



# DEPARTMENT of the INTERIOR

## news release

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### INTERIOR ABLE TO PROTECT FULLY NATIONAL PARKS WITHOUT INTEGRAL VISTA CONCEPT, HODEL SAYS

Secretary of the Interior Don Hodel said today that "designation of 'integral vistas' would not be good for the parks. Formal publication of a list is unnecessary and would only create an atmosphere of confrontation and serve as the basis for expensive litigation, uncertainty and delay. This would impair our ability to protect the parks.

"This does not mean that we do not wish to protect vistas," Hodel said.

He said that the Clean Air Act already authorizes Park Superintendents to work with States and private interests to resolve air quality related resource conflicts to enable full protection of America's national parks and obviate the need to submit a list of "integral vistas" to the Federal Register.

"Submitting the list would not add protection but could provide a false sense of security and imply that areas which are not identified are not viewed as important," Hodel said. "It could falsely suggest there is some kind of hierarchy in threats with vistas having higher priority than pollution, crowding, development and the like, and that is not the case."

The Environmental Protection Agency (EPA) proposed the concept of integral vistas on December 2, 1980, in one section of its visibility regulations implementing provisions of the Clean Air Act. That decision is the subject of litigation. The proposal gave the Interior Department the option of identifying panoramas or vistas, located outside the boundaries of National Parks, which it believed were important to the park visitor visual experience. The listing of

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vistas would have provided no additional federal protection; it merely would have required States to "consider" such vistas in rendering clean air decisions.

"Most States already have the discretion to identify and protect vistas," Hodel said. "That means that States can achieve the goal of visibility protection without additional regulations by the Department of the Interior."

Hodel said existing Federal regulations under the Clean Air Act are already in place to protect visibility in parks.

"Adverse impacts from construction of new facilities are not permitted within the boundaries of a National Park Service unit or other federal Class 1 areas," Hodel noted.

These areas, which meet the highest standards of air purity, include all national parks over 6,000 acres and national wilderness areas over 5,000 acres, in existence on August 7, 1977.

The National Park Service, in a preliminary list announced on January 15, 1981, proposed to identify 173 view angles from 136 observation points in 43 national parks. The view angles ranged from 5 to 360 degrees with the only outer boundary being the horizon, some 200 miles away.

"Issuing final 'integral vistas' regulations would only serve to create a confrontational atmosphere for the public and private interests involved," Hodel said. "State resentment and objection would likely lead to prolonged litigation during which time our entire protection effort would be in doubt."

"I have faith in the ability of our federal land managers to continue to communicate and work with State and federal officials and the private sector to ensure America's 'Crown Jewels' are protected and preserved."

-DOI-

## Fact Sheet on Integral Vista Regulations

### Background

On December 2, 1980, the Environmental Protection Agency (EPA) published regulations in the Federal Register (45 FR 80084) as required by Sections 165(d), 169A, and 301 of the Federal Clean Air Act (CAA) to protect visibility for Federal Class I Areas.\* The regulations:

- (1) require States to evaluate and control new sources of man-made air pollution to prevent future adverse visibility impacts in Federal Class I Areas; and
- (2) require States to adopt various measures to assure reasonable progress toward meeting the national goal of remedying existing and preventing future visibility impairment in those areas.

Under the first category, the CAA provides visibility protection through preconstruction review of new major sources and major modifications. Under Section 165 the Federal Land Manager (FLM) has an "affirmative responsibility" to protect visibility and the right to recommend denial of a PSD permit if an adverse impact on visibility would result, even if the Class I PSD air quality increment would be met. Also under Section 165 a permit applicant must analyze the effect on visibility of the proposed facility.

As a means to achieving the national goal described in the second category, the regulations give the States the discretion to extend the visibility protection to views perceived from within the mandatory Federal Class I Areas of specific landmarks or panoramas located outside the boundaries of these areas. These views are called "integral vistas" and although both the State and the Federal Land Manager may identify these vistas, it is the State that determines how much protection (if any) to afford to any integral vista.

### Issue

The December 2, 1980; EPA regulations provided the Department of the Interior with the opportunity to establish criteria and identify views or vistas which are important to the park visitor's visual experience and to notify States of any such vistas by December 31, 1985. The function of this opportunity was informational; to allow the Department to "inform" a State that the Department thought a given vista was visually important and should be "considered" by the State when permitting new facilities. According to the National Park Service's Regulatory Impact Analysis (RIA) of the proposed rulemaking, most States currently have the discretion to identify and protect vistas even in the absence of a DOI list.

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\*"Class I" air quality areas are defined by the Clean Air Act as, inter alia, all national parks over 6,000 acres and national wilderness areas over 5,000 acres, in existence on August 7, 1977.

There is every indication that States can achieve the goal of visibility protection without additional regulations by the Department. The Department's listing would do little to improve the ability or the efficiency of State officials.

Key questions:

- (1) Is there a mandatory requirement to identify any integral vistas?

Neither the EPA regulations nor the Clean Air Act require listing of integral vistas. The December 2, 1980 regulations provided the Department with an opportunity to identify but did not mandate identification.

- (2) Is there a national need which is not being met?

The December 2, 1980, EPA visibility protection regulations and the EPA preconstruction review regulations articulate a dual test by which States are to review new facilities for the purpose of protecting visibility within Class I Areas and their associated integral vistas.

First, no adverse impacts to the visibility within the boundaries of National Park Service and other Federal Class I Areas are permissible.

Second the current regulations further require States to assess whether any existing sources cause significant visibility impairment in any mandatory Federal Class I Area or its integralvistas. States have the authority to require installation of the "best available retro- fit technology" in order to remedy the impairment.

Most States have the discretion to identify and protect vistas even in the absence of a Federal list. A Federal list would only serve to identify vistas the Department thought to be important. Even with a DOI list, it is the State that determines how much additional protection to afford these vistas beyond current requirements.

- (3) Will National Park Service units be adversely affected by not listing?

According to the National Park Service's RIA only 11 (of 52) facilities projected for construction through 1998 are likely to create perceptible plume impacts. Of these, visibility impacts would be noticable in the vistas from one to 11 mornings per year (with an average of 5.4 mornings per year).

Under EPA policy, Federal Land Managers are to be notified of any proposed major facility or major modification seeking a permit within 60 miles of a Class I national park. When a State agency receives such a permit application, it is shared with the FLM,

whose comments are to include consideration of potential impacts on visibility as part of the air quality related values of the park. The National Park Service regularly provides comments in the new source review process for potential impact on parks.

All major industrial plants locating near a Class I Area must undergo new source review and demonstrate that their operation generally would not violate the strict air quality increments. In addition, they must install the "best available control technology." Section 165(e)(3)(B) of the CAA requires "an analysis of the ... visibility at the site of the proposed major emitting facility and in the area potentially affected by the emissions from such facility ...."

In addition, the Department has instituted a Park Protection Program to improve communications about possible resource conflicts among its various land management agencies.

- (4) Would the regulations assist the States who have permitting responsibilities?

As proposed, the regulations would have identified 173 view angles from 136 observation points in 43 National Parks. The view angles range from 5 degrees to 360 degrees. A view angle is an open-ended triangle, with the outer bound being the horizon, approximately 200 miles. There could be continual confusion and ambiguity over what area was part of the integral vista because of daily meteorological changes and differing perceptual abilities of viewers.

Given the limited number of potential new facilities (11 through 1998) that the Park Service predicts may require additional pollution control technology or other measures to mitigate the visibility problems, Federal regulation may not be the most efficient method to address this concern.

- (5) Can State officials address visibility impairment without these regulations?

Unless prohibited by State law, State permitting officials currently have the ability and the authority to require additional controls or other measures to mitigate adverse visibility impacts. In addition, Park Superintendents can provide advice and consultation to State officials on air quality issues.

- (6) What can be done by the States under current regulations to protect integral vistas from visibility impairment?

The Park Service has identified four alternatives which States should consider when permitting these facilities. These include:

- (1) Not constructing the facility;
- (2) Changing the site location;
- (3) Downsizing the facility;
- (4) Installation of additional controls.