

Attachment 1

DETERMINATION OF NON-IMPAIRMENT

SOUTHERN CALIFORNIA EDISON LAS VEGAS-VICTORVILLE REMEDIAL ACTION SCHEME (LVRAS) IN MOJAVE NATIONAL PRESERVE

While Congress has given the National Park Service (NPS) management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the NPS must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This cornerstone of the Organic Act establishes the primary responsibility of the NPS, to ensure 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 impairment of park resources and values may not be allowed by the NPS unless directly and specifically provided for by legislation or by the proclamation establishing the park. The relevant legislation or proclamation must provide explicitly (not by implication or inference) for the activity, in terms that keep the Service from having the authority to manage the activity so as to avoid the impairment.

The impairment that is prohibited by the Organic Act and the General Authorities Act 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. Whether an impact meets this definition depends on 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.

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 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 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. An impact that might, but would not necessarily, lead to impairment may result from visitor activities; NPS administrative activities; or activities undertaken by

concessioners, contractors, and others operating in the park. Impairment may also result from sources or activities outside the park.

National Park Service's *Management Policies 2006* requires analysis of potential effects to determine whether or not actions would impair park resources. The park resources and values that are subject to the no-impairment standard include:

- the parks scenery, natural and historic objects, and wildlife, and the processes and conditions 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 parks 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.

Based on the Preserve's enabling legislation, the California Desert Protection Act of 1994, the purposes of Mojave National Preserve are to:

- protect and interpret areas, sites, structures, and various artifacts associated with occupations by prehistoric, historic, and contemporary Native American groups, historic miners, and subsistence cattle ranchers;
- protect and interpret the biologically diverse examples of the Mojave and Colorado desert ecosystems;
- serve as a natural laboratory for understanding and managing the Mojave and Colorado desert ecosystems; and
- provide visitors with opportunities to experience and enjoy natural and cultural resources through compatible recreational activities.

Based on the 1916 Organic Act, and General Management Plan for Mojave National Preserve, topics from the EA that were evaluated for potential impairment due to implementing the Selected Alternative include: visual resources; air quality; biological resources; paleontological resources; cultural resources; and wilderness, protected, and recreation areas.

Visual Resources

Impacts to visual resources were assessed using the BLM's Visual Resource Management (VRM) system. The Selected Alternative will have some impacts to the Preserve's visual landscape but

the changes would be moderate and insufficient to dominate the view. These impacts are not significant and, therefore, do not lead to resource impairment.

Air Quality

The Selected Alternative will cause a temporary, limited increase in air pollutants and may overlap with other construction activities within two to five miles from the project area. These impacts were deemed minor and restricted in quantity and duration. Impairment to air quality will not result from this action.

Biological Resources

The Selected Alternative includes surveys, monitoring, and avoidance measures to avert impacts to eight special status wildlife species including the Federal and California listed desert tortoise in the project area, and three special status plant species within the project area but outside of Mojave National Preserve. The project will have temporary impacts to Joshua tree woodlands; if vegetation needs to be removed, the project area will be revegetated and restored to pre-construction conditions. SCE will implement recommendations from Suggested Practices for Avian Protection on Power Lines: the State of the Art in 2006, will evaluate its transmission lines for collisions according to Reducing Avian Collisions with Power Lines; the State of the Art in 2012. SCE will also implement Reasonable & Prudent Measures and Terms & Conditions from programmatic biological opinions issued to the BLM and NPS by the USFWS. SCE will implement these measures to ensure maximal protection of, and avoid impairment to, the Preserve's flora and fauna.

Paleontological Resources

Within Mojave National Preserve, paleontological resources would continue to be impacted over time by natural processes but would not be affected or, therefore, impaired by the Selected Alternative.

Cultural Resources

Impacts to all known cultural resources shall be avoided through implementation of BLM management conditions and Cultural Resources Management Plan. Where the project area overlaps with areas sensitive for the presence of buried and currently unknown resources, monitoring will be required, and any resources discovered shall be appropriately treated. Within Mojave National Preserve, prehistoric and historic cultural resources identified by survey lie outside of both the project work areas and the Area of Potential Effect (APE). Therefore, the Selected Alternative will not result in impairment to the Preserve's cultural resources.

Wilderness, Protected, and Recreation Areas

Mojave National Preserve is a unit of the National Park system and was established to protect outstanding natural, cultural, historical, and recreational values associated with the Mojave Desert. The 1994 California Desert Protection Act established the Preserve, designated approximately 800,000 acres the Mojave Wilderness, and reinforced the rights of Southern California Edison to operate and upgrade its 500 kV transmission line in the Preserve. The

Eldorado-Lugo and Lugo-Mohave 500 kV transmission lines and access corridor lie between but, for the most part, excluded from the Mojave Wilderness. The one exception is a spur road to one of the transmission towers, which follows the contour of the local topography and crosses into wilderness for 0.17 miles. A Minimum Requirements Decision Guide analyzing the proposed actions and determining a minimum tool was completed and approved March 27, 2020.

SUMMARY

As described above, adverse effects and environmental impacts anticipated as a result of implementing the Selected Alternative on 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 significant in the park's general management plan or other relevant NPS planning documents, would not rise to levels that would constitute impairment of park values and resources.