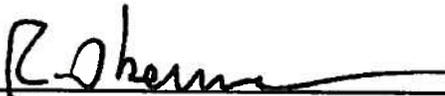




Finding of No Significant Impact
Smitholum Subsistence House Log Permit
May 2013

Recommended:  5-8-2013
Superintendent, Wrangell-St. Elias National Park and Preserve Date

Approved:  May 16, 2013
Regional Director, Alaska Joel Hard for Date



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Recommended: _____
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FINDING OF NO SIGNIFICANT IMPACT

Smitholum Subsistence House Log Permit

Wrangell-St. Elias National Park and Preserve, Alaska

May, 2013

The National Park Service (NPS) considered a request for subsistence house logs from a land owner in the Chisana area of Wrangell-St. Elias National Park and Preserve (WRST). In January, 2013 the applicant requested to harvest live standing timber (up to 120 logs) to construct a small private residence on his private land. The NPS has determined that the applicant is eligible for subsistence log harvest based on the following criteria:

- The applicant lives within the park boundary and has demonstrated a customary and traditional use of park resources; and
- The applicant has explored reasonable alternative sources for logs.

The NPS has selected Alternative B, the Preferred Alternative, to issue a special use permit for non-commercial cutting of standing timber for subsistence house logs. The special use permit contains specific mitigating measures to address unique resource protection needs. This action is consistent with the WRST Subsistence Green Log Policy.

ALTERNATIVES

This EA evaluated two alternatives.

Alternative A: No Action Alternative

Under the No Action alternative, the applicant would not be issued a permit for harvest of green house logs. No live tree harvest or log skidding would take place.

Alternative B: Subsistence harvest and use of green house logs (NPS Preferred Alternative)

Under Alternative B, the NPS would issue the applicant a special use permit for the harvest of subsistence house logs on NPS lands in the Chisana area. The applicant would be allowed to harvest up to 120 green standing trees in the winter or under frozen conditions. The NPS would provide the applicant with an area map showing an area excluded from harvesting trees. This area has been delineated to avoid damage to cultural resource sites. Harvest would not occur within 100 feet of streambanks in order to provide a buffer around fish habitat. Slash disposal would consist of lopping and scattering. The applicant would use a snowmachine to access harvest sites and to transport house logs to his property.

The applicant would be issued a special use permit under the auspices of the WRST Subsistence Green Log Policy. The subsistence house log permit would be subject to standard permit procedures and conditions, and other stipulations deemed necessary to protect the resources of WRST.

PUBLIC INVOLVEMENT

The NPS posted a scoping notice regarding the applicant's proposal on the NPS Planning, Environment and Public Comment (PEPC) website. The scoping notice was open for public comment for one month (1/30/13 – 2/28/13). Two comments were received and were used in developing impact topics for the Environmental Assessment.

NPS posted a public review version of the Environmental Assessment on the PEPC website for public review and comment (4/4/13 – 5/4/13). Other Chisana residents were alerted by park staff regarding the public review EA. No comments were received on the document.

DECISION

The NPS decision is to select Alternative B (NPS Preferred Alternative). NPS will issue the applicant a special use permit for the harvest of subsistence house logs on NPS lands in the Chisana area. The applicant will harvest from areas shown to park staff in March, 2013 and shown on Figure 3 (see attached). The area delineated in red on Figure 3 is excluded from harvesting trees, in order to avoid damage to cultural resource sites. Harvest will not occur within 100 feet of streambanks in order to provide a buffer around fish habitat. The special use permit will also contain the following mitigating measures:

- Logs may only be used for a primary place of residence, and not for commercial sale or in structures used for commercial purposes. Commercial purposes include sale of whole logs, sale of lumber milled from whole logs, or construction of a lodge or other commercial structure.
- An additional subsistence house log permit will not be issued to the landowner/family for a period of 10 years after this permit is issued. This condition applies to any land subdivided or transferred subsequent to the issuance of the original subsistence house log permit. An additional house log permit may be issued in the event of an emergency or unusual and unforeseen circumstances such as fire or other damage.
- In order to maintain the structure, productivity, and viability of local timber stands and to prevent post-harvest windthrow, the applicant will be permitted to harvest up to 120 live trees utilizing thinning techniques rather than clearcutting. The applicant will maintain a minimum spacing of at least 20 feet between harvested trees.
- Harvest and skidding of logs pursuant to this permit is authorized from October 20, 2013 until April 15, 2014. Travel during the identified periods is further conditioned upon the ground being frozen to a minimum depth of 6 inches and the existence of snow cover

sufficient to protect the resources (typically more than 6 inches of snow). No log skidding through open water is permitted.

- Limbs on harvested trees must be removed before trees are skidded out of the stand. Slash will be lopped and scattered, with pieces not greater than five feet in length. Slash will not be deposited in running or standing water. Stumps will be cut as low to the ground as possible with a maximum 6” height.
- Harvest will not occur within 100 feet of streambank.
- Suspension of the largest diameter end of the log will be required during skidding activities. Log skidding operations will cease if ground disturbance occurs.
- All cultural resources will be avoided. The permittee will not injure, alter, destroy, or collect any cultural resource site, object, or structure. Because of a high density of cultural resource sites, the permittee will not harvest in areas delineated in Figure 3.
- If a cultural resource is inadvertently impacted by the permitted activities, the permittee will cease the activity, protect the resource, and notify the park immediately.
- All spills of oil, petroleum products, and hazardous substances will be reported to the Alaska Department of Environmental Conservation (ADEC) in accordance with Alaska law. Immediate actions will be taken to confine the spill to the smallest area.

Rationale for the Decision

Alternative 2 will satisfy the purpose and need for action better than the no-action alternative. Title 36 Code of Federal Regulations (CFR) Part 13.485 authorizes subsistence use of timber and plant material: *“Notwithstanding any other provision of this part, the non-commercial cutting of standing timber by local rural residents for appropriate subsistence uses, such as firewood or house logs, may be permitted in park areas where subsistence uses are allowed as follows: For standing timber of diameter greater than three inches at ground height, the Superintendent may permit cutting in accordance with the specifications of a permit if such cutting is determined to be compatible with the purposes for which the park area was established.”*

The WRST Subsistence Green Log Policy covers the non-commercial harvest of house-logs that are greater than 3 inches in diameter at ground height in accordance with Title 36 CFR 13.485. The policy provides for an allowable harvest not to exceed 120 trees (includes live and dead trees) for house logs. The policy also sets permit procedures and conditions that ensure protection of forest resources and compatibility with other park values. Applicants for subsistence house log permits must meet the standard permit procedures and conditions provided in the policy. Alternative 2, with stipulations, is consistent with the WRST Subsistence Green Log Policy. Harvest as permitted will result in negligible to minor direct and indirect impacts to forest resources, cultural resources, and aquatic resources.

Significance Criteria

The preferred alternative will not have a significant effect on the human environment. This conclusion is based on the following examination of the significance criteria defined in 40 CFR Section 1508.27.

1) Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

The preferred alternative will have a moderate impact on cultural resources, aquatic resources, and forest resources. Most impacts are associated with cumulative impacts of past mining and settlement in the area. Direct and indirect impacts are predicted to be negligible to minor.

2) The degree to which the proposed action affects public health or safety.

This action will have no effect on public health or safety.

3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

This action will not significantly impact any rare or unique resources or values.

4) The degree to which effects on the quality of the human environment are likely to be highly controversial.

Public interest in this action was low. This action will not result in highly controversial effects on the quality of the human environment.

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

This action is not known to include any unique or unknown risks or is likely to result in any highly uncertain impacts to the human environment.

6) The degree to which the action may establish a precedent of future actions with significant effects or represents a decision in principle about a future consideration.

This action is consistent with the WRST *Subsistence Log Policy* and does not establish a precedent for harvest of timber for subsistence purposes. This action will not establish a precedent for future actions with significant effects nor will it represent a decision in principle about any future consideration.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant

impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

Other future timber harvest in the area for subsistence purposes is anticipated and analyzed as a reasonably foreseeable future action and cumulative impact in the EA. Cumulative effects are predicted as moderate for forest resources and do not constitute a significant impact.

8) Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

Harvest activities will occur in the Chisana Historic Mining District, which has been nominated as eligible for the National Register of Historic Places. Direct and indirect impacts associated with this action are predicted to have negligible effects on cultural resources. Past settlement activities in the area have resulted in cumulative moderate impacts to cultural resources. These do not constitute a significant impact to cultural resources.

9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

No endangered or threatened species have been recorded in the project vicinity.

10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

This action complies with the Endangered Species Act and the National Historic Preservation Act. There will be no significant restriction of subsistence activities as documented by the ANILCA Title VIII, Section 810(a) Summary Evaluation and Findings. No federal, state, or local laws or requirements imposed for the protection of the environment will be violated by implementing this action.

FINDINGS

The levels of adverse impacts to park resources anticipated from the selected alternative will not result in an impairment of park resources that fulfill specific purposes identified in the establishing legislation or that are key to the natural or cultural integrity of the park. See Attachment A, Impairment Determination.

The selected alternative complies with the Endangered Species Act, the National Historic Preservation Act, and Executive Orders 11988 and 11990 for floodplains and wetlands. There will be no restriction of subsistence activities, as documented by the ANILCA Title VIII Section 810 Summary Evaluation and Findings.

The National Park Service has determined that the selected alternative does not constitute a major federal action significantly affecting the quality of the human environment. Therefore, in

accordance with the National Environmental Policy Act of 1969 and regulations of the Council on Environmental Quality (40 CFR 1508.9), an environmental impact statement is not needed and will not be prepared for this project.

ATTACHMENT A

Determination of Impairment

A determination of non-impairment is made for each of the resource impact topics carried forward and analyzed in the environmental assessment for the preferred alternative. The description of park significance in Chapter 1 of the EA was used as a basis for determining if a resource 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.

Impairment determinations are not necessary for visitor services, visitor experience, economic environment, safety, and park operations, because impairment findings relate back to park resources and values. These impact areas are not generally considered to be park resources or values according to the Organic Act, and cannot be impaired the same way that an action can impair park resources or values.

Forest Resources and Vegetation

Management for vegetation or forest resources is not specifically identified as a purpose in the establishing legislation of the park and vegetation is not specifically identified in the park's general management plan as being of significance. Vegetation is a key component to "continuous intact ecological communities that create visually diverse scenery largely unaffected by humans," which is identified as a significance statement for Wrangell-St. Elias National Park and Preserve.

The preferred alternative would have minor direct and indirect adverse impacts on forest resources. There will be moderate adverse cumulative impacts on forest resources, mostly due to past log harvest and firewood gathering associated with area settlement. The impacts to forest resources will be detectable but not expected to have an overall effect on the resource. They would not result in impairment to forest resources or vegetation.

Cultural Resources

Protection of cultural resources is not specifically identified as one of the park's purposes in the establishing legislation of the park. The park's general management plan does identify cultural resources as a significant resource and protection of cultural resources would be key to the natural or cultural integrity of the park.

The preferred alternative will have negligible direct and indirect impacts on cultural resources. Past development associated with area settlement (airstrip construction prior to park establishment) resulted in loss of cultural sites in the area and a moderate cumulative impact on cultural resources. The preferred alternative would not result in impairment to cultural resources.

Aquatic Resources and Fish

Protection of fish habitat and protection of populations of fish are specifically identified as park purposes. Healthy fisheries are necessary to fulfill the purposes for which the park was established and are key to the natural integrity of the park.

The preferred alternative will have negligible direct and indirect adverse impacts on aquatic resources and fish. Because of past placer mining in the area, there would be moderate adverse cumulative impacts on aquatic resources and fish. The preferred alternative would not result in impairment of aquatic resources and fish.

SUMMARY

Harvest of up to 120 logs, under the stipulations identified as part of the preferred alternative, would not result in impacts that would constitute impairment.

