

Lake Roosevelt Vacation Cabin Environmental Assessment Public Review and Comment Summary

Summary of Environmental Assessment Review Phase

The Vacation Cabin Environmental Assessment was released for a 45-day public review period on February 15, 2011 through April 8, 2011. The NPS received requests for an extension of the comment period and extended the comment period an additional 30 days, through May 8, 2011. During this period, one public informational open house meeting was held in Kettle Falls, Washington, on March 15, 2011.

Approximately 42 copies of the EA were distributed, including to individuals, agencies, non-profit organizations and government officials. The EA was also available for review at the following libraries: Grand Coulee Public Library, Kettle Falls Public Library, and City of Colville Public Library. A press release regarding the EA public review was published in The Star Newspaper (Grand Coulee Dam Area), The Wilbur Register, The Davenport Times, The Spokesman Review, The Statesman Examiner and was posted on the PEPC and park websites. Copies of the press release were sent or emailed to 14 media contacts.

Approximately 454 comments were identified from 127 letters and emails from 120 individuals, three groups (National Parks and Conservation Association, Lake Roosevelt Vacation Cabin Owner's Association, and National Forest Homeowners Association), one county (Stevens County Commissioners), three State Representatives, and one United States Congresswoman.

A portion (53 or 42% of total) of the comment letters or emails received were derived from a form letter that did not support the removal of cabins or expanded management of the cabins and lots to bring them into compliance. The majority of these form letter respondents were related to individuals or families with vacation cabins at Rickey Point or Sherman Creek. In general, these respondents expressed dissatisfaction with cabin owners having to comply with additional Special Use Permit terms and conditions. These respondents believe that current management and stewardship of the cabins and lots enhances visitor experience, does not affect public access, and improves the lake and its shoreline environment.

The following categories of concerns regarding the range of alternatives and impact analysis in the EA (all comments are fully documented in the project administrative record):

1. Establishment of Greater Public Need
2. Beneficial Effects of Vacation Cabins
3. Status Of Septic systems
4. Importance of Keeping Public Land Open and Available For Use By The General Public

5. Special Use Permit Terms, Conditions, and Enforcement
6. Use Of A Vacation Cabin As A Primary Residence
7. Relationships between the Privatized Appearance of the Shoreline, Visitor Experience and Public Access
8. Adverse effects of Eliminating Permits and Vacation Cabins to Permittees and Community
9. Consistency of Vacation Cabins with the National Recreation Area
10. NPS Laws, Policies, Planning Documents, Studies, and Agreements
11. Protection and Enhancement of Natural Resources
12. Wells and Potable Water
13. Cultural and Historic Resources
14. EA Analysis and Alternatives
15. Alternative B Will Impose Unnecessary New Restrictions That Will Curtail Use Of The Cabins and Lead To Their Removal
16. The Tri-Party Agreement

There were 116 comments (in 125 letters) that recommended or opposed one of the alternatives, as summarized in the table below.

Stated Alternative Preference	#	% (x = 125)
Alt A	100	80%
Alt B	7	6%
Alt C	5	4%
Alts B or C	4	3%
Neither A, B or C specified	9	6%

Public Comments Outside the Scope of the Vacation Cabin Environmental Assessment

The following concerns expressed during review of the EA are outside the scope of the EA, or were not fully considered because they propose options that are not permissible and/or feasible, or were alternatives rejected during the scoping phase and/or do not meet the project purpose or need.

- Transfer ownership and/or management of the vacation cabin sites to county government
- NPS real motive is to create a deep water launch at Rickey Point
- Let the cabin owners purchase the land
- NPS should consider buying back those cabins whose owners are not able to meet permit requirements and then offer these cabins as rentals.
- Other major problem areas, such as the Spokane Arm of the reservoir, are in greater need of NPS management attention, given their relative contribution of impacts the lake and its users.
- There are better uses for this money, such as new boat launches, playgrounds, etc.
- The total number of cabins does not support the amount of money spent on this EA and studies
- NPS incorrectly states that cabins are the primary source of pollution in the Lake instead of correctly identifying industry as the main contributor of pollution
- NPS should concentrate on more important issues on the lake and leave cabin owners alone to manage their septic and other maintenance.

- Causes of lake problems are beyond the cabins. Focus on true causes of weed control and cross state pollution by having mandatory boat clean outs and duty officers who inspect boats at launches. Stop the problem before it enters the waters.
- Issues of impact identified in Alt B are also found at most other NPS managed public locations, usually more severe; Alt B will require additional NPS budget and effort should be directed elsewhere on the lake
- Effects of the cabins are nil in relation to the entire reservoir.
- Other major problem areas (Spokane Arm) are in much more need of attention than cabin sites.
- Better ways to spend money than on this issue, including: boat launch alternatives to marinas; floating restrooms near high use beach areas; increased # of fish cleaning stations; move docks when water fluctuates; increase parking in high use areas; update campgrounds; improve swim areas with playgrounds; less gun packers and more rake, shovel, toilet brush, leaf blowing packers
- Do not tie annual fee amount to county assessor data - NPS will lose control of the fee setting process.
- Charge the cabin owners full market rate for using the land, the cabins and improvements.
- Cabin owners have been paying \$4500 per year, not \$1500 per year
- Rates charged for these leases should certainly cover all expenses borne by federal taxpayers at a minimum.
- If leases are not economically viable for individual cabin owners, leases should either be terminated, or the cost of the lease should be equal + 10% of the financial burden on the taxpayer
- Charge a market rate for desirable lakefront properties.
- Leases and fees we pay to NPS are not consistent with other programs, such as Lake Concully.
- Counties have a more realistic sense of what is needed as far as codes, restrictions and any impacts that cabins may pose; County oversight of the cabins is the best option.
- Handing management of the cabins over to the counties, as they have requested, is a viable option.
- NPS needs to improve its outreach and communication to prevent ongoing distortion of the facts by local politicians who are advocating for cabin owners.
- This is a recreation area, rather than removing cabins, we should increase use and consider ways to adding to the total number of cabins.

Public comments submitted during the Environmental Assessment public comment period, organized by category

1. Establishment of Greater Public Need

The following comments are taken verbatim from public comments submitted during the EA public comment period:

- If there is no greater public need for the cabin sites, or other conflicts with the OIG report, issuance of site leases should continue
- There is certainly not greater public need...the 'only' reason stated in our lease for cabin removal. All other reasons could be remedied.
- Cabin owners are part of the public and cabins are not harmful to anyone or anything, there is no greater public need.
- The EA has not identified an overriding public need - NPS 53 mandates 5 year renewable leases unless an overriding public need is determined.
- NPS 53 Guidelines state that cabin leases are to be reviewed and renewed every five years unless or until there is greater public need. The SMP reported "there is not an overriding public need for the cabin sites at this time."
- No over-riding public need for the sites has been established.
- Why would this process continue on if Greater Public Need was rejected by EA consideration?

Response: A fundamental purpose of the EA was to assess whether the continued use of the areas currently set aside for private vacation cabins is still consistent with the needs of the general public. Having analyzed whether a “greater public need” exists at this time will help the NRA assess when and whether there is a greater “greater public need” in the future. For the purposes of implementing the selected alternative (i.e. issuing another 5-year term permit), the NPS has determined that there is not currently a demonstrated need by the general public for the areas currently occupied by the private vacation cabins. This determination was derived from professional judgment based on staff observations, public comment, and visitation counts.

In order to better analyze the ongoing public need, the NPS and the Social Sciences Unit at the University of Idaho are working together to develop an assessment tool to address future status and trends associated with visitor use and demand for recreational opportunities at Lake Roosevelt in the general vicinity of the private vacation cabin communities. Since the first assessment of “greater public need” using the new methodology is not scheduled to be completed until 2012, this process was not applied to the subject action, which is guided by Director’s Order 53, Special Park Uses. Director’s Order 53 sets the policies and procedures for administering special park uses on National Park System lands. Whether a request to engage in a special park use is approved or denied, the Superintendent’s decision must be based on all available consideration of relevant factors related to the request. In no case is a Superintendent “mandated” to automatically renew a request for a new permit, even though the activity may have been previously permitted.

2. Beneficial Effects of Vacation Cabins

The following comments are taken verbatim from public comments submitted during the EA public comment period:

- EA does not acknowledge the benefits provided by the vacation cabins: provision of recreational experiences to multiple generations; positive impacts to youth; stewardship of the NRA by cabin owners; positive economic impact of cabins on local tax base.
- Our cabin's presence on the lake has been a positive benefit to the lake and its users. We help boaters in distress, visitors needing medical attention.
- Cabins generate revenue which helps to maintain the NRA.
- No beneficial value or impact is expressed or given in the EA, for the cabin owners.
- EA understates the positive impacts (economic, promotional) of the cabins.
- One of the lake's most valuable assets has been overlooked in the assessment - the cabin owners.
- Existence of the cabins is a positive benefit to the lake, its users and the shoreline - a safe haven and a place to get assistance.
- Cabin owners are good stewards of the land, beach and surrounding area.
- Cabin owners are better stewards than the park service.
- Cabins have a beneficial effect on gateway communities.
- Cabins are a valuable resource and asset: provide affordable housing; contribute to the local tax base, and part of the local economic engine.
- Cabins are a positive benefit to the lake.
- Cabin owners are conscientious caretakers of their property.
- Cabin owners are good stewards and the cabins are inspirational and healthful.
- Cabins encourage a conservative enjoyment of the lake's resources while stewarding the health of the lakeshore, while giving no impression that the access to the shore is private. Owners are welcoming to people, whether they come by water or land.
- Cabins enhance the integrity of the area.

- Cabins encourage more use of the river by local residents than might otherwise.
- I consider myself, my family and other cabin owners to be excellent stewards of the land and protectors of the environment.
- Cabin owners are friendly, helpful, and welcoming, public use at cabins is greater than acknowledged in EA.
- Cabins are beautiful and support good clean fun.
- Cabin owners take care of their properties and are welcoming to people who use the NRA.
- Existence of the cabins is a positive benefit to the lake, its users, the shoreline because owners keep the area clean, safe and attractive.
- Existence of the cabins is a positive benefit to the lake, its users, the shoreline because owners take pride in keeping the area clean and are always willing to help out boaters.
- Cabin owners are good stewards to the land and lake, keeping trash, vandalism at a minimum.
- Cabins are a long term asset to the lake and community.
- Cabins are a positive benefit to the lake, its users and shoreline because owners provide security and safety should visitors find themselves stranded or need help, they keep the shoreline neat, cleaning and pleasing.
- Cabin owners care about the environment, are helpful and offer the highest hospitality.
- Cabins are a positive benefit to the lake, its users and shoreline because access to the Shoreline in front of cabins are the best maintained on the lake; cabins are a benefit to local economy, and owners are welcoming.
- Cabin owners help boaters, people in distress and generally are helpful caretakers of the lake. NPS doesn't have the manpower or budget to provide these services, similar to those provided by cabin owners.
- Cabin owners help LARO maintain the NRA and also generates revenue for the local economy.
- We cabin owners offer people help, keep our sites neat and reduce fire fuel.
- Cabin owners have invited me in for food and drink.
- Cabins are attractive and a reasonable use of the land.
- Cabin owners are great stewards of the shoreline, picking up trash and policing the waters for irresponsible boaters.
- Cabins are a positive benefit to the lake, its users and shoreline because cabins are well kept and bring back fond memories, cabin owners keep a watchful eye. (Note: There were 43 individual similarly worded comments)

Response:

The selected alternative would not detract from the benefits noted in many of the comments, though many other attributes are unsubstantiated and are simply individual perceptions. Actions under the selected alternative would include additional preventive measures to ensure that the water quality, environmental health, and scenic beauty of both cabin areas would be protected for the permittees, park visitors, and future generations to enjoy.

3. Status of Septic Systems

The following comments are taken verbatim from public comments submitted during the EA public comment period:

- NPS is unable to show that there is an immediate threat to the environment from failed septic systems.
- The quality of the sanitary survey is dubious. No evidence provided that older septic systems resulted in adverse environmental effects.

- You have not provided sufficient proof that our septic is failing. There is no standing water, no odor, it works and the drain field is far from the lake.
- NPS septic report doesn't state why our septic system is failing. When we got it pumped, the report stated that it accepts effluent. Questions accuracy of septic report.
- No evidence of water contamination, nor or septic contamination, therefore septic systems are not a health threat by local Health Standards. Very little water available to serve new septic systems. New septic systems will encourage year round use, existing system limits cabin use to seasonal - the intent of the NPS.
- Consider compost or incinerator systems for those cabins that are space limited for drain fields
- Cabin owners need to upgrade septic systems, this should be a contingency of lease renewal.
- I do not comprehend the Sanitary Survey's status for Lot 6 as 'limited functionality'. I would like a written explanation and a copy of the report.
- There is a question of whether county health departments require replacement of septic.
- Stevens County is unsure we can provide regulatory oversight for conditions that NPS think need to be enforced by Code that does not exist. Alt. B conditional requirements on cabin owners put the County in the position of imposing NPS compliance standards where no such authority exists in County code.

Response: As documented in the EA, in 2010, the NPS, in conjunction with the Okanogan County Public Health Department, completed a Sanitarian Survey to gather preliminary condition information on each of the 26 waste water treatment systems located at the Rickey Point and Sherman Creek vacation cabin areas. The primary purpose of this information gathering was to inform the NPS as to the condition of the wastewater treatment systems at these two locations, and whether these systems had failed or had a likelihood of failure within a given timeframe (5-years or less). An inspection summary was developed for each property, describing the observed conditions. Based on these findings the NPS requested that each cabin site be categorized as Fully Operational, Limited Functionality, or Failing/Failed. These categories assumed normal maintenance and use over the next five-years.

- **Fully Functional:** The system is functioning properly and effectively treating effluent
- **Limited Functionality:** The system may be treating effluent, but accessibility to the system limits the ability to easily maintain and inspect the system, or particular components of the system are damaged or missing limiting the effective treatment of effluent.
- **Failing/Failed:** The system is no longer properly treating effluent.

The results of the inspection showed that most of the systems were of limited functionality or failing/failed.

The NPS is obligated to protect the public health and safety as well as the environment from all foreseeable risks. As such, in those instances where a system was deemed as functioning in a limited capacity or failing/failed, the NPS has the authority to ensure corrective actions are taken prior to any injurious event occurring. Prior to the issuance of a new Special Use Permit, current cabin permittees must provide documentation that their individual systems are fully operational and system upgrades comply with all health district regulations. These protective measures are aligned with state and local laws which govern rural domestic septic systems and will remove the level of uncertainty regarding the functionality of existing systems.

Northeast Tri-County Health has delegated authority from the state and ultimately U.S. EPA to administer the state and federal regulations related to septic system operation and maintenance in order to protect the environment and public safety. Although located on U.S. Government

lands, each of the private vacation cabins and their associated septic systems are private in nature. Rather than addressing septic issues at the vacation cabin sites with an arbitrary level of compliance developed by the NPS, the NPS will defer to Northeast Tri County Health and the current Washington Administrative Code 246 272A 0270 regarding rural septic systems.

4. Importance of Keeping Public Land Open and Available For Use By The General Public

The following comments are taken verbatim from public comments submitted during the EA public comment period:

- This is the time to reset the stipulations, protect the public interest and stop/reverse the encroachment in efforts to prevent setting a precedent.
- I support keeping LARO NRA as it was intended: for all public, all US Citizens, area residents and Tribes.
- Cabin lease land should not be considered private real estate. Seasonal residence on NPS land is a privilege and must yield to the primary rightful public access as originally legally intended.
- Alt C would best serve the interests of the people of the US for whom LARO was established.
- This is public land and it should stay that way for all Americans to enjoy.
- Please do not allow those who seek special consideration at the expense of everyone else to prevail. Rather than make these dwellings permanent, I ask you to cease issuing permits allowing private seasonal cabins on land WE own.
- These cabins and the surrounding land have always been used by the public, on a lease basis. They should be ordered to place their cabins back in the original condition it was in, when they leased it.
- I support keeping this resource fully public. This is not private property and I oppose rewarding permit holders who have broken the rules.
- National Parks are supposed to be for everybody to share. Not for individuals to have special privileges.
- These cabins are on lands held in trust by the Federal Government for the people by the people of the United States, they are not on private lands.

Response: The NPS became involved with planning for recreational use of the reservoir long before it agreed to assume management authority for Lake Roosevelt as a unit of the National Park System. Although the NPS became a signatory to the Tri-Party Agreement in 1946, creating Coulee Dam National Recreation Area, this occurred during the period when the National Park System managed recreation areas, national parkways, and other non-traditional categories differently. Consequently, decisions by early park managers reflected some ambiguity about applying the same basic preservation policies that applied to national parks and monuments to National Recreation Areas. The act mandating this for the NPS did not occur until 1978 (Redwood Act/Act for Administration). One way in which the NPS encouraged recreational use of the reservoir lands was to allow leases for summer cabin sites, following models then used by the USFS. Planning for locations to place vacation cabins began in 1952, predating the Act for Administration by more than 20 years.

As reflected in the General Management Plan (and other recent planning efforts including the regulation of Personal Water Craft) Lake Roosevelt National Recreation Area provides opportunities for diverse, safe, quality, outdoor recreational experiences for the public; to preserve, conserve, and protect the integrity of natural, cultural, and scenic resources; and provide opportunities to enhance public appreciation and understanding of the area's

significant resources. The 26 vacation cabin sites have now been permitted for over 50 years. Under the selected alternative, the NPS will manage the traditional use of the cabins in a way that is fully protective of the recreation area's natural, cultural, and recreational resources by requiring adherence to the same laws, regulations, and policies that govern NPS management of other developed areas. As required by Title 43 of the Code of Federal Regulations Chapter 21, the NPS will periodically make a determination whether the continued use of the private cabin sites interferes with the needs of the general public for use of the area. Once a determination of this "greater public need" is made and the findings made public, one final 5 year permit would be issued.

5. Special Use Permit Terms, Conditions, and Enforcement

The following comments are taken verbatim from public comments submitted during the EA public comment period:

- We are tired of fighting over these issues. Every new administration, park ranger results in new rules and restrictions and different interpretations of policy.
- Proposed changes to permit conditions, under Alt B, are grossly unfair and unnecessary, have no supporting rationale, other than to harass the vacation cabin lessees to the point that they will not be able to renew their leases.
- The EA and Alternatives deliberately delineates all the way NPS can deny cabin owners SUPs for infringements.
- There is no need for additional regulations and unnecessary conditions.
- NPS should work with cabin owners to enforce existing regulations and ensure understanding, cooperation and compliance.
- Most cabins are out of compliance due to outbuildings, parking and other unauthorized improvements. These permittees should not be allowed to receive or transfer their SUP.
- Enforce SUP rules with financial penalties.
- Some leaseholders have been allowed to make substantial improvements to their cabins, while others have been held to a different standard. In what manner will enforcement be handled differently than in the past?
- I am very upset at this gross encroachment on my public lands and am very curious of the increasing costs incurred by NPS, local govt and taxpayers due to some occupants in total disregard of the original intent of these vacation cabins. Please restrict use to Alt B or something more restrictive.
- Violations of NPS lease terms/rules need to be corrected for preservation of the intent of the lease program.
- Given the environmental, cultural and economic importance of LARO and its shoreline, private development of the shoreline is inappropriate and should be as strictly controlled as possible.
- The people allowed to use the vacation homes should be subject to all local laws and environmental safeguards to insure the sites are safe and not damaging public lands and neighbors.
- We the people respectfully and clearly request that the park service either go with Alt B or a more restrictive alternative, in order to restore the shoreline back to what was intended, when the leases were originated.
- It is completely inappropriate to prohibit rebuilding the existing structures in the existing footprint following fire or other natural disasters. Amend Alt A to allow for rebuilding of structures.
- Lack of justification for not allowing cabin owners to rebuild following damage, not allowing wells, and not transferring leases.
- Under Alt B, not allowing cabin owners to repair, rebuild their cabins [in] case of damage will result in unsightliness of run down cabins.

- If the cabins are not to be removed, I'd like to see them managed in a way that would maintain a natural shoreline like a National Park should have and not somebody's private beach.
- Cabin owners not being allowed to rebuild has never been a term associated with the lease, why now? If cabins are an acceptable and approved use, why would a lightening strike change that accepted use?
- Not allowing cabin owners to rebuild or repair following fire, structural damage or acts of God is unreasonable and punishing. (3 individual comments, verbatim)
- Criteria such as not allowing cabin owners to rebuild damage or loss, not allowing wells, not transferring leases without strict compliance is unacceptable and not called for. (30 individual comments, verbatim)
- Charge the cabin owners full market rate for using the land, the cabins and improvements.
- Cabin owners have been paying \$4500 per year, not \$1500 per year.
- Rates charged for these leases should certainly cover all expenses borne by federal taxpayers at a minimum.
- If leases are not economically viable for individual cabin owners, leases should either be terminated, or the cost of the lease should be equal + 10% of the financial burden on the taxpayer.
- Charge a market rate for desirable lakefront properties.
- We encourage NPS to take the economy and people's tight finances/fixed budgets into account when adding additional requirements to the permit.
- Leases and fees we pay to NPS are not consistent with other programs, such as Lake Conconully.
- I would like to see deletion of the permit terms restricting year round residency.

Response: Through this Environmental Assessment the NPS has reviewed in detail the environmental and human impacts associated with the ongoing issuance of 5 year special use permits for vacation cabin occupancy and the selected alternative provides guidance for NPS staff as well as permittees regarding the future use and management of the vacation cabin areas. Changes to the permit terms and conditions, which are outlined in the selected alternative are consistent with NPS policy and regulations for protecting the long-term health of the NRA, and reflect the management practices used throughout the NRA. The NPS acknowledges that Lake Roosevelt NRA provides for diverse recreational opportunities and that during the development of the recreation area, private vacation cabins were one of these uses. Since that time however, new regulations and interpretations of policy would not allow for this type of use within a unit of the National Park System. As such, if cabins are destroyed or irreplaceably damaged, the short-term nature of the permit does not allow adequate time for the amortization of the structure. The selected alternative, however, does allow for damages that occur to the cabins to be repaired.

As proposed in the EA and specified in the selected alternative, permits can be transferred with the written prior approval of the superintendent. The NRA will address violations of the terms and conditions as appropriate to the severity of the violation.

6. Use of a Vacation Cabin as a Primary Residence

The following comments are taken verbatim from public comments submitted during the EA public comment period:

- Some lease holders have flagrantly ignored the rules surrounding lease terms and instead built cabins in to what they term year round homes is not nearly reason enough by any means to allow this flagrant violation of park service lease terms/rules to go unpunished and even rewarded.
- Public scoping never identified year round residency as a problem. Evidence of heavy handed mistreatment at the hands of NPS because year round residency has occurred in some cases for over 35 years.

- Our leases never prohibited year round residency, to evict a few cabin owners and make them homeless, some of whom are senior citizens and on fixed incomes, is cruel and inhumane.
- Please do not cave into the bullying tactics of individuals who have secured leases to what should be summer places, but which may have turned (illegally) into full time residences with non-native landscaping.
- Full time residents has never been prohibited in the lease agreements, residents are excellent stewards.
- The full time regular presence of cabin owners at each of the two areas is a positive benefit to both the NRA and the cabin owners.
- The lucky few who get to live in the cabins year round prevent against vandalism and are our 'on call' neighbors we can depend upon when we need help.
- It is especially comforting to know that some cabins are occupied year round, we know they are looking out for us.
- Full time residents limit theft and vandalism.
- Year round cabin residents are great caretakers and never hesitate to call if there's a problem.
- Full time residents provide a valuable presence at the lake.
- We need to allow for year round residency and family succession.
- The few cabins that are occupied year round provide a valuable safety and security benefit.
- I like the fact that there is a full time resident as a neighbor who watches our property and has helped out on numerous occasions when we are too far away to take care of it ourselves.
- Full time residents serve as caretakers and protect our cabins through the year.
- Year round residents deter vandalism and aid safety issues, such as fire.
- Full time residency has been a traditional use for 35 years
- NPS has not provided validation that long periods of occupancy contribute to the 'impression' of privatization of public land.
- We are more comfortable when someone is at the lake and a full time resident is preferable.
- Cabin owners who reside in the Year round cabin residents provide oversight and security against vandalism and negligent behavior. Let them stay.
- Full time residents, in the off season months, provide a level of oversight and security against behaviors.

Response: The NPS disagrees that there has been ambiguity regarding the use of areas set aside for the private vacation cabins and their use as full time residences. Use of the cabin areas for anything other than recreational purposes has been expressly prohibited by the terms and conditions of the permits since the 1970's. A 2001 addendum to the 1990 SPUMP further reiterates this prohibition.

Use of an area set aside for the recreational needs of the public cannot be converted to full time exclusive use. In addition to regulations, and permit conditions, the short term nature of the permit itself – 5 years – makes it clear that the areas set aside for vacation cabins are not intended to be used for full time residential domicile. There is a direct connection between longer periods of occupancy and the trend towards larger, more substantial buildings and other improvements that contribute to the public's impression of private property and greatly increase the impacts to the natural environment. These greatly outweigh the unsubstantiated benefits noted in many of the comments.

No superintendent may issue a permit for an activity that is contrary to the purposes for which a park area was established or would cause an unacceptable impact on park resources or values. The scenery, natural and cultural resources, and other intangible benefits of a unit of the National Park System are entrusted to the American public and are not intended to be used as private property.

7. Relationship between the Privatized Appearance of the Shoreline, Visitor Experience and Public Access

The following comments are taken verbatim from public comments submitted during the EA public comment period:

- NPS is misinformed about the privatized look of the cabins and about whether visitors experience uncertainty regarding the public nature of the cabin sites.
- Visitor use patterns and preferences have not been studied at Sherman and Rickey. What is the basis for the EA linking 'privatized appearance' to public access to the shoreline?
- There is no evidence that the cluster of cabins at Rickey Point and Sherman Creek are interfering with the right of the public to use and enjoy the lake and shoreline.
- Unless NPS can produce substantial facts or complaints from the public about confusing private appearance of the cabins, it is only the NPS that is confused, there is no evidence of this issue.
- Visitor use patterns and preferences have not been studied at Sherman and Rickey. It is reasonable to expect that some members of the general public actually choose to access the shoreline at the cabin sites because it is less isolated, excellent access to the lakeshore and the beach is clean. EA doesn't address this positive impact.
- General public visitors park by the cabins and access the beach - privatized appearance limiting use is not an issue.
- Sherman Homes: geography and limited NPS footprint makes it a non-candidate for general public access in a safe or effective manner. Naturalized shorelines: landscaping practices at cabin sites make them more desirable for access. No one wants to use the naturalized, unmanaged shorelines adjacent to the cabin sites.
- Cabins are not inclusive to public access. Owners stake out entire beaches and bays for personal use and have aggressive behavior when visitors pull up on the beaches.
- Other than 1-2 days per year, visitor usage around the lake and shoreline is minimal; overuse and lack of access do not appear to be a critical mass at this time or in the future.
- Cabins don't impact the general public's use of the lake.
- I have walked along Rickey Beach many times and welcomed by cabin owners. LARO is not overcrowded or overused.
- Cabin owners have never made me feel unwelcome as I strolled the beach, the cabins do not 'restrict' the lake recreational use.
- There is over 600 miles of shoreline for boaters to enjoy, how could giving them 20 acres make that experience better?
- Cabins do not deter public use, as evidenced by we and other cabin owners being friendly to the visiting public who frequently use the beach in front of our cabins. At no point have the cabins or their owners impeded by access to the beach.
- Cabin areas are welcoming to the public.
- We, as cabin owners, enjoy visiting with the general public and people beaching their boats near our cabin.
- During our recreational experiences at the lake, we have noticed the cabins and adjacent shoreline and have never felt we weren't able to beach a boat near there.
- I have never heard anyone, ever, state that they have been confused or even questioned that the existence of the 26 cabins meant that the adjacent shoreline was private and therefore off limits (50 individual comments submitted, verbatim).
- Question: Has the NPS reviewed and identified other areas of providing future public access on the remaining ~300 miles of lake shoreline?

Response: The beaches and shoreline adjacent to the vacation cabins are not areas assigned to the permittees for their exclusive use yet in some cases landscaping, beach furniture, and other improvements associated with the vacation cabins intrude beyond lot lines and onto areas

reserved for use by the general public. Vacation cabin permittees, families, and friends represent only an estimated .01% of the 569,581 visitors to the Kettle Falls area in 2010.

The recently approved Shoreline Management Plan (2010) provided a detailed evaluation and wide opportunity for public review regarding visitor use and new areas throughout the NRA suitable for consideration for development. The selection of modified Alternative B does not attempt to identify additional sites or otherwise amend the 2010 Shoreline Management Plan.

The outcome from implementation of the selected alternative will be a more naturalized shoreline with the encroachments of private property from vacation cabin lots managed more systematically and effectively by NPS staff. The “privatized appearance of the shoreline” was identified as a concern in the Shoreline Management Plan/EA (2010), as well as the Vacation Cabin EA. While the cabin permittees may perceive this as a limiting condition, the current permits already restrict encroachment beyond the permitted footprint.

8. Adverse effects of Eliminating Permits and Vacation Cabins to Permittees and Community

The following comments are taken verbatim from public comments submitted during the EA public comment period:

- I am concerned about the loss of real property from the tax base of Kettle Falls School District.
- Lost tax base; senior citizens on fixed incomes would be displaced with removal of cabins.
- Elimination of cabins would place a severe economic, social and residency hardship on the current owners.
- There are both socially and economically disadvantaged cabin owners that would be adversely affected in a huge way if they lost their cabins/homes.
- Alts B and C do not take into proper account all of the social aspects, local culture, environmental issues and as an end result, the total economic impact to all of the owners, local communities and watershed users like myself.
- Alt C removes valuable tax dollars from the economy and would displace residents on fixed income who have been allowed to establish themselves there - where will they go?

Response: The majority of these comments are directed towards the removal of cabins under Alternative C, not the selected alternative. Unless a greater public need is later identified, the selected alternative does not call for the termination of permits.

Preliminary research using current 2010 U.S. Census data showed that the 9 households occupying vacation cabin sites at Sherman Creek in Ferry County represented only 0.4% of the “family” household types found in the county. Similarly, the 15 households on the Rickey Point side are only 0.1% of the total “family” households in Stevens County. These both represent very small portions of the overall tax base for either county. The selected alternative acknowledges the small contributions of the permittees to the local economy and communities as a long-term beneficial effect and these benefits would continue. The submitted comments do not offer any substantive information to dispute or lead to further research on this concern.

9. Consistency of Vacation Cabins with the National Recreation Area

The following comments are taken verbatim from public comments submitted during the EA public comment period:

- Cabins are consistent with a NRA and its provision of water-based recreation activities.
- Cabins have been a part of this area for over half a century and the community values; they are part of our unique way of life.
- Cabins are part of the original vision of a diverse recreational opportunity that developed into the LRNRA. Continued existence of the cabins will allow future generations to experience.
- Existing cabin sites should remain a part of the LRNRA landscape because these structures were part of the Bureau of Reclamation's original vision for diverse recreational opportunities, as stated in the Tri-Party Agreement.
- Purpose of the NRA is best served by seeking more activity on the water and shorelines, as opposed to restricting activity. This is not a wilderness area.
- Cabins have been a cultural and historical part of the lake, it is short sighted not to continue for future generations.
- LARO NRA is not a national park and should be managed accordingly. Vacation cabins are an integral part of the LARO's history and represent an important and appropriate use of less than .16% of the shoreline.
- Cabins have been in existence for a very long time and contribute to the diverse recreational opportunity that LARO provides.
- Vacation cabins are a historic and traditional use for nearly 60 years and should be allowed.
- Cabins are part of the original vision of a diverse recreational opportunity that developed into the NRA - future generations should be able to have this experience.
- Cabins are part of the heritage and culture of the area and encourage recreation use by visitors who might not otherwise access the lake.
- This is a recreation area, not a national park - leave the cabins as they are and renew the leases.
- Cabins are part of the original vision of a diverse recreational community that was developed in the 1950s and they should be left alone.
- Cabins are a historic and traditional use of LARO for nearly 60 years and should be allowed to continue.
- Please recognize the importance of these vacation cabins to the culture of Lake Roosevelt, to individual families, and neighboring communities.
- Cabins were part of the original vision of diverse, multi use recreational opportunities provided by the reservoir. Purpose of a recreation area is to encourage the public to use and enjoy it - cabins encourage public use.
- Cabins are part of the original vision of a diverse recreational opportunity that developed into LARO NRA and should be allowed to continue.
- Cabins are a traditional, established, and valuable use of this land and they impose little burden on the land, impediment to public use, or inconvenience to the public.
- Vacation cabins are a historical and traditional use of LARO for nearly 60 years and should be allowed to continue

Response: Although Lake Roosevelt NRA does not have in its title the term “national park,” it is a unit of the National Park System. All units of the National Park System are managed under the NPS Organic Act and the Act for Administration. While Lake Roosevelt National Recreation Area is not a Congressionally designated wilderness area, as a unit of the National Park System and the recreation area is bound by, and must comply with, all laws and policies pertaining to units of the National Park System. And while the NPS agrees that vacation cabins at Lake Roosevelt NRA have been in existence for a number of years, continued use of these vacation cabins is contingent upon renewal of their Special Use Permits whose requirements ensure that they meet and comply with applicable current regulations. As noted in the response to #1 above, renewal of Special Use Permits is neither automatic nor required.

10. NPS Laws, Policies, Planning Documents, Studies, and Agreements

The following comments are taken verbatim from public comments submitted during the EA public comment period:

- The EA incorrectly states that there is no statutory authority for private cabins in the Lake Roosevelt Recreation Area.
- NPS incorrectly assumes that continued permitting of private cabins is inconsistent with Lake Roosevelt's current uses.

Response: "Statutory authority" is defined as a law enacted by Congress. As noted in the EA, there is no law that specifically authorizes or prohibits vacation cabins within units of the National Park System. A special park use occurring within the boundary of a unit of the National Park System, however need not necessarily be specifically prohibited by statute to be unauthorized (see the Special Use section of NPS Management Policies [2006]). There must be specific authority in the law to allow the type of special park use requested.

Statutory authority is not the same thing as a permitting instrument or regulation. Federal regulations, such as 43 CFR 21.4 are the rules codified by the executive departments of the federal government to interpret and enforce the requirements of what the Congress intended.

11. Protection and Enhancement of Natural Resources

The following comments are taken verbatim from public comments submitted during the EA public comment period:

- I strongly encourage the NPS to improve the long term health and accessibility of the natural environment along LARO shoreline at Rickey Point and Sherman Creek.
- Abundance of diverse wildlife at Sherman Creek indicates compatibility between cabins and wildlife.
- Cabin sites are well managed relative to other NPS campsites on the lake, are clean, quieter, and do not adversely affect soils.
- Shorelines in front of the cabins are some of the least eroded around the lake, due to well maintained vegetation and landscaping.
- Bioengineered methods have no history of being effective and are not used effectively elsewhere on the lake.
- Bioengineering: bioengineering is not proven to be an effective approach to limiting erosion.
- Why would the NPS want to spend more government money by enforcing cabin owners to limit erosion while not knowing the effectiveness of the bio-engineered product?
- Bio engineering: Erosion is a huge problem and NPS does not use bioengineered products elsewhere on the lake. Question: why would cabin owners be expected to use products different than the only products ever used successfully on the lake?
- Leash laws for dogs are good for park campgrounds, not cabin areas.
- No complaints have ever been logged about pets at cabin sites, this is just another example of unfair NPS bias.
- Cabins are surrounding by forest that is not well maintained which greatly increases fire danger, even with defensible space maintained on each cabin site.
- There is no wilderness soundscape at Lake Roosevelt, it is not wilderness.
- Vacation cabins are not noisy, the only noise I've heard is the train going up the hill, generators at the mill, and the hydro boats screaming up the river.
- Natural appearance of LARO shorelines are a disaster due to erosion/bug kills, except at cabin sites

- It is laughable that the EA proclaims that the cabin appearance interrupts the visual integrity of this commercialized, developed, and resource decayed area.
- Question: How can one damage a natural area that is not natural, i.e. it is a man-made and in no way natural?
- Question: Parking is encouraged at other public NPS locations on the lake, why is it a problem at cabin sites?
- I can't drink water from the river, swim in the river or eat fish from the river because of water quality issues that originate upstream. Bigger issue than vacation cabins.
- Why focus on 26 cabins when there are bigger issues that need attention: industries that have used the river as a dumping ground for waste, massive erosion around the lake when the wind blows, and possible EPA designated superfund site.

Response: The Organic Act of 1916 requires the NPS to manage all lands and resources under its jurisdiction in a manner that “*will leave them unimpaired for the enjoyment of future generations.*” There is a long history within the NPS of apparent conflicts between preservation and public use. Both are acceptable management of NPS lands. Developed areas within national park units, such as the vacation cabin sites are managed differently than undeveloped areas. Acknowledging that these two vacation cabin areas represent a developed area for permittee use within the park, the selected alternative clarifies the role the NPS will take to better protect the water, natural and cultural resources for future generations. The selected alternative also includes an incentive program for permittees to reduce their impact on the land and to engage in conservation measures that will enhance the long-term condition of the cabin areas where owners choose to implement these actions.

The NPS recently completed a survey of all of the cabin lots to verify that no lot areas have been lost to shoreline erosion. These surveys also documented that many of the lots do have older seawalls (all of which are located outside of the permittees’ defined lots). Although erosion does not threaten either human safety or personal property, the seawalls offer protection from wave-caused erosion. It also appears that in nearly all cases these could be removed as they fail and be replaced with bioengineered measures that would result in minimal loss of the current lot areas, reduce the environmental impacts from installing seawalls, and which would also reduce the wave erosion forces. Unlike the current seawalls, bioengineered areas also would be more aesthetic, provide a buffer zone between the landscaped portions of each lot, and would provide or improve riparian habitat.

While the NPS does not have the authority or resources to address the discharge of effluent from industry or landslides in Lake Roosevelt, the agency is diligently working to address the natural resources issues which the NPS does have a responsibility. For example, the NPS is dedicating staff and resources to both the EPA led remedial investigation and the Natural Resource Trustee damage assessment on the Upper Columbia River to ensure an acceptable outcome to contaminant based issues.

Currently, the NPS is unaware of any advisories or orders prohibiting swimming in Lake Roosevelt. While the NPS would not recommend drinking untreated surface water in general, there are no known advisories or orders related to drinking water from Lake Roosevelt. As for consumption of fish from Lake Roosevelt, the NPS continues to provide the most current information to the public about safely consuming fish in a manner that protects human health. The NPS is working to make the best information related to fish advisories available to the public to ensure Lake Roosevelt visitors are informed and protected.

12. Wells and Potable Water

The following comments are taken verbatim from public comments submitted during the EA public comment period:

- The absence of potable water on some sites opens up a greater opportunity for tainted water consumption by those too young to understand - please reconsider this issue.
- Not allowing continual water supply to cabins is just another way of achieving cabin termination and removal.
- Question: why was NPS allowed to drill a well for a cabin owner whose well was destroyed by NPS staff?

Response: The current terms and conditions of the permits issued by the NPS for the use of private vacation cabins on Lake Roosevelt National Recreation Area state that, “the Government does not agree, nor is it obligated, to furnish any water to the Permittee.” Because the use of private vacation cabins is an exclusive use authorized under a short-term five-year SUP, it is the responsibility of the permittee to obtain the services required for this use. Permittees can identify potential off-site sources of potable and irrigation water and apply for NPS water conveyance permits once they have state authorized rights to that water. The drilling of wells on NPS lands for private use is not authorized under current regulations.

In 2009, the NPS replaced an existing shared well that was inadvertently destroyed following the removal of an abandoned cabin.

13. Cultural and Historic Resources

The following comments are taken verbatim from public comments submitted during the EA public comment period:

- The proposed action will have significant indirect and cumulative impacts on cultural resources at Lake Roosevelt.
- NPS incorrectly asserts that there may be cultural resources located in Sherman Creek or Rickey Point.
- NPCA supports preservation of the 4 cabins for public use that have not been substantially remodeled and are eligible for NRHP.
- Question: Could the land around Rickey Point cabins be former grazing or possibly tilled farm land when originally homesteaded - due to location of the Fruitland Irrigation Ditch?
- Question: Which cabin sites are eligible for inclusion in the NRHP? I request an official written response from the NPS.

Response: No significant indirect or cumulative impacts were identified during environmental analysis. Although cultural resources, including potentially historic cabins and archaeological sites are located in the project area, through continuing consultation with the Washington State Historic Preservation Office and local tribes, the NPS has developed and will continue to develop mitigations to ensure that recorded archaeological sites in the near vicinity of the cabins are protected. After conducting a preliminary investigation into the historic nature of the cabins, the State Historic Preservation Office concurred with the NPS that 21 of the 25 cabins located at Rickey Point and Sherman Creek are not eligible for listing in the National Register of Historic Places. The State Historic Preservation Office indicated that further information is needed to

evaluate whether the cabins located on lots 3, 4, and 6 at Sherman Creek, and lot 46 at Rickey Point are also ineligible for inclusion on the Register. The selected alternative identifies a process for permittees and the park to follow on this matter.

14. EA Analysis and Alternatives

The following comments are taken verbatim from public comments submitted during the EA public comment period:

- The proposed action will result in significant indirect and cumulative impacts that require NPS to draft an EIS, because:
 - the proposed actions could result in profound indirect and cumulative changes in land use and to the other special use permittees at Lake Roosevelt.
 - The proposed action will have significant impacts to the social and economic environment in and around Lake Roosevelt
 - The proposed action will result in significant impacts on the Cabin Owners themselves
 - NPS incorrectly identifies the cabins as the source of public health and safety issues
- The EA contains misinformation and incorrect statements that significantly affect NPS' conclusions and raise substantial questions about the environmental impacts of the proposed action.
- EA arbitrarily dismissed several important alternatives from consideration without sufficient explanation or justification.
- The EA does not meaningfully discuss cumulative and indirect impacts and is therefore insufficient to meet NEPA's requirements
- EA exaggerates and distorts the negative environmental impact of these cabins and fails to show that any problems cited could not be resolved through more collaborative management by NPS staff.
- The generally negligible effects across impact categories are paired with draconian 'overkill' solutions that are out of proportion.
- There is no access, practical or environmental reasons to eliminate and remove vacation cabins.
- Alternative C is not acceptable as it is the result of an administrative desire to offer up the 'final solution' to a perceived crisis of pollution, noise, public exclusion, rampant resource degradation and general bad behavior that, from Stevens County perspective, does not exist.
- Alts A and B do not address the problem: NPS has no statutory authority to permit private vacation cabins and the NPS is aware that under modern interpretation of the Organic Act, the cabins would not be permitted. Alt C best complies with these authorities.
- Question: What data has been gathered, that is accessible to the public, which justifies Alt C, the removal of the cabins?
- Question: What data has been gathered by the NPS that can be accessed by the public that justifies the removal of the cabins on LARO?
- Question: How were scoping comments used to inform selection of Alt B? 90% of comments supported Alt. A, yet Alt B was chosen.
- I think that the issues described in this paragraph (*page 61, 1st paragraph, Length of Term Of The Special Use Permit*) are a good precedent and opportunity for the NPS to have identified and included as an "outside the park" option as required by the Directors Order 53 and stated on page 10 of the current EA in the last paragraph.

Response: The NPS does not agree that the impacts identified in the EA warrant the development of an EIS. The National Environmental Policy Act (NEPA) (section 102(2)(C)) requires the NPS to prepare an EIS whenever actions proposed or approved by the NPS would have significant impacts on the human environment. The selected alternative would enhance the recreation area's ability to better protect the environment and resources at Rickey Point and Sherman Creek through improved Special Use Permit Terms and Conditions and habitat

enhancement planning with cabin owners. No additional information has been provided during the public comment period for this Environmental Assessment that substantiates doing an additional level of analysis under NEPA. Although most comments favor Alternative A, those comments do not raise substantive concerns or issues that were not already considered in preparing the EA.

The NPS researched the economic impacts which would occur under Alternative C. Using current 2010 U.S. Census data, the NPS found that the 9 households occupying vacation cabin sites at Sherman Creek in Ferry County represented only 0.4% of the “family” household types found in the county. In turn, the 18 to 25 people using the cabins under the Special Use Permits represented just over 0.3% of the county’s total population of 7,551. Similarly, the 15 households on the Rickey Point side are only 0.1% of the total “family” households in Stevens County. The 30 to 40 people using the permitted cabins on that side would only be 0.01% of the total population of 43,531. Likewise, the visitation of the Special Use Permittees, family members, and friends (estimated at 50 people per cabin per year) over the summer season in relation to an overall average annual park visitation of 1.3 million would represent only 0.09% or a very insignificant portion of the total visitors and recreation related expenditures. The selected alternative acknowledges the contributions of the permittees to the local economy and communities as a long-term beneficial effect and these benefits would continue.

The comment contained in the last bullet reflects a fundamental misunderstanding of D.O. 53 when it states that “ in the case of NEPA, if the proposed special use is not covered by a categorical exclusion, the superintendent, in preparing an EA or EIS, is responsible for identifying reasonable alternatives, *both inside and outside the park*, and completing appropriate compliance documentation (*emphasis added*). Any proposed special park use that might have a potential to negatively affect park resources should only be considered when there are no other opportunities available outside of the park for the existing or proposed activity. Although opportunities for a vacation cabin experience along the shoreline of Lake Roosevelt do exist outside the recreation area, this caveat does not take into consideration the historic use of the vacation cabins and therefore was not used as a justification to not issue a new permit for private vacation cabin use.

15. Alternative B Will Impose Unnecessary New Restrictions that will Curtail Use of the Cabins and Lead to their Removal

The following comments are taken verbatim from public comments submitted during the EA public comment period:

- The proposed action will eliminate or severely restrict the positive contributions of the Cabin Owners to the Lake Roosevelt environment (protection of natural resources, cultural resources, contributions to public health/safety and visitor experience).
- EA inadequately considered the loss of the cabin owners’ contributions to the environment and raise substantial questions about the impacts to the LARO environment from the proposed action.
- Cabins are tidy, modest dwelling that act as a moderating force against beach abuse that routinely occurs elsewhere. If cabins were removed the effect would be a mile long party zone for keggers, fire pits, and broken beer bottles.
- Alt B stipulations and compliance are crazy and will result in the same outcome as Alt C, elimination of cabins.

Response: Although the perception of these comments appear to state that the selected alternative would place major new restrictions on vacation cabin permittees that are not now required, and is part of an underlying intent to remove the cabins, the NPS disagrees with this assessment. The primary difference between Alternative A and the selected alternative (Alternative B) in this regard is that in the unlikely event that a cabin becomes destroyed, irreparably damaged, or declared uninhabitable; the selected alternative will not permit the replacement of the cabin. This is because a five-year permit will not provide sufficient time for a cabin owner to fully amortize investment in a replacement structure.

16. Tri-Party Agreement

The following comments are taken verbatim from public comments submitted during the EA public comment period:

- In fact, NPS never intended to manage Lake Roosevelt in accordance with its regulations for other parks. Instead, under the 1946 MOU, Lake Roosevelt was not to become part of the National Parks System or operate under the same preservation policies as the rest of the nation's parks and monuments.

Response:

Although the 1946 Tri Party Agreement was the first management agreement to assign responsibility for the planning, development, and administration between the three federal agencies, this agreement was dissolved in 1974 by the Secretary of the Interior in favor of a new agreement that would include the two tribes. The new Lake Roosevelt Cooperative Management Agreement was signed by the Secretary on April 5, 1990. The new agreement recognizes the national recreation area "is an existing unit of the National Park System and subject to all NPS laws, regulations, policies and guidelines."