



Linda Dansby

05/23/02 07:56 AM MDT

To: Carol McCoy/DENVER/NPS@NPS
cc: Ken McMullen/PAIS/NPS@NPS
Subject: Expanded Impairment Text for O/G EA

Carol: I should have sent this for your review first before I sent it to Ken to consider incorporating into the revised Lemon/Lemon Seed EA. As a member of the NPS Impairment Workgroup, you're in tune with the latest and greatest in the evolution of how NPS is describing impairment in our planning documents. Please review the following text and revise as necessary and then please send back to Ken and I. Appreciate your input.
Linda

----- Forwarded by Linda Dansby/SANTAFE/NPS on 05/23/02 07:52 AM -----



Linda Dansby

05/22/02 01:15 PM MDT

To: Ken McMullen/PAIS/NPS@NPS
cc:
Subject: Expanded Impairment Text for O/G EA

Ken: one of F&WS's comments on the Lemon-Lemon Seed EA was that the impairment discussion was not sufficiently explanatory here is the full impairment text that was prepared for the initial team draft of the Lake Meredith/Alibates O&GMP/DES. We eventually parred it down to what we now have in the FES. We've also opportunistically inserted the shorter version into our oil and gas EA's. With a few edits, we could expand the text from the Lemon-Lemon Seed EA with the following and address one of F&WS's comments on the EA.

NPS Organic Act and General Authorities Act

The NPS Organic Act (16 U.S.C. §§ 1 *et seq.*) provides the fundamental management direction for all units of the National Park System. Section 1 states that the NPS shall:

"...promote and regulate the use of the Federal areas known as national parks, monuments, and reservations...by such means and measure as conform to the fundamental purpose of said parks, monuments and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein 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."

The National Park System General Authorities Act, (16 U.S.C. § 1a-1) affirms that while all national park system units remain "distinct in character," they are "united through their interrelated purposes and resources into one national park system as cumulative expressions of a single national heritage." The act makes it clear that the NPS Organic Act and other protective mandates apply equally to all units of the system. Further, the Redwood Act Amendments to the General Authorities Act clarified Congress' mandate to the NPS to protect park resources and values. The Amendments state, in part: "The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in 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 U.S.C. § 1a-1

The NPS Organic Act and the General Authorities Act prohibit an impairment of park resources. The NPS Management Policies state that an impact would be more likely to constitute an impairment to the extent it affects a resource or value whose conservation is: 1) necessary to fulfill a specific purpose identified in the establishing legislation or proclamation of the park; 2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or

3) identified as a goal in the park's general management plan or other relevant NPS planning documents.

Impairment is an impact that, in the professional judgement 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. An impact would be less likely to constitute an impairment to the extent that it is an unavoidable result, which cannot be reasonably further mitigated, of an action necessary to preserve or restore the integrity of park resources or values.

NPS Management Policies use the terms "resources and values" to mean the full spectrum of tangible and intangible attributes for which the parks are established and are being managed, including the Organic Act's fundamental purposes (as supplemented), and any additional purposes as stated in a park's establishing legislation. Park resources and values that are subject to the no impairment standard include: the biological and physical processes which created the park and that continue to act upon it; scenic features; natural visibility; 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.

The NPS also includes 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 among the values that are subject to the no impairment standard. Finally, unless the activity is required by statute, NPS cannot allow an activity in a park if it would involve or result in:

- 1) inconsistency with the park's enabling legislation or proclamation, or derogation of the values or purposes for which the park was established;
- 2) unacceptable impacts on visitor enjoyment due to interference or conflict with other visitor use activities;
- 3) consumptive use of park resources;
- 4) unacceptable impacts on park resources or natural processes; and
- 5) unacceptable levels of danger to the welfare or safety of the public.

For these reasons, this EA provides in the Environmental Consequences section an analysis of the potential of each alternative to leave park resources and values unimpaired relative to existing and future oil and gas operations.