

National Park Service
U.S. Department of the Interior



Denali National Park and Preserve
Alaska

Record of Decision
Alaska LNG Project Final Environmental Impact Statement

June 2020

Recommended:

**DONALD
STRIKER**

Digitally signed by
DONALD STRIKER
Date: 2020.07.22
14:34:37 -08'00'

Date:

Donald Striker
Acting Regional Director
National Park Service, Region 11

Approved:

Date:

Rob Wallace

7/23/2020

Rob Wallace
Assistant Secretary
for Fish and Wildlife and Parks
The Department of the Interior

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
RECORD OF DECISION

Alaska LNG Project Final Environmental Impact Statement
Denali National Park and Preserve

The Department of the Interior, National Park Service (NPS), has prepared this Record of Decision (ROD) on the Final Environmental Impact Statement (FEIS) for the Alaska Liquefied Natural Gas (AK LNG) Project prepared by the Federal Energy Regulatory Commission (FERC). The purpose of the FEIS is to assess the impacts of the construction and operation of the AK LNG Project which proposes to commercialize the natural gas resources of Alaska's North Slope by converting the existing natural gas supply to liquefied natural gas for export and use within the State of Alaska. The NPS is a cooperating agency on this project and has prepared this ROD because impacts from the AK LNG Project affect lands within Denali National Park and Preserve (DNPP) managed by the NPS. The purpose of this ROD is to formally adopt the March 2020 FERC FEIS, and to document the decision for the Secretary of the Interior to issue a Right-of-Way permit (ROW permit) for a high-pressure natural gas transmission pipeline (including appurtenances) in nonwilderness areas within the boundary of DNPP consistent with the Denali National Park Improvement Act (DNPIA), Public Law 113-33 (Sep. 18, 2013; 127 Stat. 514). This ROD is specific only to lands within DNPP and does not include a decision for AK LNG Project lands outside the DNPP boundary.

As a cooperating agency, and in accordance with the Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) (40 CFR 1501.6) and Title 41 of the Fixing America's Surface Transportation Act, 42 U.S.C. § 4370m et seq., NPS actively participated in the NEPA process and development of the analysis and documentation related to the AK LNG Project, especially related to the proposed pipeline across DNPP. The NPS has determined, after an independent review, that the comments and suggestions submitted to the lead agency by NPS during NEPA process that relate to the portion of the project within DNPP have been satisfied, and that the FEIS complies with NEPA-related requirements applicable to the NPS.

This ROD describes the background of the project; the selected alternative; a summary of mitigating measures and monitoring to minimize environmental harm; other alternatives considered; the environmentally preferable alternative; the basis for the decision; and a statement of whether all practicable means to avoid or minimize environmental harm from the selected alternative have been adopted. As the lead agency, FERC has fulfilled federal requirements for consultation for the AK LNG Project under Section 106 of the National Historic Preservation Act and Section 7 of the Endangered Species Act. In the FEIS, FERC concluded that environmental justice populations near the DNPP section of the pipeline would not be disproportionately affected. In concurrence with FERC's analysis, and because subsistence use is not allowed in this part of DNPP; NPS concludes that this action will not disproportionately or adversely impact minority, low-income, or tribal populations, complying with requirements of Executive Order 12898 for Environmental Justice. For the Department of Interior, the United States Bureau of Land Management (BLM) prepared the analysis pursuant to Section 810(a) of the Alaska National Interest Lands Conservation Act (ANILCA), 16 United States Code (USC)

3120(a), that requires an evaluation of subsistence uses and needs be completed for any federal determination to “withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands.” The BLM determined that for the Denali Park Census Designated Place under the Tanana River Communities group the AK LNG Project would not have a significant impact on subsistence uses and needs. Attached to this ROD is the NPS Non-impairment Determination (Appendix A) and the DNPIA (Appendix B).

Background

The DNPIA, as amended by the John D. Dingell, Jr. Conservation, Management, and Recreation Act, Public Law 116-9 (Mar. 12, 2019; 133 Stat. 580), authorizes the Secretary of the Interior to issue ROW permits for a high-pressure natural gas transmission pipeline (including appurtenances) in nonwilderness areas within the boundary of DNPP.

The DNPIA provides conditions for a ROW permit. A ROW permit:

- (1) may be issued only--*
 - (A) if the permit is consistent with the laws (including regulations) generally applicable to utility rights-of-way within units of the National Park System; and*
 - (B) if, following an appropriate analysis prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the route of the right-of-way is the route through the Park with the least adverse environmental effects for the Park; and*
- (2) shall be subject to such terms and conditions as the Secretary determines to be necessary.*

[Public Law 113-33 as amended by Public Law 116-9]

Thus, the ROW permit must be issued consistent with the NPS regulations for issuing ROW permits, found at 36 CFR Part 14, and only for the route in DNPP “with the least adverse environmental effects.”

The Alaska Gasline Development Corporation (AGDC) is the project proponent for the AK LNG Project. The AK LNG Project extends from Point Thompson near Prudhoe Bay to Nikiski located on the western Kenai Peninsula of Alaska, consisting of the construction and operation of Gas Treatment, Mainline, and Liquefaction Facilities. The Mainline Facilities include compressor stations, meter stations, roads, and a 42-inch diameter high-pressure natural gas pipeline that extends around 806 miles from the Gas Treatment Plant on the North Slope down to the Liquefied Natural Gas Plant at Nikiski. This pipeline is designed to carry 3 to 3.5 billion cubic feet of natural gas per day at 2,075 psi and is mostly buried. The AK LNG Project has the potential to supply DNPP and nearby communities with natural gas, but the compressed natural gas will require additional infrastructure to support local use.

The June 2019 Draft Environmental Impact Statement (DEIS) reflected AGDC’s then proposed routing of the pipeline to the east of DNPP (see below, Denali Avoidance alternative). On August 16, 2019, AGDC submitted a project description change notification to FERC incorporating the Denali Alternative route described in the DEIS into the company’s proposed Mainline route. Accordingly, the proposed action in the FEIS includes the routing of the pipeline across DNPP nonwilderness lands (hereafter referred to as the proposed route).

AGDC submitted a ROW permit application to the NPS on January 24, 2020, to construct, operate, and maintain a portion of the AK LNG pipeline that would extend approximately six

miles across DNPP adjacent to the Parks Highway road corridor, consistent with the proposed route in the FEIS.

NPS staff worked with the applicant to identify potential routes with the “least adverse environmental effects” through DNPP. However, information regarding the engineering and geotechnical feasibility of these routes, to be developed in the front-end engineering and design (FEED) phase of the project, is still needed to identify the final route with the “least adverse environmental effects.” NPS policy is to permit operation and maintenance of a linear facility with a ROW permit and authorize the construction of the facility through a special use permit (SUP). That final route will be included in the SUP authorizing construction of the pipeline through DNPP.

Selected Alternative

The Secretary of the Interior will issue a ROW permit for a high-pressure natural gas transmission pipeline (including appurtenances) in nonwilderness areas within the boundary of DNPP, consistent with the DNPIA. This action is reflected in the proposed route in the FEIS with key descriptions specific to the DNPP portion summarized below.

Within DNPP, the approximately 6-mile pipeline will be buried, with the exception of the Park Road Fault crossing near Riley Creek. An operation and maintenance corridor of approximately 53.5 feet in total width will be required for the life of the project. Within this corridor, some vegetative clearing will be required to maintain access to the pipeline. The pipeline will cross the Nenana River to the north of the park suspended on a pedestrian bridge and to the south of the park by dry ditch open cut construction methods. The pipeline will also use dry ditch open cut construction to cross Riley Creek within the park.

Construction will require a temporary construction workspace of a baseline construction right-of-way width of 110 feet for the length of the pipeline within DNPP, which will be authorized through a SUP for construction. Additional temporary workspaces may be required within the park during construction, and these workspaces would also be authorized through a SUP. Construction for the portion of the project within DNPP will occur between September 16 and May 14, avoiding the high visitation season. Including both construction and operations, AGDC has stated that the expected life of the AK LNG Project is 30 years.

If, during the design and engineering phase of the project, new information reveals that the proposed route is not feasible or the least environmentally damaging, the ROW permit may be amended to address route changes. Changes in the permitted route could require additional environmental review.

Mitigation Measures and Monitoring

This section is pursuant to CEQ regulation 40 CFR 1505.2(c). Mitigation measures in the FEIS sections (Section 5.2 and Appendix X) that are applicable to the pipeline within DNPP are adopted by this ROD. Key FERC mitigations of particular importance to NPS and additional NPS mitigations that only apply in DNPP are listed below.

Prior to completing the FEED stage and applying for a SUP to proceed with construction, AGDC will submit to the NPS:

(1) Geotechnical Assessment of the DNPP segment. Additional geotechnical evaluation will be necessary to determine optimal pipeline location and design. For example, an up-to-date LiDAR assessment will be needed to determine current conditions for the aboveground Park Road Fault crossing. In this narrow space between the Nenana River and the Parks Highway, river erosion and mass wasting has reduced the stable corridor width from approximately 530 feet to 320 feet since 2011; this corridor has already narrowed by 40% in only a few years. Repeat LiDAR will also be used to identify active erosion, mass wasting, and thermokarst formation along the entire segment through the park prior to construction. Permafrost distribution and temperatures shall be used to identify locations where the gas temperatures in the pipeline can be adjusted to minimize impacts to permafrost and other soils. AGDC must include specific pipeline design elements sufficient to mitigate hazards due to seismic movement, mass wasting, riverbank erosion, thawing permafrost, and seasonal frost. The assessment shall include information regarding Nenana River bank erosion and mass wasting and propose erosion and stabilization prevention measures. The assessment must locate and consider ancient buried glacial ice near the southern end of the park segment that may affect pipeline placement and maintenance.

(2) Revegetation and Restoration Plan for DNPP Segment. In DNPP, revegetation and restoration activities must comply with the Native Plant Revegetation Manual for Denali National Park and Preserve (Densmore et al., 2000) for park areas where vegetation is disturbed or removed from project construction activities. The Revegetation and Restoration Plan will be detailed and project specific, and will describe the type, source, and quantity of seeds, propagules, and salvaged vegetation needed for the DNPP segment of the project, along with the planting and maintenance methods and timing of revegetation efforts. As stated in the FEIS for the DNPP segment, the vegetation materials (such as tundra mats) that will be used for enhancing revegetation efforts will be salvaged from and stockpiled within 6 km of the restoration areas, in accordance with the Denali Revegetation Manual (Densmore et al., 2000). Also, per the FEIS and Denali Revegetation Manual, native seed should be harvested within 6 km of the restoration areas for seed propagation. Additionally, vegetation clearing in DNPP will be limited to the construction footprint only, and irregular edges will be created on tree clearing limits to minimize unnatural lines.

(3) Vegetation Maintenance and Invasive Species Plan for DNPP Segment. AGDC will craft a Vegetation Maintenance and Invasive Species Plan following the guidelines in Densmore et al. (2000). This document shall include the mowing schedule needed for infrastructure maintenance. Invasive plant monitoring and treatment procedures as prescribed in the Alaska Region Invasive Plant Management Plan (NPS, 2009) will need to be followed.

(4) Monitoring Plan for DNPP Segment. AGDC will produce a comprehensive monitoring plan for DNPP that includes schedules, time frames, and measures of success. Resources covered in this monitoring plan shall include native plant revegetation, invasive plants, wetlands, and permafrost.

In addition, the NPS will require the following mitigations and monitoring:

Paleontological Resources

In addition to what has been required in the FEIS mitigations, AGDC will be required to stop construction activities and notify NPS if undocumented paleontological resources are discovered in DNPP.

Wetlands

As stated in the FEIS, the segment of the Mainline Pipeline within the DNPP must comply with NPS Director's Order 77-1 regarding protection of wetlands. For this geotechnically active area, wetlands are expected to change year to year. The FEIS states that AGDC has committed in all project areas to conduct field-verified delineation surveys to provide accurate wetland boundaries and file wetland delineation reports on an annual basis during active construction that document the results of all field delineations completed during the previous growing season. Updated data will be necessary for the Wetlands Statement of Findings and are required prior to NPS issuing a SUP for construction.

Wildlife Resources

As stated in the mitigations listed in the FEIS, activities related to land disturbance and vegetation removal must follow USFWS Migratory Bird Treaty Act (MBTA) guidelines. Additional MBTA-related requirements may apply as DNPP has specific guidelines through consultation with USFWS. AGDC shall consult with NPS prior to the issuance of a SUP for construction.

Recreation and Access

As stated in the FEIS, construction in DNPP will occur between September 16 and May 14 to avoid impacting most park visitors. Park trails and natural areas near the proposed pipeline route must be accessible to visitors outside of short-term construction-related closures. After construction, the operation and maintenance corridor will remain accessible to the public, except during times of maintenance, if those maintenance activities create an unsafe environment for recreation.

Visual Resources

Neutral colors from the Bureau of Land Management Standard Environmental Color chart will be used for aboveground components of the pipeline within DNPP, with the final color to be approved by NPS.

Cultural Resources

Archeological surveys covering the entire direct area of potential effect (APE), including construction areas, will be completed and the final report submitted to DNPP before a SUP is issued. If previously undocumented cultural resources or items protected by the National Historic Preservation Act (NHPA), Archeological Resources Protection Act (ARPA) and the Native American Graves Protection and Repatriation Act (NAGPRA) are encountered during project implementation all work in that area must stop and the Superintendent and park archeologist notified immediately. Procedures laid out in the 2008 National Park Service Programmatic

Agreement (Nationwide PA) Section VI will be implemented. Periodic monitoring of ground disturbing activities by a professional archeologist is recommended.

All conditions in the Nationwide PA as well as the project-specific Programmatic Agreement among FERC, NPS, SHPO, BLM and other consulting parties pertaining to NPS lands will be met before a SUP is issued.

Other Alternatives Considered

The FEIS evaluated three alternatives for the placement of the AK LNG Project within or near DNPP: the No Action alternative, Denali Avoidance alternative, and the proposed/selected alternative. FERC dismissed the No Action alternative, as under the No Action alternative, the AK LNG Project would not move forward. The AK LNG pipeline route for the Denali Avoidance alternative passes east of DNPP between about MPs 536.1 and 544.3 and is located at higher elevations along the eastern slope of the Nenana River valley than the proposed route.

Two additional routes through DNPP were considered but dismissed in the FEIS. A Nenana Bridge highway alternative was dismissed due to the long-term closure of a major highway. Another alternative, which routed the pipeline on the western side of the transportation corridor though designated wilderness, was dismissed because it could not be authorized under the DNPIA.

Environmentally Preferable Alternative

The NPS is required to identify an environmentally preferable alternative (43 CFR § 46.450 and 43 CFR § 46.30). The No Action alternative is the NPS environmentally preferable alternative. Compared with the selected alternative and the Denali Avoidance alternative, the No Action alternative would not adversely impact soils, wetlands, viewsheds, recreation, vegetation, and permafrost within the park.

Basis of the Decision

The NPS supports implementation of the proposed route identified in the FEIS as the selected alternative. Under the proposed route, there will be more direct impacts to soils, wetlands, vegetation, and wildlife habitat within DNPP than for the Denali Avoidance alternative. However, the Denali Avoidance alternative would place the pipeline across steep slopes and be very visible from key park viewpoints, as well as adversely impacting views from the Denali Park Road Historic District. The proposed action alternative through the park is preferable over the Denali Avoidance alternative because the pipeline through DNPP would be routed near the existing transportation corridor (the Parks Highway and Alaska Railroad extend across this area of DNPP), which limits impacts to park viewsheds and overall acreage of wetlands, and reduces the need for additional roads and their associated impacts just outside DNPP boundaries.

The Denali Avoidance alternative requires high elevation construction along the eastern slope of the Nenana River valley. This route, though outside the DNPP boundary, is a highly visible bench from within the park. In order to place the pipeline along this route, extensive cut and fill engineering would be required in a currently undisturbed area. This route also includes an aboveground crossing of Lynx Creek which would disrupt iconic views from within the park, including the view of an historic train trestle from Government Hill Overlook, as well as adversely impacting the view from the Denali Park Road Historic District that is in the process of

being nominated to the National Register of Historic Places. In contrast, the proposed route follows along an existing highway and railroad transportation corridor at a lower elevation, limiting impacts to DNPP viewsheds from within the park and from the Nenana River (a popular rafting destination). Although the cleared corridor will be apparent at times by those driving the Parks Highway, the vista of the mountain range to the east of DNPP will remain undisturbed with the proposed route.

The proposed route will impact fewer wetlands and waterbodies overall than the Denali Avoidance alternative. The Denali Avoidance alternative crosses seven tributary streams, one more water body than the proposed route which crosses six waterbodies, including the Nenana River twice. Where the proposed route will cross approximately 0.4 mile of wetlands and affect approximately 14.1 acres of wetlands, the Denali Avoidance alternative would cross 2.2 miles of wetlands and have permanent wetlands impacts of 64 acres. In 2019, the United States Army Corps of Engineers analyzed routes for a proposed pipeline (Alaska Stand Alone Pipeline) project with similar delineation as, but with a narrower footprint than, the AK LNG Project. The result of their study identified a route identical to the proposed AK LNG route as the Least Environmentally Damaging Practicable Alternative (LEDPA) for that project. Although the wetlands that would be impacted by the Denali Avoidance alternative are not in the park, they occur in a watershed partially contained within the park.

As described in the FEIS, the Denali Avoidance alternative crosses the Nenana Canyon area, including about 3.0 miles of steep terrain with potential slope hazards, such as landslides, earth flows, rock falls, and debris flows. In contrast, the proposed route is mostly within the Nenana River valley, crossing fewer unstable slopes. The Denali Avoidance alternative would require extensive cut and fill engineering to establish a distinct and parallel transportation/utility corridor. As described in the FEIS, the construction and maintenance of the pipeline under the Denali Avoidance alternative would require an additional 2.2 miles of new access roads in undisturbed lands just outside the DNPP boundary. Road construction and maintenance for the Denali Avoidance alternative outside of the park would likely fragment existing undisturbed wildlife habitat potentially impacting park wildlife populations by increasing recreational, hunting, and trapping pressure on park wildlife that move in and out of the park. New roads just outside of the park boundary could also result in the introduction of invasive plant species in the park, but not at the same magnitude as the in-park alignment. From a landscape perspective, the selected alternative is preferable to the Denali Avoidance alternative because the pipeline corridor would be located to a large degree immediately adjacent to habitat already fragmented by the Parks Highway and railroad tracks.

In conclusion, the proposed route results in fewer adverse effects on viewsheds, as well as wetlands and wildlife habitat in proximity to the park. The view from the Denali Park Road Historic District, while adversely impacted from the Denali Avoidance alternative, is less impacted by the proposed route. Therefore, the proposed route is the selected alternative.

Conclusion

The NPS has reviewed the FEIS issued by FERC, and based upon this review, the NPS adopts the Alaska LNG Project FEIS released on March 6, 2020. The AK LNG Mainline facilities proposed route through DNPP has been identified as the selected alternative.

With the development of appropriate mitigation measures and commitments described in the Mitigation Measures section above, and working closely with AGDC for the future FEED stage; all practicable means to avoid or minimize environmental harm from the selected alternative have been adopted at this time. While the final route has not yet been clearly delineated and will be identified at the FEED stage, the FEIS has sufficiently broadly analyzed the potential impacts for DNPP resources. Based on the above considerations, NPS approves the proposed route of the AK LNG Project for implementation and the Secretary of the Interior or his delegatee will issue a ROW permit to the applicant, AGDC.

Additional measures to minimize harm may be developed during detailed FEED planning for the final location for the pipeline route. The final route will be determined prior to construction with additional information from AGDC's FEED and pre-construction conditions; including the most recent wetlands delineation, and latest geotechnical data related to the Park Road fault, Nenana River erosion areas, and extent of glacial ice and permafrost under the transportation corridor. The final route will be located outside of designated wilderness areas in Denali National Park and will be a feasible route with the least adverse environmental effects as required by the DNPIA.

Literature Cited

Densmore, R.V., M.E. Vander Meer, N.G. Dunkle, 2000. Native Plant Revegetation Manual for Denali National Park and Preserve. Information and Technology Report. USGS/BRD/ ITR-2000-006. U.S.G.S. Alaska Science Center, Anchorage, Alaska. March 2000.

National Park Service. 2009. Alaska Region Invasive Plant Management Plan. National Park Service, Alaska Region, Anchorage, Alaska.

APPENDIX A
NON-IMPAIRMENT DETERMINATION

By enacting the National Park Service (NPS) Organic Act of 1916 (Organic Act), Congress directed the U.S. Department of the Interior and the NPS “to conserve the scenery, natural and historic objects, and wild life in the [National Park] System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations” (54 USC 100101(a)). Congress reaffirmed this mandate in 1978 by stating that the NPS must conduct its actions in a manner that will ensure no “derogation of the values and purposes for which the System units have been established, except as directly and specifically provided by Congress” (54 USC 100101(b)(2)).

NPS *Management Policies 2006*, Section 1.4.4, explains the prohibition on impairment of park resources and values (underlining is added):

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.

The impairment of park resources and values may not be allowed by the Service 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.

Congress authorized the Secretary of the Interior in the Denali National Park Improvement Act (DNPIA) Public Law 113-33 (Sep. 18, 2013; 127 Stat. 514), as amended by the John D. Dingell, Jr. Conservation, Management, and Recreation Act, Public Law 116-9 (Mar. 12, 2019; 133 Stat. 580), to issue a right-of-way permit (ROW permit) for a high-pressure natural gas transmission pipeline (including appurtenances) in nonwilderness areas within the boundary of Denali National Park and Preserve (DNPP). The DNPIA provides conditions for a ROW permit. A ROW permit:

- (1) may be issued only--
 - (A) if the permit is consistent with the laws (including regulations) generally applicable to utility rights-of-way within units of the National Park System; and
 - (B) if, following an appropriate analysis prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the route of the right-of-way is the route through the Park with the least adverse environmental effects for the Park; and
 - (2) shall be subject to such terms and conditions as the Secretary determines to be necessary.
- [Public Law 113-33 as amended by Public Law 116-9]*

The National Park Service has discretion to allow impacts on park resources and values when necessary and appropriate to fulfill the purposes of a park; however, the National Park Service cannot allow an adverse impact that would constitute impairment of the affected resources and

values (NPS *Management Policies 2006*, §1.4.3). An action constitutes an impairment when it 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 *Management Policies 2006*, § 1.4.5). To determine impairment, the National Park Service 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 *Management Policies 2006*, §1.4.5).

This non-impairment determination has been prepared for the selected action in the NPS Record of Decision for Denali National Park and Preserve (DNPP) for the Alaska LNG Project Final Environmental Impact Statement (FEIS) prepared by the Federal Energy Regulatory Commission (FERC). The selected action provides that the Secretary of the Interior can issue a right-of-way permit (ROW permit) for the Alaska LNG Project’s high-pressure natural gas transmission pipeline (including appurtenances) in nonwilderness areas within the boundary of DNPP consistent with the DNPIA. Alaska Gas Development Corporation (AGDC) is the Alaska LNG Project proponent and the DNPP ROW permit applicant.

The following resource impact topics were evaluated in detail in the Alaska LNG Project FEIS and are evaluated in this non-impairment determination: wildlife/wildlife habitat, vegetation, wetlands, visual resources, air quality, geologic resources, cultural resources, soils, sound, and water and aquatic resources. A non-impairment determination was not made for visitor use and experience, socioeconomic environment, transportation, public health and safety, and reliability and safety because these impact topics are not generally considered to be park resources or values according to the Organic Act and are not subject to the non-impairment standard of the act. Thus, these topics cannot be impaired in the same way that an action can impair park resources and values. Similarly, as wilderness is subject to its own requirements under the Wilderness Act and is not subject to the impairment standard of the Organic Act, it is not included here (the action occurs in nonwilderness). Other park resources may be impacted by the selected alternative but are not evaluated in this document because the impacts are so small that they were not carried forward for analysis in the FEIS, and thus have no potential for impairment.

Impairment Decision for the Selected Action

The Denali National Park and Preserve Foundation Statement (NPS, 2014) 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.

Wildlife/Wildlife Habitat (includes Vegetation and Wetlands)

The Project will affect up to 138 acres in and adjacent to the park, much of which supports vegetation and includes approximately 14 acres of wetlands. As described in the FEIS (pages 4-262-265), vegetation would be removed during construction and trees and other vegetation

would be cut and maintained permanently within the right-of-way corridor. However, impacts to vegetation will be mitigated. As stated in the FEIS (page 4-98 and page 4-261), the vegetation materials (such as tundra mats) and native seed for seed propagation will be used for enhancing revegetation efforts. Tundra mats will be salvaged and native seeds will be collected within 6 km of the restoration areas, in accordance with the Denali Revegetation Manual (Densmore et al., 2000). Additionally, vegetation clearing in DNPP will be limited to the construction footprint and for maintenance and access to the pipeline (FEIS pg. 4-614). Invasive plant monitoring and treatment procedures will be required as prescribed in the Alaska Region Invasive Plant Management Plan (NPS, 2009) as stated in the FEIS (pg. 4-275). These mitigation measures ensure that impacts to vegetation will be minimized and impairment of these resources will not occur.

The Project will cross approximately 0.4 miles of wetlands and affect approximately 14 acres of wetlands in the park. Wetland and vegetation communities within the Project area offer wildlife habitat for populations of golden eagle, caribou, black bear, grizzly bear, and other species (see FEIS page 4-284 for a list of representative terrestrial species impacted and page 4-326 for representative avian species). While wildlife habitat would be lost under the selected alternative, wildlife populations are not expected to be affected. Past and present activities within the Parks Highway/Alaska Railroad transportation corridor have already disturbed wildlife habitat in the vicinity of the Project. Construction activities may temporarily result in additional wildlife avoidance of the area. While long-term maintenance activities may change localized behavior of wildlife, no population-level effects are expected. Therefore, the construction of approximately six miles of pipeline near this transportation corridor does not constitute a major change in the setting for wildlife habitat and will not result in impairment of wildlife or their habitat.

In conclusion, while up to 138 acres of land would be disturbed, it is not expected that this disturbance would affect wildlife at a population level, or vegetation and wetlands at a landscape scale. As DNPP is over 6 million acres and this Project will affect less than 140 acres, this Project will not result in impairment to wildlife, wildlife habitat, vegetation, or wetlands located near the existing transportation corridor. Even within the existing transportation corridor, impacts are not expected to rise to a level of impairment as the integrity of wildlife populations and wildlife habitat within the corridor will remain largely intact. Adverse impacts to vegetation and wetlands will be mitigated to promote native plant revegetation and wildlife populations in the area are expected to remain unchanged.

Visual Resources and Air Quality

The selected alternative will result in adverse impacts to scenic vistas within the park. Visitors at key observation points including the Denali Park Road, Government Hill, Triple Lakes Trail, and Mt. Healy Overlook Trail Summit will be affected (see FEIS, page 4-596, pages S-89-96).

Impacts to park vistas will be mitigated in part by locating pipeline facilities near the transportation corridor in the Nenana River valley bottom. Irregular edges will be created on tree clearings to minimize unnatural lines (FEIS page 4-614). The proposed changes to viewsheds do not threaten the overall scenic resource values of DNPP as the pipeline will primarily be located near other existing linear features (highway and railroad). The selected alternative will not result in impacts to Denali's most iconic viewsheds, therefore perpetuating the scenic views fundamental to the park. Therefore, this Project will not result in impairment to Visual

Resources.

DNPP is a Class I area under the Clean Air Act. The FEIS states that AGDC would obtain air permits for rock crushers that could be operated within DNPP (page 4-934). The Project in DNPP may have minor effects on air quality due to short-term construction activity, but is not expected to result in impairment to park air quality resources.

Geologic Resources (Paleontological Resources)

Paleontological resources were analyzed under “Geologic Resources and Geologic Hazards” in the FEIS. The Project area in DNPP has not been surveyed for paleontological resources, and the lower Cantwell Formation, known to have vertebrate paleontological sites in DNPP (see FEIS page 4-60), is crossed by the Project between about pipeline mileposts 538.6 and 557.4. Thus, the Project could potentially affect paleontological resources in DNPP, but mitigation measures under the selected action include a plan and protocols for paleontological monitoring (see FEIS pages 4-61-62). If a paleontological site is discovered, pipeline construction will cease, and the site will be addressed. Because there is a plan to monitor and protect currently unknown sites and no existing sites will be impacted, no impairment of paleontological resources is expected.

Cultural Resources

This Project will affect up to 138 acres located in and adjacent to DNPP. The area of potential effect includes an area for direct Project effects (including but not limited to the construction, operation, temporary workspace, access roads, and maintenance footprint of the Project) and an area for indirect effects as a 1-mile buffer around all Project components. The area for direct Project effects will be surveyed completely for cultural resources prior to construction and in consultation with local Alaska Native Tribes and Alaska Native Claims Settlement Act (ANCSA) Corporations. Any cultural resources found in the surveys will then be discussed with park staff for Section 106 compliance issues, and would also follow the FERC Section 106 Programmatic Agreement for the Alaska LNG Project. Protection for these DNPP cultural resources would need to be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties. As these cultural resources are nonrenewable and irreplaceable, preservation of the cultural resources in the park is critical and preservation measures would include avoidance or mitigating adverse effects. If a cultural resource site is found, AGDC would mitigate impacts to the cultural resource site by implementing actions approved under the Programmatic Agreement. By following the Section 106 process outlined by the Programmatic Agreement, closely working with NPS staff, and halting any construction that inadvertently discovers cultural resources; the integrity of cultural resources within the project area will remain intact. Therefore, this Project will not result in impairment to cultural resources for the park.

Other Natural Resources

Other resources not identified in the DNPP Foundation Statement that will be affected are soils (including permafrost), sediment, sound, water resources, and aquatic resources. There are no records of federally-listed threatened and endangered species in this area of DNPP. Subsistence use is not authorized in this part of DNPP.

Soils

This Project will affect up to 138 acres of soils and sediments largely within DNPP, some of which occur in discontinuous permafrost. To mitigate effects on permafrost, prior to construction, AGDC will submit to FERC a modified Pipeline Operation and Maintenance Plan that includes equipment details and monitoring that will be implemented to minimize potential impacts from permafrost degradation on the pipeline (FEIS Appendix X-3). As noted above under wildlife habitat, past and present activities in the transportation corridor have already impacted soils in the Project area. The Project is not expected to cause impairment of permafrost, soils, and sediment resources in DNPP due to the vast area of discontinuous permafrost, soils, and sediments across the 6 million acres of the park.

Sound

Impacts to sound were analyzed in the FEIS noise section, and for the Project in DNPP are mostly short-term effects from pipeline construction activities. As described in the FEIS (page 4-977), the NPS has developed the Denali Backcountry Management Plan, which describes noise conditions within the DNPP and maximum sound levels and percent time of allowable audible noise from unnatural sounds (NPS, 2006). The primary noise from the Project operations of the pipeline are expected to be at the aboveground facilities including compressor stations and at the mainline valves (FEIS page 4-994), which will not be located in DNPP. Additional noise would also be generated on an intermittent basis during scheduled operation and maintenance with fly-over inspections of the right-of-way as needed (see FEIS page 4-1139). While there may be temporary noise from construction activities, no impairment to the park soundscape is expected from the operation and maintenance of the Project in DNPP.

Water and Aquatic Resources

Water and aquatic resources will also be impacted by the Project due to the stream crossings in the selected action. These impacts are considered temporary, lasting for the duration of the construction period, although a permanent pipeline structure will cross the Nenana River in two locations: one will be an aerial crossing under a pedestrian walkway and the other through a wet-ditch open cut crossing (FEIS page. 4-154). Using an existing pedestrian bridge would avoid in-stream impacts (FEIS page 4-160). Construction activities would result in increasing turbidity and sedimentation for the short-term, and AGDC would mitigate with measures identified in the Project-wide Stormwater Pollution Prevention Plan. Downstream aquatic resources would be affected including fish such as Arctic grayling and Dolly Varden, but would not cause impairment given the prevalence of these fish in the park. Thus, while there would be temporary effects to water and aquatic resources, these DNPP resources would not be impaired, especially given the scope of water and aquatic resources across the 6 million acres of the park.

Conclusion

In conclusion, as guided by this analysis, good science and scholarship, advice from subject matter experts and others who have relevant knowledge and experience, and the results of public involvement activities, it is the National Park Service's professional judgment and recommendation to the Secretary that the proposed action conducted with the mitigation measures identified in the Record of Decision will not result in impacts to park resources and values that constitute impairment.

Literature Cited

Densmore, R.V., M.E. Vander Meer, N.G. Dunkle, 2000. Native Plant Revegetation Manual for Denali National Park and Preserve. Information and Technology Report. USGS/BRD/ ITR-2000-006. U.S.G.S. Alaska Science Center, Anchorage, Alaska. March 2000.

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APPENDIX B
DENALI NATIONAL PARK IMPROVEMENT ACT*

DENALI NATIONAL PARK IMPROVEMENT ACT

[[Page 127 STAT. 514]]

Public Law 113-33
113th Congress

An Act

To provide for certain improvements to the Denali National Park and Preserve in the State of Alaska, and for other purposes. <<NOTE: Sept. 18, 2013 - [S. 157]>>

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, <<NOTE: Denali National Park Improvement Act.>>

SECTION 1. SHORT TITLE.

This Act may be cited as the ``Denali National Park Improvement Act''.

SEC. 2. KANTISHNA HILLS MICROHYDRO PROJECT; LAND EXCHANGE.

...

SEC. 3. DENALI NATIONAL PARK AND PRESERVE NATURAL GAS PIPELINE.

(a) Definitions.--In this section:

(1) Appurtenance.--

(A) In general.--The term ``appurtenance'' includes cathodic protection or test stations, valves, signage, and buried communication and electric cables relating to the operation of high-pressure natural gas transmission.

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(B) Exclusions.--The term ``appurtenance'' does not include compressor stations.

(2) Park.--The term ``Park'' means the Denali National Park and Preserve in the State of Alaska.

(3) Secretary.--The term ``Secretary'' means the Secretary of the Interior.

(b) Permit.--The Secretary may issue right-of-way permits for--

(1) a high-pressure natural gas transmission pipeline (including appurtenances) in nonwilderness areas within the boundary of Denali National Park ~~within, along, or near the~~ ~~approximately 7 mile segment of the George Parks Highway that~~

~~runs through the Park; and~~

(2) any distribution and transmission pipelines and appurtenances that the Secretary determines to be necessary to provide natural gas supply to the Park.

(c) Terms and Conditions.--A permit authorized under subsection (b)--

(1) may be issued only--

(A) if the permit is consistent with the laws (including regulations) generally applicable to utility rights-of-way within units of the National Park System; **and**

~~(B) in accordance with section 1106(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3166(a)); and~~

(~~B~~) if, following an appropriate analysis prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the route of the right-of-way is the route through the Park with the least adverse environmental effects for the Park; and

(2) shall be subject to such terms and conditions as the Secretary determines to be necessary.

(d) Applicable Law.--A high pressure gas transmission pipeline (including appurtenances) in a nonwilderness area within the boundary of the Park, shall not be subject to title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.).

SEC. 4. DESIGNATION OF THE WALTER HARPER TALKEETNA RANGER STATION.

(a) Designation.--The Talkeetna Ranger Station located on B Street in Talkeetna, Alaska, approximately 100 miles south of the entrance to Denali National Park, shall be known and designated as the ``Walter Harper Talkeetna Ranger Station''.

(b) References.--Any reference in a law, map, regulation, document, paper, or other record of the United States to the Talkeetna Ranger Station referred to in subsection (a) shall be

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deemed to be a reference to the ``Walter Harper Talkeetna Ranger Station''.

* The Denali National Park Improvement Act (Public Law 113-33), as amended by the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Public Law 116-9).