

National Park Service
U.S. Department of the Interior

Lake Clark National Park and Preserve
Alaska



Finding of No Significant Impact

Managing Off-Road Vehicle Use at Silver Salmon Creek

January 2011

Recommended: _____


Superintendent, Lake Clark National Park and Preserve


Date

Approved: _____


Regional Director, Alaska


Date

FINDING OF NO SIGNIFICANT IMPACT

Managing Off-Road Vehicle Use at Silver Salmon Creek

Lake Clark National Park and Preserve, Alaska

January 2011

The National Park Service (NPS) prepared an environmental assessment (EA) to consider authorizing off-road vehicle (ORV) use on existing trails in the Silver Salmon Creek (SSC) area of Lake Clark National Park for inholder travel. The purpose of the project is to meet inholder travel needs while protecting park resources and values.

The NPS has selected Alternative 2 to authorize off-road vehicle (ORV) use on existing trails in the Silver Salmon Creek (SSC) area of Lake Clark National Park for inholder travel with mitigating measures.

Attachment A to the FONSI provides the NPS's responses to substantive comments received during the comment period. An errata sheet found at the end of this document details changes made to the EA.

ALTERNATIVES

Two alternatives were evaluated in the EA.

Alternative 1, No Action Alternative

Under the no-action alternative, the NPS would not undertake any new actions to manage ORV use. Landowners would continue to use ORVs for a multitude of purposes and there would be no formal restriction of location, pattern, and volume of ORV use.

Alternative 2

Under Alternative 2, ORV use by SSC landowners would be allowed on 3.4 miles of existing ORV trails. ORV use would not be authorized on 6 miles of existing trails. ORV use would be limited to only private land owners in SSC and non-paying guests.

ORV use by federally qualified subsistence users would be allowed on an additional 0.9 miles of existing trail.

The NPS would issue a Right of Way Certificate of Access (RWCA) for two trails from Silver Salmon Lakes to private property; each RWCA would authorize ORV use on one trail. The total length of these trails is 0.42 miles.

Permit stipulations that would regulate volume and pattern of ORV use are listed in the EA and also in the Compatibility Determination (Attachment B).

PUBLIC INVOLVEMENT

To initiate this EA process, notice of the project was published on the NPS Planning, Environment and Public Comment (PEPC) website. During the scoping period, NPS consulted with the State of Alaska regarding the project's purpose and need, potential alternatives, and the EA schedule. SSC landowners were invited to discuss preliminary alternatives on June 16, 2009 at SSC.

The EA was issued for public review and comment from October 6, 2010, through November 8, 2010 (34 days). A letter announcing the availability of the EA was sent to 50 government agencies, tribal entities, interest groups and individuals. A link to the EA was posted on the Lake Clark National Park and Preserve website and the NPS's PEPC website on October 6, 2010. Sixteen written comments were received on the EA.

Responses to public comments are found in Attachment A of this document. The public comments did not change the conclusions in the EA about the environmental effects of the preferred action.

DECISION

The NPS decision is to select Alternative 2 with the following modifications and with the mitigating measures described below.

The permits will authorize the following types of vehicles: a motorized off-highway vehicle traveling on three or more low pressure tires, having a seat to be straddled by the operator and a handlebar for steering control. A motorized off-highway vehicle having four or more low pressure tires, designed with side-by-side seats, seatbelts, steering wheel, and optional cab, brush cage, or roll-over protection structures. The ORV must have a curb weight of 1500 pounds or less, and an overall width not greater than 60 inches, excluding mirrors.

- Stipulations for all permits will include:
 - Vehicles brought in from locations outside the Silver Salmon Creek area will be clean and free of debris.
 - Permit holders are encouraged to recognize when congestion is occurring at the Silver Salmon Creek crossing, adjust their destination if possible, and park ORVs along the trail where safe passage is maintained.
- The stipulation for Southcentral Foundation that says, "Operation of ORVs by guests is prohibited" will be deleted.

Alternative 2 will be implemented through the following mechanisms.

- Pursuant to 43 CFR 36.11(g)(2) NPS will issue permits authorizing ORV use by SSC landowners on 3.4 miles of existing ORV trails, and ORV use by federally qualified subsistence users on an additional 0.9 miles of existing trails. The Compatibility Determination is included as an attachment to this document.

- NPS will issue a RWCA for two trails from Silver Salmon Lakes to private property; each RWCA will authorize ORV use on one trail to access each inholding from the lakes. The total length of these trails is 0.42 miles.

Mitigating Measures

Cultural Resources: If cultural resources are discovered during trail maintenance activities, work will be halted at the discovery site, the discovery will be protected and the Lake Clark Superintendent or Chief of Cultural Resources will be notified. The site will be evaluated for eligibility for the National Register of Historic Places. Appropriate action will be taken to avoid adverse effects to any eligible cultural properties.

Fish Habitat: NPS will consult with Alaska Department of Fish and Game to discuss ways it can mitigate impacts to fish habitat at the ORV crossing on Silver Salmon Creek.

Vegetation: NPS will periodically survey for invasive plant species along the trail system and along the 6 miles of trails that will be allowed to re-vegetate.

General: ORV use will be monitored. If resource disturbance becomes a problem, additional ORV stipulations will be implemented.

Rationale for the Decision

The selected alternative will satisfy the purpose and need of the project better than the no-action alternative because it provides the best balance of protecting park resources and values and providing landowners a reasonable means of access and travel in the Silver Salmon Creek area.

Alternative 1 (No Action Alternative) would not minimize adverse impacts to protect park resources and values due to a network of user-created, unsustainable trails that are likely to develop. Alternative 2 would provide more environmental protection than Alternative 1 by reducing adverse impacts to soils, vegetation, brown bears, visitor experience, and socioeconomics. Natural, aesthetic, and scenic values would be enhanced by allowing approximately 6 miles of trails to recover to a natural condition.

The selected alternative provides adequate and feasible access to private property and authorizes ORV use on existing trails for access to subsistence resources, and other travel by inholders. Considering the unique "community" nature of SSC in-holdings these authorizations accommodate the various travel needs without undertaking costly, repetitive and independent reviews or issuing duplicative permits.

The use of ORVs in the SSC area preceded the park and has not grown significantly due to the high cost of transporting equipment to this rural region and the high costs of fuel. The activities supported by limited ORV use contribute substantially to the experiences and helpful education of visitors and serve the NPS in building understanding and a meaningful conservation ethic in visitors. Wildlife densities remain very high and resource impacts, very low.

Authorizing ORV use on 3.4 miles out of 10 miles of existing trails will accommodate landowner travel while protecting park resources. Operating conditions specified in permit stipulations are directed at protecting resource values, preserving public health, safety, and welfare, and minimizing use conflicts.

The trails are located to minimize damage to soils and vegetation, and to minimize harassment of wildlife or significant disruption of wildlife habitats. NPS rangers have not observed significant changes in bear behavior from existing patterns and levels of ORV use. Nor has NPS detected a measurable impact to salmon from ORV crossings at SSC.

Management of ORVs as proposed by this project will minimize conflicts between ORV vehicle use and other existing or anticipated recreational visitor uses, and stipulations on such use address the compatibility of existing patterns and levels of ORV use with existing conditions in the SSC area, taking into account noise and scenic values. Some landowners have complained about the level of ORV use and feel that it detracts from a quality visitor and landowner experience due to noise and presence of motorized equipment. NPS believes that stipulations regarding volume of use and the operation of the vehicles can mitigate this concern. The evaluation in the EA shows that the pattern and volume of ORV use will not adversely affect the park's natural, aesthetic, or scenic values. If a permit holder violates permit stipulations, NPS may revoke the permit. NPS will continue to monitor the effects of the use of off-road vehicles on park lands and park resource values.

In general, ORVs have the potential to have significant negative impacts on brown bear behavior, salmon viability, and visitor experience – these are critical values of the park; therefore, NPS has determined that only existing levels of ORV use by the existing number of landowners including the two commercial operators are compatible with park resource values, and it will proceed very cautiously when considering additional levels, or patterns or evolving uses of ORV use which could affect these important resources and values.

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 that 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 selected action will create minor beneficial impacts to soils, vegetation, wetlands, brown bears, visitor experience, and socioeconomics. It will create minor adverse impacts to water quality and fish. None of these impacts are significant.

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

The selected action will not affect public health or safety.

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

The selected action will not significantly affect any unique characteristics of the park.

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

The effects on the quality of the human environment are not highly controversial. Neither the number of comments received on the EA during the public comment period, nor their content, indicate that a high level of controversy exists regarding the proposed action.

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

The effects of the selected alternative do not involve unique or unknown risks. Landowners at SSC have been operating ORVs on these trails since before the park was established.

(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.

The selected alternative will not set a precedent of future actions.

(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.

The action is not related to other actions that will amount to cumulatively significant impacts on the environment.

(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.

The degree or possibility that the action may cause loss or destruction of known scientific, cultural, or historic resources is low enough that cultural resources were dismissed as an impact topic in the EA.

(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 threatened or endangered species are known to occur in the area, except the migratory spectacled and Steller's eiders. These species will be unaffected by EA alternatives because they use the area in winter when the community is essentially vacant and shut down.

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

The action will not cause a violation of any Federal, State, or local law or requirements for environmental protection.

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.

The selected alternative complies with ANILCA and 2006 NPS Management Policies. There will be no significant restriction to subsistence resources or activities as documented by the Alaska National Interest Lands Conservation Act, Title VIII, Section 810(a) 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

NPS RESPONSES TO PUBLIC COMMENTS AND ERRATA

Management of Off-Road Vehicles at Silver Salmon Creek

Lake Clark National Park and Preserve, Alaska

January 2011

This attachment amends the subject environmental assessment (EA) and provides NPS responses to public comments.

PUBLIC COMMENTS

The NPS received 16 public comments: one from an agency, one from a regional corporation, one from an organization, and 13 from individuals.

Described below are the substantive comments and the NPS response. A substantive comment is defined as one which leads the NPS to: (1) modify an alternative, including the proposed action; (2) develop and evaluate an alternative not previously given serious consideration; (3) supplement, improve, or modify the environmental analysis; or (4) make factual corrections (CEQ NEPA Regulations 1503.4).

Parking ORVs

Comment 1: During the salmon run when the sedge fields have dried up and the bears congregate along the Creek, it has been historically practical to park the ORVs on either side of the Creek crossing, at the Creek mouth and at various points on the south beach where creek access is gained by crossing the grassy knolls separating Silver Salmon Creek from Cook Inlet. During high tides when neither the south beach nor creek mouth can be accessed by ORVs and the sedge fields cannot be crossed on foot due to tidal sloughs, it has been historically practical to park the ORVs at the Creek Crossing on the north bank. Parking the ORVs at the Creek Crossing has not only been a question of convenience but of necessity as the ORV trail from the lodges to the Creek Crossing winds through a long bottleneck of alders and pines which affords neither a place to park nor pull over to allow ORVs to pass in the opposite direction. The 'one lodge/1 ORV/¼ mile separation' recommendation at the Creek Crossing is impractical as, to adhere to the policy, a second ORV would have to park north of the bottleneck which would mean parking a couple of hundred yards short of the lodge itself. It is impractical to limit the number of ORVs at the Creek Crossing based on aesthetics alone (One has to question which is more aesthetically displeasing, a small group of ORVs parked in one spot or several ORVs strung out along the trail every ¼ mile?). From a photographic standpoint, it is far better to park the ORVs together so as to minimize the possibility of cluttering photo backgrounds with ORVs and trailers when shooting from various angles dictated by sun and bear movement. We would argue that stationary ORV's further the goals of the NPS by eliminating unnecessary use of them, and avoids the need for a "runner" who would repeatedly pick up and drop off groups by ORV if only one were to be allowed at the crossing. We request that there not be a limit on

the number of ORVs parked at the Silver Salmon Creek crossing per inholding or within ¼ mile of that crossing at the same time. There is an area adjacent to the crossing surrounded by trees that could be used thereby eliminating the visual effects of parking beside the creek.

NPS Response: NPS agrees that a permit stipulation limiting parking at the creek crossing may not be practical based on some of the reasons described above. It was part of the intent of this stipulation to minimize congestion at the stream crossing which, during later summer months is a focal point for visitation. However, NPS will modify this stipulation to encourage all permit holders to recognize when congestion is occurring, and recommend that operators adjust their destination if possible and park their ORVs along the trail where safe passage is maintained; the change is described in the ERRATA at the end of this document.

Comment 2: It would be helpful if, in the maintenance plan, there were a couple of designated ORV parking areas and turn-around points on the inland trail between the lodges and the high-water crossing that would enable bear viewers to park and approach the bears on foot without blocking trail access to ORVs in both directions. Having designated parking spots/turn around points would also prevent further erosion of the trail and surrounding vegetation.

NPS Response: Given the low volume of ORV use on these trails and where on the trail bear viewing will occur, NPS cannot anticipate where parking is desired and will not authorize construction of parking or turn-around spots. Pulling over as far as the geometry of the trail allows, such that another ORV can pass safely, should suffice on this trail system.

Comment 3: The EA should clarify that ATVs can be parked along any of the designated travel routes so that visitors can sit and enjoy the bears, or walk from the parked ATVs to other viewing vantage points (while leaving the ATVs parked). For example, during the clamming/sedging seasons, visitors leave the ATVs to walk to viewing points in the meadows and along the tidal flats.

NPS Response: The scenario described above is consistent with the NPS vision for use of ORVs in the area. NPS will clarify in the ERRATA that ORVs may be parked along any of the designated travel routes where it is wide enough for safe passage.

Group size

Comment 4: We would appreciate you considering group sizes to be a minimum of (12) including the guide or employee instead of (10). This will cover those groups who would like to bring out (9 or 10) guests and the group leader or the option for us to have an additional guide to assist and stay with those who cannot walk or get around as well as others in the group. Also, this would be a more reasonable compromise from the (15) guests (including guide) that are allotted under the current CUA.

NPS Response: One of the NPS goals is to set limits that minimize congestion and prevent unacceptable impacts on resources. Groups of 15 that are not supported by ORVs will continue to be authorized under the CUA.

Comment 5: A further clarification may be necessary to determine group size and whether two groups could subsequently "team up" and join in the event of a desirable photo opportunity.

NPS Response: One of the NPS goals is to set limits that minimize congestion and prevent unacceptable impacts on resources. In the early 1990's landowners in the general area agreed that unchecked, unrestricted ORV use in the area was potentially damaging to the lifestyle of the residents and to the value of the land itself. The 2005 *Silver Salmon Creek Area Assessment of the Management Environment and Public Involvement Options* report identified concerns about the number of people, vehicles and airplanes in the SSC area. The majority of businesses that do not own property in SSC identified concerns about congestion. For these reasons, NPS believes that the teaming of groups defeats the purposes of group limitations that preserve the integrity of the park experience at SSC.

Silver Salmon Lakes Trail

Comment 6: Silver Salmon Lake itself historically has been an access point for visiting guests, delivering supplies, and for friends and family to visit. Half of the trail to the lake from Silver Salmon Creek Lodge is on private land and approximately half is on National Park land. The trail itself is narrow and is not suitable for transporting people. However, the transportation of luggage and supplies is only feasible through the use of an ORV, which has been done since the first year of operation of Silver Salmon Lodge (its original name) in 1978. Our second request is that consideration be given to allowing us to carry guest luggage and supplies over the Silver Salmon Lake trail that directly accesses our private property. We will not carry guests but request permission to carry the luggage. The trail has been used for that purpose since 1978.

NPS Response: NPS agrees that the two inholders' RWCA permits will authorize transportation of supplies and luggage on the two Silver Salmon Lakes trail segments. This clarification appears in the ERRATA.

1984 Lake Clark General Management Plan

Comment 7: The LACL 1982 General Management Plan is referenced on page 6 of the draft SSC ORV EA. The GMP at that time was a draft that was modified over the course of the next couple of years. The final plan was approved by the NPS in June 1984. It was published the following month.

NPS Response: Since the 1982 GMP was never signed, the subject text is deleted from the document. This correction is reflected in the ERRATA.

Silver Salmon Creek crossing

Comment 8: The EA correctly recognizes that the trail crossing at Silver Salmon Creek requires authorization from the State of Alaska. However, the Alaska Department of Fish and Game, Division of Habitat is currently responsible for issuing Title 16 Fish Habitat Permits, rather than the Alaska Department of Natural Resources, as noted. Similarly, as noted above, the ACMP is now implemented by the DNR, Division of Coastal and Ocean Management.

NPS Response: These corrections are reflected in the ERRATA.

Impacts to visitor experience

Comment 9: Whereas the EA describes the potential crowding associated with human use -- all I have witnessed is the quiet beauty of one of our greatest national parks -- and the awe inspiring presence of one of our most impressive wildlife species. There is no "crowding" issue at Lake Clark National Park, Silver Salmon Creek, even under the no action alternative.

NPS Response: Crowding is certainly a matter of perspective. While the commenter may not feel crowded at existing levels of use, other park visitors may feel a sense of crowding. In the early 1990's that landowners in the general area agreed that unchecked, unrestricted ORV use in the area was potentially damaging to the lifestyle of the residents and to the value of the land itself. The 2005 *Silver Salmon Creek Area Assessment of the Management Environment and Public Involvement Options* report identified concerns about the number of people, vehicles and airplanes in the SSC area. The majority of businesses that do not own property in SSC identified concerns about congestion. For these reasons, NPS believes the impact analysis for the no action alternative is accurate.

Comment 10: I'm surprised you didn't have natural sounds as an impact topic in the EA. The noise from ORVs, like the noise from generators at these remote sites, significantly interferes with visitor enjoyment of the park.

NPS Response: Natural Sounds was not covered as a separate impact topic but was incorporated into both the Brown Bear and Visitor Experience sections. In this way, NPS evaluated the effects of noise from ORVs on brown bear behavior as well as visitor's perception of solitude and crowding and their overall national park experience.

Use of the beach

Comment 11: The EA should clarify that ATVs can drive along the beach to access the tidal flats and to move between the two trails that access the beach -- connectivity is important to allow viewing of different bears and the ability to access sites during changing tides.

NPS Response: NPS regulations do not apply below mean high tide which is the park boundary. Consequently the EA did not address ORV use on non-NPS lands. However, the ERRATA clarifies that the State of Alaska currently controls and authorizes ORV use along the beach to access the tidal flats and to move between the two trails that access the beach.

Permit stipulations

Comment 12: "ORV use will be monitored. If resource disturbance becomes a problem, additional ORV stipulations will be implemented." This is basic park ranger observation and protection, and should be a condition of all users. There are no standards in the EA by which to measure trail degradation to determine if the trail system is degrading and potentially having a negative impact on the environment. While there is mention of periodic maintenance and an annual trail plan, and ORV use will be monitored (at least in the Southcentral stipulations), there is no mention of monitoring trail conditions to determine if the trails are degrading. It would be beneficial to establish baseline trail conditions using transect measurement and develop an annual monitoring to determine IF the trail system is degrading. This would provide park managers with the information necessary to best mitigate that degradation. Standards for a sustainable trail system and a monitoring plan must be included in the final EA. Again, these standards have been developed in other NPS ORV management plans and should be easily incorporated here. Furthermore, the idea of monitoring ORV use should be in the stipulations of all users, not just Southcentral Foundation.

NPS Response: The stipulation for monitoring ORV use appears in the stipulations for Southcentral Foundation and the CUA holders. The ERRATA modifies the stipulations to include it for all other landowners as well. NPS conducted a trail condition assessment on existing trails at SSC. NPS is only authorizing ORV use on trails that are generally in good or excellent condition. A maintenance plan is scheduled to be prepared that will further document trail conditions and geometry. NPS will annually monitor the condition of these trails and conduct maintenance consistent with the plan.

Comment 13: The stipulation calling for vehicles brought in from places outside of Silver Salmon creek to be free from invasive species (currently only found in the RWCA stipulations) should be included in ALL permits.

NPS Response: NPS will modify the stipulations so that this requirement applies to all vehicles. The stipulation will also be modified per Comment #14. These changes are presented in the ERRATA.

Comment 14: We request additional clarification on one of the RWCA permit stipulations (Page 11) requiring vehicles from outside the Silver Salmon Creek area to be brought in "*clean and free*" of invasive species. While we support the effort to reduce the spread of invasive species, it is not clear how a vehicle would be determined "*clean and free*" of invasive species and how this stipulation would be enforced. Perhaps a more practical way of addressing invasive species proliferation would be to reword the stipulation to instead indicate that every '*effort shall be made*' and '*best management practices*' employed to clean vehicles before arriving from outside the area.

NPS Response: NPS does not believe it is unreasonable to ask that vehicles from outside the area be cleaned before being transported to the SSC area. This is a precautionary provision, though it is not

intended that inholders' vehicles be inspected. The stipulation will be modified as follows: "Vehicles brought in from locations outside the Silver Salmon Creek area will be clean and free of debris." A measure that says vehicles should be "clean and free of debris" will be more meaningful than one that says "clean and free of invasive species." The change is reflected in the ERRATA.

Comment 15: It should be specifically stated that riding off trails is prohibited and if off-trail riding should occur, it could lead to trail closures. This kind of language exists in other ORV plans in Alaska's national parks and should be incorporated here.

NPS Response: ORV use is prohibited by regulation except where authorized. We believe the regulation provides adequate notice that off trail use is prohibited.

Comment 16: Establish a weight limit to your definition of ORVs. This has been done in other NPS ORV authorizations – specifically in the Cantwell Subsistence ORV plan at Denali and in the proposed Wrangell-St. Elias ORV Trail Plan. In both instances, the weight limit is 1,500 lbs curb weight and that standard should be adopted here as well.

NPS Response: This authorization approves a community of trails for multiple purposes, so defining ORVs on this system of trails for multiple purposes is important. NPS will modify the definition of ORVs to be authorized in the ERRATA to include a curb weight limit of 1,500 pounds and a width limit of no more than 60 inches. Should a landowner have a larger vehicle they use for access, that vehicle could be approved by a RWCA but only on those trails necessary for access.

Comment 17: The proposal that the total weight for ATV with rider and luggage be less than 1500 pounds seems unrealistic and arbitrary. I do not feel that a weight limit is necessary. There is only so much that can fit in an ATV trailer anyway, and fewer heavier loads will reduce the traffic on the trails.

NPS Response: The EA did not identify a weight limit in the definition for ORV. However, in response to Comment #16, NPS will modify the definition of ORVs to be authorized in the ERRATA to include a curb weight limit of 1,500 pounds and a width limit of no more than 60 inches. Should a landowner have a larger vehicle they use for access, that vehicle could be approved by a RWCA but only on those trails necessary for access.

Comment 18: We would like clarification on the description of the ORV as it references any vehicle with four or more low pressure tires. What about 3 wheelers?

NPS Response: NPS will modify this text so that the definition of ORV includes three-wheeled vehicles. The ERRATA shows this change.

Comment 19: It appears that I will need to get a permit every time I need to bring any heavy equipment to the outside beach? It would be best if I could get a yearly permit for this activity. I feel that the trail to the outside beach is the main access road to the outside beach and no permit should be necessary.

Implementation

Comment 23: Access to inholdings should be authorized under the rules and regulations designed for that purpose – in this case that is a Right-Of-Way Certificate of Access. Using a regulation designed for recreational ORV riding is the wrong tool and given the problems NPS could have in the future should they pursue using 36.11 as the vehicle for authorizing trail use at Silver Salmon, NPCA urges the Park Service to very carefully review the use of economic activity as a purpose for application of 1110(b) and the Right-of-Way Certificate of Access process OR pursue an entirely new and specific regulation to address this situation.

NPS Response: This EA addressed the regulations available to authorize ORV use in the SSC area. A RWCA only provides adequate and feasible access to the inholding for economic and other purposes that occur on the inholding. Section 1110(b) of ANILCA does not authorize commercial visitor services off the inholding. Some ORV use is not associated with access to private property. Instead ORVs are used to transport visitors to view bears or to fish. ORVs also provide access to subsistence resources. ORV use not associated with inholder access cannot be authorized by a RWCA.

Issuing multiple permits that authorize access for a multitude of purposes would be redundant. Issuing two permits when a single permit will address all the ORV use is an unnecessary burden on landowners. A landowner can still apply for a RWCA if they feel the selected alternative does not provide adequate access to their property.

NPS could write a special regulation that would allow NPS to take the same actions that are proposed in the preferred alternative. NPS believes it is not necessary to write a special regulation to accomplish the goals of the project. NPS notes that 43 CFR 36.11(g)(2) is not limited to or designed for recreational ORV riding. There would be no change in impacts to park resources from using a special regulation compared to using 43 CFR 36.11(g)(2).

NPS Response: Depending on the purpose of the use of the heavy equipment, NPS can authorize such use annually. For example, NPS could issue a special use permit to support authorized trail maintenance or a Right-of-Way Certificate of Access for access to private property if the existing authorization does not provide adequate access to the inholding.

Comment 20: SCF would like to add a bullet that authorized operation of ORVs by SCF Volunteers. SCF is requesting this change because SCF Volunteers assist in day-to-day operations.

NPS Response: Permit stipulations for SCF will be modified to allow guests to operate ORVs (see the ERRATA). ORV use by a guest of any landowner will be at the discretion of landowner, with the understanding that the permit may be jeopardized if permit stipulations are violated. Permit stipulations require drivers to have a wildlife and ORV orientation before they can drive ORVs.

Comment 21: The Preferred Alternative states that ORV use would be limited to local residents and non-paying guests. We understand the concept of a non-paying guest as it relates to guests of local residents and Southcentral Foundation. But we are unclear about the definition of local residents as it pertains to the two lodges. Are the lodges the residents, in which case anyone working for them would fit this definition, or is this definition to be applied to each of the guides working for the lodges? Granted, we are speculating that one or more of the lodges could hire guides that are not local residents, but assuming our speculation is correct, how do they operate an ORV under this definition?

NPS Response: According to the definition in the EA, the local resident is the property owner and any person staying on that property who is not paying to stay there, is allowed to operate an ORV.

Compatibility Determination

Comment 22: "The determination that ORV use at SSC is compatible with park resource values is based on the fact that current levels of use comport with historic levels of use." This statement at the end of the EA appendix is not good. It infers that historic uses and historic levels of use are always OK. That is not the case. The Yosemite fire hall was historic but clearly not an appropriate use. Similarly, just because ORVs have been used at SSC at x levels, doesn't mean that it might not be an unacceptable impact on the park resources and on the park visitors.

NPS Response: The quoted sentence is not meant to infer that historic uses and historic levels of use are always acceptable. It simply provides a context for proposing that ORV use is compatible at SSC only at the levels the EA examined. Levels or patterns of use different from the existing condition have not been found compatible. The impacts analysis in the EA evaluates the level of impact to park resources and values. Impacts from the proposed action were found to be minor.

ERRATA

This errata section provides clarifications, modifications or additional information to the EA. These amendments do not significantly change the analysis of the EA and, therefore a new or revised EA is not needed and will not be produced.

1. The permit stipulation for Holders of Commercial Use Authorizations and for Southcentral Foundation that states, "No more than one group may park at the Silver Salmon Creek crossing or within ¼ mile of that crossing at the same time" is changed to: "Permit holders are encouraged to recognize when congestion is occurring at the Silver Salmon Creek crossing, adjust their destination if possible, and park ORVs along the trail where safe passage is maintained." This stipulation will apply to all permit holders in the SSC area. [modification]
2. ORVs may be parked along any of the designated travel routes where it is wide enough for safe passage. [clarification]
3. The two inholders' RWCAs will authorize transportation of supplies and luggage, on the Silver Salmon Lakes trail segments. [clarification]
4. The text from the LACL 1982 General Management Plan on page 6 of the EA should be deleted. [correction]
5. The Alaska Department of Fish and Game, Division of Habitat is currently responsible for issuing Title 16 Fish Habitat Permits, rather than the Alaska Department of Natural Resources, as noted. Similarly, the Alaska Coastal Management Program is now implemented by the DNR, Division of Coastal and Ocean Management. [correction]
6. The State of Alaska currently authorizes ORV use along the beach to access the tidal flats and to move between the two trails that access the beach. [clarification]
7. The following will be common to all permits: ORV use will be monitored by the NPS. If resource disturbance becomes a problem, NPS will add additional ORV stipulations. [modification]
8. The following stipulation will apply to all permits: Vehicles brought in from locations outside the Silver Salmon Creek area ~~will~~ *should* be clean and free of debris. [modification]
9. The permits will authorize the following types of vehicles: a motorized off-highway vehicle traveling on three or more low pressure tires, having a seat to be straddled by the operator and a handlebar for steering control. A motorized off-highway vehicle having four or more low pressure tires, designed with side-by-side seats, seatbelts, steering wheel, and optional cab, brush cage, or roll-over protection structures. The ORV must have a curb weight of 1500 pounds or less, and an overall width not greater than 60 inches, excluding mirrors. [modification]
10. The stipulation for SCF that says, "Operation of ORVs by guests is prohibited" will be deleted. [modification]
11. The EA states on Page 2 that, "The park manages commercial activities at SSC through Commercial Use Authorizations (CUAs). While these authorizations recognize that ORVs have been used

for decades in the community to support inholder activities, no permits have been issued for such use and no trails have been designated." This statement should be corrected to say that "The park manages commercial activities at SSC through Commercial Use Authorizations (CUAs). While the park acknowledges that ORVs have been used for decades in the community to support inholder activities, CUA stipulations do not mention ORV use and, no permits have been issued for such use, and no trails have been designated." [correction]

Attachment B: Superintendent's Evaluation for Compatibility

Conservation Unit: Lake Clark National Park and Preserve

Date established: 12/2/80

Establishing Authority: Alaska National Interest Lands Conservation Act

Purpose(s) for which Established:

"To protect the watershed necessary for the perpetuation of the red salmon fishery in Bristol Bay; to maintain unimpaired the scenic beauty and quality of portions of the Alaska Range and Aleutian range, including active volcanoes, glaciers, wild rivers, lakes, waterfalls, and alpine meadows in their natural state; and to protect habitat for and populations of fish and wildlife including but not limited to caribou, Dall sheep, brown/grizzly bears, bald eagles, and peregrine falcons."

NPS Proposed Action

The National Park Service is considering authorizing ORV use on 3.4 miles of existing trails in the SSC area by the owners of private lands in the area. Only the 13 existing landowners would receive a permit. ORV use by federally qualified subsistence users would be allowed under the same permit on an additional 0.9 miles of trail. Trails are shown on Figure 2. ORV use would be limited to landowners and non-paying guests.

These trails would be inventoried, assessed and periodically maintained. The NPS would work with the landowners to develop an annual trail maintenance plan. Landowners would be responsible for maintenance activities with NPS oversight and assistance.

ORV use will be monitored. If resource disturbance becomes a problem, additional ORV stipulations will be implemented.

Only the following vehicles are authorized: any motorized off-highway vehicle traveling on three or more low pressure tires, having a seat to be straddled by the operator and a handlebar for steering control. A motorized off-highway vehicle having four or more low pressure tires, designed with side-by-side seats, seatbelts, steering wheel, and optional cab, brush cage, or roll-over protection structures. The ORV must have a curb weight of 1500 pounds or less, and an overall width not greater than 60 inches, excluding mirrors.] The landowner shall obtain prior approval from the Superintendent before operating any other vehicle including pick-up trucks, dump trucks, and heavy equipment.

The following stipulations would apply:

Proposed Permit Stipulations for Landowners other than Southcentral Foundation and who do not have a Commercial Use Authorization

- Operation of ORVs will be permitted only on the trails identified in each permit. Use of the trail colored yellow on the map is permitted only by federally qualified subsistence users.
- ORVs will be operated at speeds not exceeding 15 mph.
- A wildlife and ORV orientation will be required of all ORV users.

- The number of ORVs operating at any one time on designated trails is limited to three per permit holder.
- Vehicles that are brought in from places outside the Silver Salmon Creek area will be clean and free of debris.
- Permit holders are encouraged to recognize when congestion is occurring at the Silver Salmon Creek crossing, adjust their destination if possible, and park ORVs along the trail where safe passage is maintained.

Proposed Permit Stipulations for Holders of Commercial Use Authorizations

- Operation of ORVs will be permitted only on the trails identified in each permit. Use of the trail colored yellow on the map is permitted only by federally qualified subsistence users.
- A wildlife and ORV orientation will be required of all ORV users.
- The number of ORVs operating at any one time on designated trails is limited to five per permit holder.
- Group size will be limited to 10 including guides. Groups will be supported by no more than 2 ORVs and trailers per group.
- Rental of ORVs is prohibited in CUA activities.
- Operation of ORVs by paying Lodge clients is prohibited.
- Permit holders are encouraged to recognize when congestion is occurring at the Silver Salmon Creek crossing, adjust their destination if possible, and park ORVs along the trail where safe passage is maintained.
- Commercial use of ORVs involving clients will be permitted only between 6am – 10pm.
- ORVs will be operated at speeds not exceeding 15 mph.
- Vehicles that are brought in from places outside the Silver Salmon Creek area will be clean and free of debris.

Proposed Permit Stipulations for Southcentral Foundation

- Operation of ORVs will be permitted only on the trails identified in each permit. Use of the trail colored yellow on the map is permitted only by federally qualified subsistence users.
- A wildlife and ORV orientation will be required of all ORV users.
- The number of ORVs operating at any one time on designated trails is limited to three per permit holder.
- Group size will be limited to 10.
- Permit holders are encouraged to recognize when congestion is occurring at the Silver Salmon Creek crossing, adjust their destination if possible, and park ORVs along the trail where safe passage is maintained.
- Use of ORVs will be permitted only between 6am – 10pm.
- ORVs will be operated at speeds not exceeding 15 mph.
- Vehicles that are brought in from places outside the Silver Salmon Creek area will be clean and free of debris.

History of ORV Access and Use

Various commercial uses of the Silver Salmon Creek area occurred long before the park was established. Cannery operations reached the west side of Cook Inlet in 1900 and in 1919 the Surf Packing Company built a cannery in Snug Harbor just north of Silver Salmon Creek¹. This was the only remaining cannery on the west side after 1930. Other uses included clamming, salting, operation of commercial fishing set net sites, and guided hunting as well as commercial lumbering, subsistence fishing, hunting and trapping. By the 1950s, oil and gas exploration and production brought further economic and demographic change accompanied by enhanced transportation systems and a growing recreational fishing and hunting industry².

Transportation to support these activities occurred by light aircraft and boat. As permanent camps were developed motorized surface transportation along the shoreline between sites became common. While the following photograph was taken at Polly Creek at Tuxedni Bay just north of Silver Salmon, it reflects one of the commercial uses that enlisted motorized surface transportation on West Cook Inlet near Silver Salmon Creek as early as 1923 and well before the establishment of the park.



Lone Clammer @ 1923 Dorothy Fribrock collection³

As early as the 1930s, heavy equipment was used at the Wilbur Morris sawmill near Red Glacier just south of Silver Salmon Creek, where in 1942, Morris was permitted to cut 1 million board feet of spruce and 10,500 linear feet of timber for various piling stock. Morris stayed until about 1960, but his operation was never large enough to significantly or visually change the landscape.⁴

¹ Snug Harbor Cannery, Ringsmuth, 2005, pp26

² West Cook Inlet Ethnographic Overview and Assessment for Lake Clark National Park and Preserve, Stanek, Fall and Hoken, 2006, pp 82

⁴ Historic Structures within Lake Clark National Park and Preserve, Hoagland, 1982, pp 14-15

As of 1981, 60 commercial salmon setnet sites operated from land bases between Chinitna Bay and Polly Creek and commercial clamming operations involved over 100 people near Polly Creek and the Crescent River⁵. Motorized surface transportation along the shoreline to support these fishing sites was not uncommon. The Lake Clark National Park and Preserve General Management Plan recognized such uses, stating "...local residents have traditionally used snowmobiles...", and "... large off-road vehicles with four wheel drive or tracks do not venture far from the limited road networks around the villages. Small three-wheel scooters are often used in summer and other seasons..." (Lake Clark GMP/DCP, page 61).

As commercial clamming and salmon fishing waned, other commercial uses evolved in the entrepreneurial spirit of West Cook Inlet. In 1975 homesteaders Robert and Mary Haeg used heavy equipment and ORVs, first three wheelers and later four wheelers, to provide necessary support for their Chinitna Bay home site and commercial fishing activities, such as net transport and pulling, fish hauling and other uses. They later equipped themselves to provide bear viewing visitor services.

Various commercial uses of the Silver Salmon Creek area occurred long before the park was established and the people involved with such businesses used ORVs not only to support business operations but also to support subsistence lifestyles. For example, James Isaak learned about ORVs and subsistence practices by accompanying his father and Joe Munger, who used the Johnson River Trail mainly for trapping, hunting, and timber harvesting. Joe mainly used a D-2 cat until around 1975 when he got a 3-wheeler, which he used to access trap lines when there wasn't any snow.

Commercialized support of sport fishing and bear-viewing activities have been part of the Silver Salmon Creek visitor composition since at least the mid 1970s with the subdivision of the Munger homestead and with the establishment of the Silver Salmon Creek Lodge, by Ken Grimes in 1978. Heavy equipment and ORVs were employed to support many home sites as well as lodge activities.⁶ With the establishment of Lake Clark National Park and Preserve and elimination of sport or general hunting within the park, changing economics provided additional opportunities that targeted sportfishing and commercialized brown bear viewing on the park coast.

David Coray purchased the Silver Salmon Creek Lodge in 1983 and expanded the services to include brown bear observations and photography, sea-kayaking, boat tours of the coast of Lake Clark National Park, bird watching and tent camping, with a current capacity for 16 guests at one time. James Isaak began taking in guests at his Homestead Lodge, with a stated capacity of 12. Commercial activities were encouraged and approved by park management⁷ and later authorized under Commercial Use Authorization (CUAs).

During the 1980s, 1990s and early 2000s, ORV use continued on limited existing trails to support inholder access and appropriate activities.

Prior to the widespread availability of ORVs, motorized vehicles in the Silver Salmon Creek area consisted of old tractors and army jeeps. With the advent of smaller, more mobile all-terrain vehicles (3 wheelers) coupled with the lucrative commercial salmon set-netting efforts, the area saw a rapid increase in ORV use, with perhaps a dozen in use by 1977 and over 20 by 1983. They were used for a variety of purposes, but most importantly for accessing fishing nets on the outside beach, transporting

⁵ Lake Clark GMP/DCP 1982 pp.63

⁶ Personal communication with David Coray, 2008

⁷ Lake Clark GMP/DCP, 1982, pp 22

fish to airplanes for shipment, transporting lodge guests to local streams and boats, and for visits between local landowners. With single-axle trailers being towed behind, landowners at Silver Salmon quickly realized the labor and cost saving elements of employing these motorized vehicles in their efforts to live in a remote area.

ORVs were capable of moving over tidal flats, grassy meadows and crude trails in the woods with relative ease. In the 1970's the area was managed by the Bureau of Land Management and no restrictions were imposed on ORV use. Established, hardened trails were formed between fishing camps and the one lodge. Detours were often added if an existing trail was muddy and within a few short years, a patchwork of ORV trails covered the entire stretch of coastline from Johnson River south to Red River.

It was by common consensus in the early 1990's that landowners in the general area agreed that unchecked, unrestricted ORV use in the area was potentially damaging to the lifestyle of the residents and to the value of the land itself. In response to increased pressures on resources, the NPS enhanced its presence at SSC to protect important park resources and assure visitors an opportunity for a safe and favorable park experience. A ranger station was built adjacent to one central beach landing area. This facility provides a base for park employees to monitor impacts to fish and wildlife habitat and to provide information, guidance, and emergency response. Best practice guidelines were established in 2004 and community meetings were held in 2006 that resulted in voluntary non-use of unsustainable trails that paralleled Silver Salmon and Sergeant Creeks in order to protect fish and wildlife habitat. The NPS and landowners informally agreed that only necessary trails would be used and that use of other trails would be discontinued.

Regulatory Pathway

43CFR 36.11 g(2) states:

The appropriate Federal agency is authorized to issue permits for the use of ORVs on existing ORV trails located in areas (other than in areas designated as part of the National Wilderness Preservation System) upon a finding that such ORV use would be compatible with the purposes and values for which the area was established. The appropriate Federal agency shall include in any permit such stipulations and conditions as are necessary for the protection of those purposes and values.

43CFR 36.11 g(2) would allow the National Park Service to authorize ORV use on 3.4 miles of existing trails in the SSC area for inholder travel if such ORV use is determined to be compatible with the purposes and values for which the area was established.

Criteria for Evaluating Compatibility

2006 NPS Management Policies Section 1.4.6 declares that "park resources and values" include the park's 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 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; and any additional attributes encompassed by the specific values and purposes for which the park was established.

2006 NPS Management Policies Section 1.4.7.1 states:

Virtually every form of human activity that takes place within a park has some degree of effect on park resources or values, but that does not mean the impact is unacceptable or that a particular use must be disallowed. Therefore, for the purposes of these policies, unacceptable impacts are impacts that, individually or cumulatively, would:

- be inconsistent with a park's purposes or values, or
- impede the attainment of a park's desired future conditions for natural and cultural resources as identified through the park's planning process, or
- create an unsafe or unhealthful environment for visitors or employees, or
- diminish opportunities for current or future generations to enjoy, learn about, or be inspired by park resources or values, or
- unreasonably interfere with
 - park programs or activities, or
 - an appropriate use, or
 - the atmosphere of peace and tranquility, or the natural soundscape maintained in wilderness and natural, historic, or commemorative locations within the park, or
 - NPS concessioner or contractor operations or services.

The general definition for compatible is "capable of existing or performing in harmonious, agreeable, or congenial combination." It seems that impacts from uses that are "compatible" should be lower than impacts that simply rise above "unacceptable." Nonetheless, the criteria for "unacceptable impacts" listed in 2006 NPS Management Policies offer a starting point since there are no criteria in policy for what constitutes "compatibility."

Evaluation of Compatibility

Actions proposed in the LACL Management of Off-Road Vehicles at Silver Salmon Creek Plan would essentially limit the volume of ORV use and would stipulate that ORVs be operated in ways that protect the purposes and values for which the park was established. NPS would issue only a limited number of permits in order to ensure use does not exceed existing levels and thus continues to be compatible. Under this scenario, ORV use would be compatible with park purposes and values, based on the following evaluation:

- **Vegetation and Soils.** NPS would authorize ORV use only on existing trails that are located to minimize damage to soils, watersheds, vegetation, and other resources of the public lands. NPS conducted a trail condition assessment on existing trails at SSC. NPS would only authorize ORV use on trails that are

generally in good or excellent condition. An annual maintenance plan will be developed to ensure that trails remain in good condition. Authorizing ORV use on 3.4 miles of existing trails will create a beneficial impact to soils and vegetation because the 6 miles of trails that have been developed and used in the past will officially be closed to ORV use and allowed to recover. These actions will reduce or eliminate impacts to soils and vegetation such as compacting soils, crushing plants, scarring trees, exposing roots, and spreading invasive plant species because use of ORVs would be limited to a small area and ORVs would be required to stay on hardened trails.

- **Wildlife and Wildlife Habitat.** Trails are located to minimize harassment of wildlife or significant disruption of wildlife habitats. NPS rangers have not observed significant changes in bear behavior at existing patterns and levels of ORV use. NPS has not detected a measurable impact to salmon from ORV crossings at SSC. The proposed action will create beneficial impacts to brown bears by limiting the area in which ORVs can be operated and by establishing quiet hours between 10pm and 6am for commercial use of ORVs involving lodge guests. Since NPS data indicate that bears at SSC are most active late evening into the dark hours of the night, these actions will enhance bears' access to habitat, particularly for bears that have a lower tolerance for people and ORVs. Establishing a speed limit will also reduce impacts to bears because ORVs traveling at low speeds are less likely to surprise or frighten bears than ORVs traveling at high speeds. In addition, the commercial activities supported by limited ORV use contribute substantially to the education of visitors and serve the NPS in building understanding and a meaningful conservation ethic in visitors. Educated visitors tend to act more responsibly around bears, which positively contributes to the protection of brown bears at SSC.
- **Visitor Experience and Quality of Life for Landowners.** Trails are located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors. Some landowners have complained about the level of ORV use and feel that it detracts from a quality visitor and landowner experience due to noise and presence of motorized equipment. NPS believes that stipulations regarding the operation of ORVs at levels described in the proposed action can mitigate this concern. Limits on the number of ORVs that can be operated at one time as well as spatial separation requirements will reduce the amount of noise generated by ORVs and the visual impact of machines in a natural setting. Reducing crowds will provide a more natural backdrop against which bears are viewed. These things will positively affect visitor's perception of solitude and reduce the feeling of crowding, and will tend to enhance their overall national park experience. The proposed action will create positive impacts to visitor experience by allowing visitors to access properties at SSC with ORVs and to facilitate access to sportfishing, bear viewing, and photography. Authorizing use of ORVs on the 3.4 miles of trails necessary for access and commercial activities will allow visitors to comfortably get themselves and their luggage to and from the lodges. Since strict management of ORV use would be compatible with the protection of brown bear habitat and populations, it will also protect the visitor opportunity to view bears if bears are less likely to be scared away from the use of ORVs.
- **Wilderness.** Trails are not located in officially designated Wilderness Areas or Primitive Areas, and the SSC area was purposefully excluded from wilderness designation. In 1979, the Committee on Energy and Natural Resources, United States Senate, recognized land use potentials for Lake Clark after it was designated a National Monument and while it was being considered for park status. The Committee said, "Lake Clark National Park/Preserve has some of the best potential for recreation in the State, because of its easy access from Anchorage. The designation as wilderness of the mountainous core area and some of the key lowland areas ensures that there will be a balance between higher density

recreation on the fringes of the area and high quality wilderness public use in the heart of the park and preserve.” The Silver Salmon Creek area was not ultimately designated Wilderness, recognizing its current development, considerable private parcels and neighboring Native corporation lands.

- **Natural, Aesthetic, or Scenic Values.** Patterns and levels of ORV use as described in the proposed action will not adversely affect the Park’s natural, aesthetic, or scenic values. Natural, aesthetic, and scenic values will be enhanced by allowing 6 miles of trails to recover to a natural condition. Limits on the number of ORVs that can be operated at one time as well as spatial separation requirements will reduce the amount of noise generated by ORVs and the visual impact of machines in a natural setting. Reducing crowds will provide a more natural backdrop against which bears are viewed. These things will positively affect visitor’s perception of solitude and reduce the feeling of crowding, and will tend to enhance their overall national park experience.

In addition nothing in the proposed action will constitute an unacceptable impact as defined in 2006 NPS Management Policies Section 1.4.7.1. ORV use as it’s described in the proposed action will also be compatible with all resources and values listed in Section 1.4.6 as well as those identified in the park’s enabling legislation that are not specifically described above. Compatibility of ORV use with those resources and values, such as cultural landscapes and ethnographic resources, is not described in detail because the proposed action will simply not impact to those resources and values.

Finding

In general, ORVs have the potential to have significant negative impacts on brown bear behavior and habitat, salmon viability, and visitor experience, all of which are important values of the park; therefore, NPS has determined that only levels and patterns of ORV use described in the proposed action, including accompanying permit stipulations, are compatible with park resource values. NPS will proceed very cautiously when considering additional levels or different patterns of ORV use which could affect these important resources and values. NPS will issue only a limited number of permits in order to ensure use remains at or below existing levels and thus continues to be compatible. Impacts from ORV use at levels greater than those described in the proposed action, or under more relaxed stipulations than those described in the proposed action, would not be acceptable.

The determination that ORV use at SSC is compatible with park resource values is based on the fact that current levels of use comport with historic levels of use. Local businesses have grown from commercial operations that pre-date the park. It is based on two commercial operators operating at current levels and under permit stipulations described in the Environmental Assessment. The incorporation of ORVs into commercial enterprises preceded the establishment of the park and since the early 1980s has not grown significantly due to the high cost of transporting equipment to this rural region and the high costs of fuel. The number of landowners has also remained fairly consistent from the late 1970’s to the present day. ORV use will occur only on a limited number of sustainable trails, and stipulations on ORV use will mitigate adverse impacts to park resources and values including wildlife and the visitor experience. Currently, wildlife densities remain very high and resource impacts are very low. NPS expects this to continue under the level and pattern of ORV use described in the proposed action. If NPS receives requests for additional use, NPS would have to do a new determination which may or may not find that a higher level of use is compatible.

Approval:



Superintendent, Lake Clark National Park and Preserve 1/3/2011
Date

Review and Concurrence:



Regional Director, Alaska Region 3/15/2011
Date

