the parkway's cultural integrity and significance. The anticipated long-term adverse impacts on these resources by actions proposed in the preferred alternative would be local and are not anticipated to be substantial in magnitude. Any adverse impacts would be mitigated through the use of the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes. For example, some impacts could be mitigated through the use of appropriate screening and use of vegetation, appropriate placement of the transmission lines, and appropriate construction techniques. As necessary, the National Park Service would implement appropriate measures to mitigate any potential adverse effects to cultural landscapes in consultation with the state historic preservation officers, associated Native American tribes, and other concerned parties. Thus, implementation of the preferred alternative would not result in an impairment to cultural landscapes.

## Visual Resources

The conservation of “Scenery” is established in the NPS Organic Act, (“...to conserve the scenery and the wildlife therein...”) reaffirmed by the General Authorities Act, as amended, Management Policies (Section 1.4.6, and 4.0) and more specifically articulated for the Blue Ridge Parkway in the park’s establishing legislation (PL 848. June 30, 1936) and its legislative history. Scenery is considered to be a “core value” of the Blue Ridge Parkway based upon an analysis of the parkway’s legislative history and by the definition of what a parkway is as a National Park Service unit.

Scenery is a primary Blue Ridge Parkway resource for visitors to enjoy. Ninety-five percent of the parkway visitors who have been surveyed state that viewing scenery is their primary reason for visiting the Parkway. Therefore, the conservation of the scenic view areas along the parkway is an important long-term goal.

Actions in the preferred alternative would have both short- and long-term adverse impacts to visual resources. The primary short-term adverse impacts would occur during stringing of the line and equipment staging. The primary long-term adverse effects would result from the presence of the transmission line and transmission line corridor, which would be seen by motorists along the parkway motor road. However, the adverse effects would not be substantial and/or would only be visible for a brief period of time while travelling along the point where the existing line crosses the parkway and because the visibility of the conductors, towers and cleared ROW is minimal. In addition, mitigation measures such as vegetative screening as mentioned in the landscaping plan, location placement of the towers, sag of the transmission line, and materials used in the infrastructure will be used to minimize impacts and blend the new transmission line in with the adjacent existing transmission line. There would be no impairment of or unacceptable impacts to visual resources as a result of actions under the preferred alternative.