

U.S. Department of the Interior
National Park Service
New River Gorge National River

RECORD OF DECISION

**General Management Plan and Environmental Impact Statement
New River Gorge National River**

Recommended:

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11/8/2011

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Regional Director, Northeast Region

Date:

12/7/2011

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**United States Department of the Interior
National Park Service**

RECORD OF DECISION

**General Management Plan and Environmental Impact Statement
New River Gorge National River
West Virginia**

The United States Department of the Interior, National Park Service (NPS), has prepared this Record of Decision for the *General Management Plan/Environmental Impact Statement* for New River Gorge National River. This Record of Decision (ROD) includes: the project background; a statement of the decision made; a description of the alternative selected for implementation; a listing of measures to minimize and/or mitigate environmental harm; a synopsis of other alternatives considered; the basis for the decision; findings on impairment of park resources and values; a description of the environmentally preferred alternative; and a summary of public and agency involvement in the decision-making process.

1.0 PROJECT BACKGROUND

The General Management Plan (GMP) for New River Gorge National River was developed over several years under the guidance of an interdisciplinary planning team including the park superintendent, deputy superintendent, and staff, as well as staff from the NPS Northeast Regional Office and consultants. During this process, the GMP planning team: involved the public; gathered background information; examined park legislation; compared similar sites; consulted with other agencies; partners, and resource experts; explored solutions; assessed impacts; and, published draft and final plans.

With public and stakeholder involvement, the GMP planning team developed statements of park purpose and significance, outlined interpretive themes, analyzed fundamental resources and values, identified planning issues, and formed goals for the park. Based on this foundation, the GMP planning team identified the issues and concerns for which management guidance is needed at New River Gorge National River. The issues and concerns fell into several broad categories. Resource management issues focused on maintaining natural processes and restoring natural systems, particularly limiting future man-made forest fragmentation, improving water quality in the New River and its tributaries, and protecting scenic resources in and around New River Gorge. Visitor experience issues focused on enhancing visitor orientation and understanding of the experiences the park offers and increasing the types of experiences visitors can have in the park. Other concerns included the challenges of sustaining communities that

remain within the park and working cooperatively with the owners of private land remaining within the park boundary. The need for better collaborative partnerships with the park's gateway communities was recognized as critical to the park's future management, with great interest in expanding participation in regional economic development planning efforts, in expanding collaboration with the park's other partners (such as the state parks, state and county agencies, non-profit and private partners for special projects, and organized stakeholder groups) and enhancing local appreciation of the park.

The Draft GMP/EIS considered five alternatives for future management of the park. Each alternative assumed a different management approach to addressing the major park management issues, including the Continuation of Current Management (alternative 1) and four action alternatives (alternatives 2, 3, 4, and 5). The Abbreviated Final GMP/EIS addressed public and agency comments on the Draft and identified the NPS preferred alternative which incorporated the results of public and agency comments.

2.0 DECISION

2.1 Description of the Selected Alternative

The NPS has selected Alternative 5 – Exploration Experiences for implementation as the approved GMP for New River Gorge National River. Alternative 5 was identified as the NPS preferred alternative in the Abbreviated Final GMP/EIS and is described in section 2.8 of the Draft GMP/EIS on pages 2-134 through 2-164. Following is a summary description of the selected alternative.

The selected alternative– alternative 5 – would preserve areas for primitive recreational experiences from end to end of the park. Interspersed with these primitive areas would be cultural and interpretive resource focal areas where visitors could explore communities and other places that once populated the gorge, experience the river, and enjoy a variety of recreational experiences. A north-south through park connector composed of improved scenic roads and trails would enable visitors to travel the length of the park, visiting these areas and accessing the backcountry. Primitive recreation experiences would be emphasized throughout the park along the new through park connector; river gateways and focal areas would be managed for a broad variety of interpretive and recreational experiences.

Large tracts of intact forest along one or both sides of the New River throughout the park would be managed as backcountry (66.4%) with negligible new forest fragmentation. Significant cultural resources in river gateways and focal areas would be restored or rehabilitated and adaptively reused; many sites along the through park connector would be managed as discovery sites which visitors would find and learn about as they explore remote areas of the park.

The through park connector would connect the park from end to end linking portions of scenic roads and trails along the length of the park. In the long-term, the NPS is committed to developing additional segments of trail limited to hiking/biking only to create a through park trail. Other trails would connect the rim to the river and would provide access to recreation and interpretive sites in the vicinity of river gateways. New facilities would expand visitor opportunities in the vicinity of river gateways and in focal areas.

Partnerships with gateway communities and improved rim to river experiences would foster links to the park as a whole and to specific cultural and interpretive resource areas within the park. NPS would expand participation in regional economic development efforts and cooperative efforts with the state parks, public agencies, and visitor use groups. Other connecting trails outside the park – made possible through partnerships – would offer visitors an opportunity to hike or bike from New River Gorge National River to the Bluestone National Scenic River, the Gauley River National Recreation Area, and other attractions in the region.

The desired resource conditions and desired visitor experiences for specific areas of the park in the selected alternative are identified in Table 2.32 of the Draft GMP/EIS. The area-specific desired conditions focus on fundamental and other important resources and values and the visitor experience opportunities associated with them that would be appropriate in particular locations based on proposed management zoning. Also identified are the general types of actions in specific areas of the park that would be needed and allowable to achieve desired conditions in the selected alternative. These are examples of the actions needed to move from existing conditions to desired conditions. Identifying the types of needed and allowable changes helps 1) to provide a sense of what management actions might occur and what development might look like, 2) to identify the impacts of these actions, and 3) to estimate the general costs of implementing the actions.

2.2 Mitigation Measures/Monitoring

Over the next 20 years as the NPS implements the actions associated with the selected action it must protect unimpaired the park's natural and cultural resources and the quality of the visitor experience. To ensure that this happens, a consistent set of mitigation measures will be applied to all management actions in the park. In the future the NPS will complete appropriate review of environmental impacts associated with management actions (i.e., those reviews required by the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), and other relevant legislation). As part of the environmental reviews, the NPS will avoid, minimize, and mitigate adverse impacts of management actions when practicable. The implementation of a compliance-monitoring program will be within the parameters of NEPA and NHPA compliance documents, U.S. Army Corps of Engineers Section 404 permits, etc. The compliance-monitoring program will oversee these mitigation measures and would include reporting protocols. The mitigation measures and best management practices that will generally be applied to avoid or minimize potential impacts from implementation of future management

actions in the park are listed in Table 2-34 of the Draft GMP/EIS (pages 2-175 to 2-177) and are incorporated by reference into the selected alternative in this ROD.

3.0 OTHER ALTERNATIVES CONSIDERED

3.1 Alternative 1 – Continuation of Current Management)

Alternative 1 is a continuation of current management and trends. The park's enabling legislation and the existing *General Management Plan* (NPS 1982) would continue to guide park management. The NPS would manage park resources and visitor use as it does today, with no major change in direction. Improvements to visitor facilities and park operations facilities would include only projects that are already approved and fully funded. (Built aspects of this alternative would be included in the action alternatives (alternatives 2 to 5).)

3.2 Alternative 2 – Themed Gorge Segments

Alternative 2 emphasizes the substantial differences among subareas of the gorge, improving them to reflect their differing character, resources, and visitor experiences. Cultural resources and interpretive experiences would be emphasized in themed areas in the north and south ends of the park; primitive recreation would be emphasized in the middle of the park. Throughout the middle of the park large tracts of intact forest would be managed as backcountry (68.5%) with negligible new forest fragmentation. Significant cultural resources in the north and south ends of the park would be restored or rehabilitated and adaptively reused; a few sites in the middle of the park would be managed as discovery sites which visitors would find and learn about as they explore remote areas of the park. Trails would connect major cultural sites in the north and south ends of the park. New visitor facilities would expand opportunities in the north and south ends of the park. NPS would provide technical assistance to gateway communities. NPS would expand participation in regional economic development efforts and cooperative efforts with the state parks, public agencies, and visitor use groups.

3.3 Alternative 3 – Through Park Connection

Alternative 3 would unify the park by providing a north-south through park hike and bike trail that enables visitors to travel the park on singletrack trails at or near the river. Recreation, scenic experiences, and discovery of cultural resources would be emphasized along the new through park trail. Only the park's most intact and unfragmented forest tracts – dispersed throughout the park – would be managed as backcountry (43%) with negligible new forest fragmentation. Numerous cultural resources along the through park trail and in the vicinity of visitor facilities would be managed as discovery sites would find and learn about as they explore remote areas of the park. The through park trail would connect the park from end to end; other trails would parallel the river. New visitor facilities would be added in the middle of the park. NPS would provide technical assistance to gateway communities. NPS would expand participation in

regional economic development efforts and cooperative efforts with the state parks, public agencies, and visitor use groups.

3.4 Alternative 4 – River Gateways and Rim to River Experiences

Alternative 4 recognizes river gateways and the rim to river experiences that take visitors to them as the primary access points and orientation venues in the park. Cultural and recreation resources and experiences would be emphasized in proximity to gateways and along rim to river trails and roads. Large tracts of intact forest that are not near river gateways and primary rim to river travel routes would be managed as backcountry (60.8%) with negligible new forest fragmentation. Significant cultural resources in the vicinity of river gateways would be rehabilitated and adaptively reused; many sites along rim to river trails and near gateways would be managed as discovery sites which visitors would find and learn about as they explore remote areas of the park. Trails would connect the rim to the river and provide access to recreation and interpretive sites in the vicinity of river gateways. New visitor facilities would be added in the vicinity of river gateways. NPS and gateway communities would enter into cooperative partnerships. NPS would expand participation in regional economic development efforts and cooperative efforts with the state parks, public agencies, and visitor use groups.

4.0 BASIS FOR DECISION

Alternative 5 was selected for implementation as the approved GMP based on analysis and findings of the GMP planning team as well as public comments received during the planning process. The NPS selected Action Alternative 5 because it best fulfills the purposes of the park and conveys the greatest number of beneficial results in comparison with the other alternatives. The selected alternative results in major beneficial impacts to natural and scenic resources, primarily as a result of managing large areas of the park as unfragmented backcountry forest. The selected alternative addresses the long-term preservation needs of the park's cultural resources and, through the park's leasing program, provides an income stream for their long-term maintenance. The selected alternative emphasizes primitive recreational experiences throughout the park and along the new through park connector by linking portions of scenic roads and trails along the length of the park. In the long-term, the NPS will develop additional segments of trail limited to hiking/biking only to create a through park trail. New facilities will expand visitor opportunities in the vicinity of river gateway communities and in focal areas. The selected alternative addresses the majority of visitor use issues and provides the greatest direct and indirect economic impact in terms of jobs, earnings, NPS spending, and visitor spending. More aggressive partnering with gateway communities will better enhance relevance of the park to local visitors and better enable the NPS to respond to concerns of local residents about how the park is managed. Overall, the selected alternative provides the highest degree of protection of the park's natural and cultural resources and it provides the most exceptional opportunities for visitors. In addition, the selected alternative offers the best value as it has the greatest increase in

the total importance of advantages for not much more money when compared to the other alternatives evaluated.

5.0 FINDINGS ON IMPAIRMENT OF PARK RESOURCES AND VALUES

By enacting the NPS Organic Act of 1916 (Organic Act), Congress directed the U.S. Department of Interior and the NPS to manage units “to conserve the scenery and the natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such a manner and by such a means as will leave them unimpaired for the enjoyment of future generations” (16 USC § 1). Congress reiterated this mandate in the Redwood National Park Expansion Act of 1978 by stating 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 1.4.4, explains the prohibition on impairment of park resources and values:

While Congress has given the Service the management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the Nation Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them.

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).

The NPS has determined that the selected alternative will not result in impairment of any park resources or values. A final determination on impairment for the selected alternative is attached to this Record of Decision (attachment A).

6.0 ENVIRONMENTALLY PREFERRED ALTERNATIVE

In accordance with the Council on Environmental Quality (CEQ) regulations, the NPS is required to identify the environmentally preferred alternative in a Record of Decision [40 CFR 1505.2(b)]. The environmentally preferred alternative is defined by the CEQ in their *NEPA's Forty Most Asked Questions*: "The environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA's Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources" (Q6a). The Department of the Interior NEPA regulations further explain: "The environmentally preferable alternative is identified upon consideration and weighing by the Responsible Official of long-term environmental impacts against short-term impacts in evaluating what is the best protection of these resources" (43 CFR 46.30).

The NPS has determined that the selected alternative is also the environmentally preferred alternative. This conclusion is based on careful review of potential impacts as a result of implementing any of the management alternatives evaluated in the Draft and Abbreviated Final GMP/EIS and assessing proposed mitigation for cultural and natural resource impacts. Collaborative partnerships in the selected alternative would generate new funding sources and volunteer services that would have a major positive impact on resource protection activities. The selected alternative would preserve only 1,500 fewer acres of unfragmented backcountry forest (47,500 acres total) when compared to alternative 2 (49,000 acres total). The selected alternative would rehabilitate and lease the greatest number of historic structures, better protecting their integrity and generating a major income stream for their ongoing maintenance. Collectively the management actions in the selected alternative would better enhance NPS's ability to conserve the scenery, natural and historic resources, and wildlife at New River Gorge National River.

7.0 PUBLIC AND AGENCY INVOLVEMENT

A summary of public and agency involvement in the New River Gorge National River GMP/EIS is provided here. Detailed discussions are provided in chapter 5 of the Draft GMP/EIS and of the Abbreviated Final GMP/EIS (chapters 1 & 2/appendices A & B).

7.1 Scoping

The NPS began project scoping in February 2004 when the project agreement and list of potential GMP issues were developed. The NPS initiated the public scoping process with a series of stakeholder meetings held during the week of June 28, 2005. Scoping was ongoing throughout the planning process, both internally with the NPS staff and externally with federal, state, and local agencies and with the general public.

External scoping included a variety of public involvement activities beginning early in, and continuing throughout, the GMP planning process. Initially NPS hosted a series of stakeholder meetings involving 40 people and groups. After that, at four key points in the planning process NPS hosted public meetings in three communities in the park vicinity. During the public comment period on the Draft GMP/EIS, an additional set of public meetings was held. Prior to each meeting, press releases were printed in several local papers and newsletters were mailed to parties on the park's mailing list. Newsletters and announcements were also posted on the NPS Planning, Environment, and Public Comment (PEPC) web site (<http://parkplanning.nps.gov/neri>), which provided opportunities for the public to review the GMP planning team's findings and allowed the public to submit comments electronically through the PEPC system.

7.2 Public Comment Received on the Draft GMP/EIS

Public review of the Draft GMP/EIS occurred from January 13, 2010 through April 16, 2010. Approximately 300 interested individuals, agencies, and organizations received either a CD or paper copy of the plan. An additional 550 individuals, agencies, and organizations received postcards announcing availability of the plan. The NPS made the plan available for review at park headquarters, Canyon Rim Visitor Center, Sandstone Visitor Center, and three local libraries. The NPS Planning, Environment, and Public Comment (PEPC) website (<http://parkplanning.nps.gov/NERI>) offered interested parties an opportunity to review and comment on the plan via the internet. On March 9, 10, and 11, 2010, the NPS hosted open house meetings in Hinton, Beckley, and Fayetteville, WV, respectively, where the public had opportunities to review the plan and provide comments. Press releases in three local newspapers and the park's nps.gov homepage announced the availability of the plan, as well as the public open house meeting dates and times.

The park superintendent received 77 pieces of correspondence in the form of letters (14), comment sheets from the open houses (1), and electronic comments submitted through the NPS PEPC website (65). Approximately 30 percent of the correspondence was "form letters" or correspondence from different people containing nearly identical content. Form letters that were "personalized" were treated as unique pieces of correspondence, as some were personalized. Three letters were received in duplicate with the same comments submitted in multiple ways (letters and NPS PEPC website).

Fourteen commenters identified the selected alternative (alternative 5) as their preferred alternative. Many commenters stated support for particular components of the selected alternative. One individual identified alternative 1, the continuation of current management, as his/her preferred alternative.

Topics on which more than three comments were received included:

- significance of the park as a whitewater recreation experience

- BASE jumping as an appropriate activity that should be permitted on a regular basis in the park
- need for safe access for private boaters at Fayette Station
- need for a river gauge at Cunard

The comments received on the Draft GMP/EIS required only minor responses and editorial corrections; thus, an abbreviated format was used for the Final GMP/EIS. The Abbreviated Final GMP/EIS, issued on October 7, 2011, included an analysis of agency and public comments received on the Draft GMP/EIS with NPS responses, errata sheets detailing editorial corrections to the Draft GMP/EIS, and copies of agency and substantive public comments. No changes were made to the alternatives or to the impact analysis presented in the Draft GMP/EIS. Therefore, Action Alternative 5 remained as the NPS Preferred Alternative and the environmentally preferred alternative.

7.3 Tribal Coordination

Indian tribes with possible cultural associations with sites within New River Gorge National River were contacted via letter to initiate consultation regarding management planning for the park. The initial consultation letter provided tribes with copies of the park's purpose, significance, and fundamental resource statements. The initial consultation letter in 2006 provided tribes with copies of the park's purpose, significance, and fundamental resource statements. Letters inviting comments were sent to the following federally- and state-recognized tribes and interested parties:

- Absentee-Shawnee Tribe of Indians of Oklahoma
- Appalachian American Indians of West Virginia
- Cayuga Nation
- Eastern Shawnee Tribe of Oklahoma
- Haudenosaunee Cultural Resource Center
- Haudenosaunee Standing Committee on Burial Rules and Regulations
- Monacan Indian Nation
- Onondaga Nation
- Seneca-Cayuga Tribe of Oklahoma
- Shawnee Tribe
- Tonawanda Seneca Nation
- Tuscarora Nation
- Tuscarora Tribe

- Virginia Council on Indians

Subsequent to sending these letters additional information was provided, as requested, to the Onondaga Nation and to the Absentee-Shawnee Tribe of Indians of Oklahoma. No further comments were received.

In early 2010, the Draft General Management Plan/Environmental Impact Statement was sent to the federally- and state-recognized tribes and interested parties listed above. No comments were received.

In 2011, the Abbreviated Final General Management Plan/Environmental Impact Statement was sent to the federally- and state-recognized tribes and interested parties listed above as well as the Remnant Yuchi Nation and eleven additional federally recognized tribes identified in the recently completed *Cultural Affiliation Statement* (Maslowski 2011).

Consultation with tribes will continue during implementation of the GMP, as needed. This effort will also be continued throughout the Section 106 compliance process

7.4 Section 106 Consultation

On February 6, 2006 and April 11, 2007, New River Gorge National River sent letters to the West Virginia Deputy SHPO to initiate consultation for the GMP/EIS. The SHPO commented on the Draft GMP/EIS in a letter dated May 25, 2010, stating that there were no objections at that time to the implementation of the selected alternative (alternative 5) and referencing the programmatic agreement between the NPS and the SHPO in accordance with which future implementation of specific actions associated with the selected alternative would occur. A copy of the Abbreviated Final GMP/EIS has been provided to the SHPO.

7.5 Section 7 Consultation

On April 10, 2008, New River Gorge National River sent a letter to the Wildlife Resources Section of the West Virginia Division of Natural Resources (WV DNR) and to the West Virginia Field Office of the U.S. Fish and Wildlife Service for consultation purposes and to request information about special status species within New River Gorge National River. WV DNR Wildlife Resources Section responded by letter on December 8, 2008. The response included lists of the rare, threatened, and endangered species and critical habitats that could be present within the park. WV DNR requested that the NPS take these species into consideration when planning future projects for the park. As requested, the actions proposed in the GMP have been designed to avoid and/or minimize adverse impacts to these species and their habitats. As individual management actions are implemented in the future, the park will survey the specific area of potential impact and if species are encountered will coordinate with the WV DNR and other state agencies, as appropriate.

The U.S. Fish and Wildlife Service commented on the Draft GMP/EIS in a letter dated September 15, 2010, stating that the service concluded that implementation of the programmatic measures as outlined for the selected alternative (alternative 5) in the GMP/EIS may affect, but are not likely to adversely affect any federally-listed endangered or threatened species. The letter further stated that this determination may be reconsidered if: 1) proposed project plans change; or 2) amendments to the GMP/EIS are proposed; or 3) additional information on listed species becomes available that alters the level of potential effects to these species; or 4) new information on candidate species becomes available.

The WV DNR Wildlife Resources Section commented on the Draft GMP/EIS in a letter dated March 26, 2010, raising numerous comments. One was determined to be substantive, challenging NPS jurisdiction over the protection and management of wildlife within the park. The Abbreviated Final GMP/EIS provides a response to this comment as well as to numerous additional non-substantive comments made by WV DNR which required clarification (some of which also required text changes).

8.0 CONCLUSION

The above factors and considerations warrant implementing alternative 5 (preferred alternative), including the elements common to all alternatives, as described and analyzed in the Draft GMP/EIS and in the Abbreviated Final GMP/EIS for New River Gorge National River and this Record of Decision. All practical means to avoid and minimize environmental harm from implementation of the selected alternative have been incorporated, as described in the Draft GMP/EIS and Abbreviated Final GMP/EIS and this Record of Decision. The alternative selected for implementation will not impair park resources or values and will allow the NPS to preserve park resources and provide for their enjoyment by future generations.

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ATTACHMENT A

National Park Service United States Department of the Interior

FINAL IMPAIRMENT DETERMINATION

General Management Plan and Environmental Impact Statement New River Gorge National River West Virginia

The Prohibition on Impairment of Park Resources and Values

NPS *Management Policies 2006*, Section 1.4.4, explains the prohibition on impairment of park resources and values, as follows:

While Congress has given the Service the management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the National Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them.

What is Impairment?

NPS *Management Policies 2006*, Section 1.4.5, *What Constitutes Impairment of Park Resources and Values*, and Section 1.4.6, *What Constitutes Park Resources and Values*, provide an explanation of impairment.

Impairment is an impact that, in the professional judgment of the responsible National Park Service 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.

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 section 1.4.3). However, the NPS cannot allow an adverse impact that would constitute impairment of the affected resources and values (NPS 2006 section 1.4.3).

Section 1.4.5 of *NPS Management Policies 2006* states:

An impact to any park resource or value may, but does not necessarily, constitute impairment. An impact would be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is:

- *necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, or*
- *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 as being of significance.*

An impact would be less likely to constitute an impairment if it is an unavoidable result of an action necessary to preserve or restore the integrity of park resources or values and it cannot be further mitigated.

Per section 1.4.6 of *NPS Management Policies 2006*, park resources and values that may be impaired include:

- *the park's scenery, natural and historic objects, and wildlife, and the processes and condition that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals;*
- *appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;*
- *the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and*
- *any additional attributes encompassed by the specific values and purposes for which the park was established.*

Impairment may result from NPS activities in managing the park, visitor activities, or activities undertaken by concessionaires, contractors, and others operating in the park. Impairment may also result from sources or activities outside the park, but this would not be a violation of the Organic Act unless the NPS was in some way responsible for the action.

How is an Impairment Determination Made?

Section 1.4.7 of *NPS Management Policies 2006* states:

...[i]n making a determination of whether there would be an impairment, an NPS decision-maker must use his or her professional judgment. This means that the decision-maker must consider any environmental assessments or environmental impact statements required by the National Environmental Policy Act of 1969 (NEPA); consultations required under Section 106 of the National Historic Preservation Act (NHPA); relevant scientific and scholarly studies; advice or insights offered by subject matter experts and others who have relevant knowledge or experience; and the results of civic engagement and public involvement activities relating to the decision.

NPS Management Policies 2006 further define "professional judgment" as:

...a decision or opinion that is shaped by study and analysis and full consideration of all the relevant facts, and that takes into account:

- the decision-maker's education, training, and experience;*
- advice or insights offered by subject matter experts and others who have relevant knowledge and experience;*
- good science and scholarship; and, whenever appropriate;*
- the results of civic engagement and public involvement activities relation to the decision.*

Impairment Determination for the Selected Alternative

This determination on impairment has been prepared for the alternative selected for implementation in the approved *General Management Plan/Environmental Impact Statement for New River Gorge National River*, as described in this Record of Decision. An impairment determination is made for all resource impact topics analyzed for the selected alternative in the *Draft GMP/EIS* and *Abbreviated Final GMP/EIS*. An impairment determination is not made for the regional and local economy, communities, park access, and park operations because impairment findings relate back to park resources and values; these are not generally considered to be park resources or values according to the Organic Act and cannot be impaired in the same way that an action can impair park resources and values.

Based on the environmental impact analysis for cultural resources, composed of archeological sites, cultural landscapes, historic structures, ethnographic resources, and park museum collections, the NPS has determined that there are no identified permanent major negative impacts on a resource or value whose conservation (1) would be necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, (2) is key to the natural or cultural integrity of the park or to opportunities to enjoy it, or (3) has been identified as a goal in the park's general management plan or other relevant NPS planning documents. Thus, implementing the selected alternative will not constitute an impairment of cultural resources.

Based on the environmental impact analysis for natural resources, composed of physiography, geology, soils, floodplains, water quality, vegetation, aquatic wildlife, terrestrial wildlife, rare,

threatened, and endangered species, and scenic resources, the NPS has determined that there are no identified permanent major negative impacts on a resource or value whose conservation (1) would be necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, (2) is key to the natural or cultural integrity of the park or to opportunities to enjoy it, or (3) has been identified as a goal in the park's general management plan or other relevant NPS planning documents. Thus, implementing the selected alternative will not constitute an impairment of natural resources.

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