

National Park Service
U.S. Department of the Interior

Wrangell-St. Elias National Park and Preserve, Alaska



Finding of No Significant Impact

Dan Creek Mining Plan of Operations Environmental Assessment

August 2012

Recommended: *R. Johnson* *8-17-2012*
Superintendent, Wrangell-St. Elias National Park and Preserve Date

Approved: *[Signature]* *8/21/12*
Regional Director, Alaska Date

FINDING OF NO SIGNIFICANT IMPACT

Dan Creek Mining Plan of Operations Environmental Assessment

Wrangell-St. Elias National Park and Preserve, Alaska August 2012

The National Park Service (NPS) prepared an environmental assessment (EA) to evaluate a proposal submitted by Mr. Randy Elliott for the purpose of accessing private property and conducting a gold placer mining operation on patented mining claims located at Dan Creek within Wrangell-St. Elias National Park and Preserve (WRST). The Dan Creek claims are privately-owned property which was patented in 1912 without surface use restrictions. This EA examined and analyzed the proposed access and mining operations and reasonable alternatives to ensure that it satisfies the requirements of 36 CFR 9.10, and would not significantly injure or adversely affect federally owned land.

The NPS has selected Alternative 2 (the Preferred Alternative) to (1) approve the operator's plan for placer mining operations on patented mining claims at Dan Creek with NPS stipulations and (2) grant a RWCA for motorized vehicle overland access to private property (inholdings) east of the Nizina River. Overland access to Dan Creek is required to conduct proposed mining operations. That RWCA includes the terms and conditions for use of motorized equipment by landowners within an access corridor running from a point on the Dan Creek Road just north of the western approach to the Nizina River Bridge to the private property boundary on lower Dan Creek.

Comments were received from 6 individuals, one organization, and one agency. These comments did not change the conclusions in the EA about the environmental effects of the action.

ALTERNATIVES

This environmental assessment (EA) provided an overview of the proposed project and analyzed two alternatives and their impacts on the environment: Alternative 1, the No Action Alternative, and Alternative 2, the Proposed Action Alternative to authorize access to Dan Creek and proposed mining operations with National Park Service stipulations.

Alternative 1: No Action Alternative

Under the No Action Alternative, the NPS would not grant a RWCA for motorized vehicle overland access to private property (inholdings) east of the Nizina River and would not approve the operator's proposed mining plan of operations. As a result, authorization by the NPS to travel with motorized heavy equipment over the Nizina riverbed on parklands between the DOT ROW and Dan Creek would not be granted and authorized mining would not occur at Dan Creek.

This alternative represents a continuation of the existing situation and provides a baseline for evaluating the changes and impacts of the proposed action alternative.

Alternative 2 (Proposed Action): Authorize Access to Dan Creek and Proposed Mining Operations with National Park Service Stipulations (NPS Preferred Alternative)

Under the Proposed Action Alternative, the NPS would grant a RWCA to landowners for motorized vehicle overland access to private property (inholdings) east of the Nizina River and would approve the operator's mining plan of operations at Dan Creek. Both of these authorizations would include NPS stipulations for resource protection. These stipulations would constitute a mitigation plan designed to minimize and/or prevent potential environmental impacts to park resources and values and would be conditions to the authorization to mine and the RWCA.

The Nizina floodplain portion of the overland route is approximately six miles long and consists of a motorized track eight to ten feet wide within an Alaska Department of Fish and Game-approved corridor. No construction or blading of the riverbed gravel surface is proposed or would be permitted. A small segment of the route 50 feet long crosses uplands between the river bed and the private property east of the Nizina. All other proposed motorized vehicular traffic between McCarthy and Dan Creek would occur within the State of Alaska right-of-way or on non-federal lands.

The proposed mining operations would occur within forested upland terraces and slopes situated on a bedrock terrace, above and to the south of Dan Creek and its associated floodplain. Approximately six acres would be mined. Bench placer mining operations would employ an open cut method and be conducted within and confined to an area containing approximately 15 acres. The benches to be mined vary in size, but average around 100 feet in width. The mining operations, which include multiple phases and components, would progress from east to west—from upstream to downstream—over a 0.4 mile reach. The operations would generally require three workers to operate machinery and run the wash plant and one to three laborers to provide support.

The developed mine site would include areas for mining gold-bearing gravels; stockpiling spoil; stripping and side-casting overburden and mine tailings; and controlling mining waste waters. Seven mining blocks have been delineated. The remainder of the developed footprint, which consists of approximately nine acres, would be utilized for support of the ongoing mine operations.

PUBLIC INVOLVEMENT

The NPS published a “Notice of Availability” for the Dan Creek Mining Plan of Operations in the Federal Register on February 21, 2012. The Dan Creek Mining Plan of Operations Environmental Assessment was placed on the NPS Planning, Environment and Public Comment (PEPC) website on May 18, 2012, where it was available for public review and comment through June 18, 2012. Notice of the EA’s availability was published in one local newspaper, broadcast on two local radio stations, emailed to 159 individuals, and mailed to 85 individuals, organizations, and governmental agencies. Private property landowners in the Placerview at Dan Creek Subdivision, the State of Alaska DEC, DNR and DF&G agencies and the ANILCA Coordinator’s Office, the Alaska Miners Association and MSHA-Anchorage Office received hard copies of the EA. Park staff also conducted informal discussions with several local landowners and area residents to brief them on the EA’s contents and status.

Public Comment:

The NPS received 8 public comments: 6 from private individuals, one each from the Alaska Department of Fish and Game, and the National Parks Conservation Association. The public comments received did not change the conclusions in the EA about the environmental effects of the action.” “The NPS responses to substantive public comments are found in Attachment A.”

DECISION

The NPS selected Alternative 2 (Proposed Action): to grant a RWCA for motorized vehicle overland access to private property (inholdings) east of the Nizina River (see Attachment B) and to approve the operator’s mining plan of operations at Dan Creek. Granting a RWCA is consistent with ANILCA 1110(b) access to inholdings provisions. The mitigation measures described in section 2.4 of the EA are adopted as part of the selected alternative.

Mitigating Measures

Mitigation measures adopted as part of the selected alternative describe actions to avoid or reduce impacts to soils and water quality, cultural resources, floodplains and wetlands, and aquatic resources. A complete description of RWCA stipulations is provided in Attachment B, Exhibit A.

Rationale for the Decision

Alternative 2 will result in no significant adverse impacts to natural or cultural resources. There would be direct, medium intensity term impacts to visual resources, vegetation, wildlife habitat on private land; minor local temporary low intensity impacts to aquatic resources, wetlands and floodplains; and potentially minor short term impacts to recreation, visitor use and the social economic environment.

Approval of mining fulfills the requirements the Title 36 CFR 9A and is consistent with the Mining in the Parks Act of 1976 because it would not constitute a nuisance in the vicinity of the operations or significantly affect federally owned lands. It is also consistent with the “Interim Operations” described in 1990 Wrangell-St. Elias National Park and Preserve Final Environmental Impact Statement Cumulative Impacts to Mining ROD. Granting a RWCA assures adequate and feasible access for economic and other purposes to Dan Creek property owners as provided for in ANILCA Sec. 1110(b) access to inholdings provisions.

The environmentally preferred alternative was not selected because (1) it would not provide adequate and feasible access for economic and other purposes to Dan Creek property owners, (2) approval of a plan of operations with mitigation measures to minimize effects to park resources does not result in any significant affect park resources and values and, (3) it would be inconsistent with the 1990 ROD “Interim Operations” where the NPS states absence the acquisition of mining interests and the funds, all plan of operations approvable under Title 36 CFR 9A will be approved.

Significance Criteria

The selected alternative will not have a significant effect on the human environment. This conclusion is based on the following examination 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.

This selected alternative will result in some minor negative impacts to visual resources, vegetation, wildlife, aquatic resources, wetlands, floodplains, socioeconomic environment, and recreation and visitor use, and some beneficial impacts to the socioeconomic environment. This selected alternative would not result in the impairment of any resources that fulfill specific purposes identified in the park’s enabling legislation or that are key to its natural or cultural integrity.

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

The selected alternative will not have any significant effect on public 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.

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

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

The selected alternative would result in no significant negative effects on the human environment, and neither the content nor the number of comments received during the 30-day comment period indicate a high level of controversy exists.

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

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

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

Under the terms and conditions specified in this environmental assessment, this selected alternative would not establish a precedent for future actions with significant effects nor would it represent a decision in principle about any future consideration.

(7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

This selected alternative is not related to any other actions possessing individually insignificant but cumulatively significant impacts.

(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 RWCA issued as a result of this selected alternative would include specific protection measures to address unique resources. The degree or possibility that implementation of the selected alternative would cause the loss or destruction of any scientific, cultural, or historic resources is extremely remote.

(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.

Implementation of the selected alternative would not affect any known endangered or threatened species or its habitat adversely.

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

This action complies with the Endangered Species Act, the National Historic Preservation Act, and Executive Orders 11988, 11900, and 12898. There will be no significant restriction of subsistence activities as documented by the ANILCA Title VIII, Section 810(a) summary evaluation and findings. No federal, state, or local laws or requirements imposed for the protection of the environment will be violated by implementing this action.

FINDINGS

The levels of adverse impacts to park resources anticipated from the selected alternative will not result in an impairment of park resources that fulfill specific purposes identified in the establishing legislation or that are key to the natural or cultural integrity of the park. Granting the RWCA will be consistent with ANILCA 1110(b) access to inholdings provisions.

The selected alternative complies with the Endangered Species Act, the National Historic Preservation Act, and Executive Orders 11988 and 11990 for floodplains and wetlands. There will be no restriction of subsistence activities as documented by the 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 For the Dan Creek Mining Plan of Operations and Access Environmental Assessment

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

NPS RESPONSE TO PUBLIC COMMENTS

The NPS received 8 public comments: 6 from private individuals, one each from the Alaska Department of Fish and Game, and the National Parks Conservation Association. All six individuals provided comment that were supportive of granting access across the Nizina River to private property at Dan Creek and/or authorizing Mr. Randy Elliot to undertake his proposed mining operations at Dan Creek.

The comments are paraphrased and the NPS responses follow. These questions did not change the EA conclusions about the effects of the proposed action or other alternatives.

Comment 1 (individual): Concerns was expressed regarding impacts to the roadbed within the State of Alaska Nizina Road ROW between McCarthy and the Nizina River.

NPS Response: Maintenance of the Nizina Road ROW is the responsibility of ADOT. The NPS does not maintain the ROW nor control the operation of motorized vehicles within the ADOT.

Comment 2 (ADF&G): ADF&G Division of Habitat stated that any mining activity that requires water withdrawal from the stream or a diversion requires a permit.

NPS Response: Water Management Stipulations state the mine operator obtain and maintain ADNR, ADEC and ADF&G required permits

Comment 3 (NPCA): The NPCA comment supported the development, coordination, and integration of NPS stipulations for control of access and mining with other agency management responsibilities by DEC, DNR, ADF&G and EPA

NPS Response: The NPS recognizes other agency management responsibilities in the protection of resources and reviewed and integrated those agencies practices in developing the preferred alternative stipulation package.

ATTACHMENT B

ANILCA 1110(b) Right-of-Way Certificate of Access (RWCA)

National Park Service Alaska Region 240 West 5th Avenue, Room 114 Anchorage, Alaska 99501	RWCA No.: 9865-12-005 Wrangell-St. Elias National Park and Preserve
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1. An ANILCA 1110(b) Right-of-Way Certificate of Access (hereinafter “RWCA”) is hereby issued pursuant to Section 1110(b) of the Alaska National Interest Lands Conservation Act (ANILCA) of December 2, 1980 (16 USC 3170).

2. This RWCA provides access across National Park Service (hereinafter NPS) managed lands in Wrangell-St. Elias National Park and Preserve to the following non-federal land:

U.S. Mineral Survey 923, Chitina Recording District, Third Judicial District, State of Alaska. Also identified as NPS Tract: WRST 30-103.

3. Nature of Interest:

a. By this instrument Mr. Randy Elliott (hereinafter “Holder”), whose address is HC60 Box 156 Copper Center, Alaska 99573, receives a right to construct, operate, use, maintain, and terminate an overland motorized vehicle route on NPS managed lands in Wrangell-St. Elias National Park and Preserve and within an area described as follows:

Beginning at the northern margin of the Nizina River floodplain at approximately 61°22'7.554"N, 142°46'35.421"W running northeasterly within the Nizina River floodplain approximately 6.5 miles to the southern margin of the Nizina River floodplain at approximately 61°22'48.037"N, 142°35'36.455"W, thence approximately 50 feet to the western boundary of Mineral Survey 948.

Located in Sections 1, 2, 3, 4, 5, 7 & 8, Township 6 South, Range 15 East; Sections 35 & 36, Township 5 South, Range 15 East; and Sections 5 & 6, Township 6 South, Range 16 East, Copper River Meridian, Alaska.

The area of use authorized by this RWCA is illustrated on the attached map(s) (Exhibit B).

b. The area authorized by this RWCA is composed of two segments. The Nizina River floodplain RWCA segment is within a river corridor and is an overland track approximately 10 feet wide, 6.5 miles long, and contains 8 acres. The eastern upland road segment of this RWCA is 25 feet wide (15-foot wide road and a 5-foot wide area on either side of the road) and approximately 50 feet long, and contains 1000 square feet, more or less.

c. This RWCA shall not be construed as an interest in the land authorized for use by this RWCA, or as an abandonment of use and occupancy by the United States, but shall be

considered a use of the land as described, anything contained herein to the contrary notwithstanding.

d. The stipulations, plans, maps, or designs set forth in Exhibit A, dated May 16, 2012, attached hereto, are incorporated into and made part of this instrument as fully and effectively as if they were set forth herein in their entirety.

4. Rental Fee. No rental fees apply because it is NPS policy not to charge fees when a requested use involves exercise of a right (not a privilege).

5. General Terms and Conditions:

a. The Holder shall comply with all applicable State and Federal law and existing regulations in the construction, operation and/or maintenance within the area authorized by this RWCA. It is the responsibility of the Holder to obtain any permits or other authorizations that are required by other governmental entities for the uses authorized by this RWCA.

b. This RWCA will expire when it is no longer needed for the purposes for which it is issued unless, prior thereto, it is relinquished, abandoned, or modified pursuant to the terms and conditions of this instrument or of any other applicable federal law or regulation.

c. This RWCA may be amended to adjust the terms and conditions for changed conditions, to correct oversights, or to address conditions not previously contemplated. Either the NPS or Holder may initiate an amendment by notifying the other in writing and providing a justification for the proposed revision or supplement. Amendments by mutual consent of the NPS and Holder may occur, but the NPS may also require an amendment without the consent of the Holder if uses within the area authorized by this RWCA or other conditions become inconsistent with the regulatory standards of Title 43 CFR 36.9 and 36.10(e)(1). The NPS will consult with the Holder when any amendment is initiated. Any amendment must result in the Holder continuing to have adequate and feasible access to his/her property.

d. The Holder shall perform all operations in a good and workmanlike manner.

e. This RWCA is for the purpose of providing the Holder with access across NPS lands to his/her non-federal land or valid occupancy. It does not authorize the Holder to use the area authorized by this RWCA for any activities other than access.

f. This RWCA may be assigned. The proposed assignee must state in writing that he/she agrees to comply with and to be bound by the terms and conditions of the existing RWCA. With such a written statement from the proposed assignee, the NPS Regional Director will approve the assignment of the RWCA to the assignee, who shall become the Holder. The assignment becomes effective upon the written approval of the NPS Regional Director, Alaska Region.

g. Resource Protection. The Holder shall take adequate measures as directed and approved by the superintendent of the NPS unit to prevent or minimize damage to resources. This may

include restoration, soil conservation and protection measures, landscaping with indigenous grasses and shrubs, and repairing roads, trails, etc. The superintendent or his/her representative may enter and inspect the area authorized by this RWCA and any facilities in it, as deemed necessary by the NPS and without restriction.

h. Cultural Resources. The Holder will halt any activities in the area authorized by this RWCA and notify the superintendent of the NPS unit upon discovery of archeological, paleontological or historical artifacts. All artifacts unearthed remain the property of the United States.

i. Pesticides/Herbicides. Use of pesticides or herbicides is prohibited within the area authorized by this RWCA.

j. Use by the Holder is subject to the right of the NPS to establish trails, roads, and other improvements and betterments over, upon or through the area authorized by this RWCA. Also, at the discretion of the NPS, the area authorized by this RWCA may be open to use by the public and others. If it is necessary for the NPS to exercise such right, every effort will be made by the NPS to refrain from unduly interfering with use of this area by the Holder for the purposes intended under this RWCA. The Holder agrees and consents to the occupancy and use by the NPS and by individuals and entities authorized by the NPS, of any part of the area authorized by this RWCA. The Holder's right to "adequate and feasible access" under Title XI of ANILCA will be respected by the NPS.

k. No deviations from the locations authorized in this RWCA shall be undertaken without the prior written approval of the superintendent of the NPS unit. The superintendent may require the filing of a new or amended application for a proposed deviation.

l. Notwithstanding the relinquishment or abandonment of this RWCA by the Holder, the provisions of this RWCA, to the extent applicable, shall continue in effect and shall be binding on the Holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein.

m. Upon expiration or termination of this RWCA, in the absence of any agreement to the contrary, the Holder will be allowed six (6) months or such additional time as may be granted in which to remove from the area authorized by this RWCA all property or improvements of any kind, other than a road and usable improvements to a road, placed thereon by the Holder; but if not removed within the time allowed, all such property and improvements shall become the property of the United States.

n. Upon expiration or termination of this RWCA the Holder may be required by the NPS to restore the NPS lands affected by the RWCA.

o. This RWCA has no effect on any valid existing rights of access pursuant to any other authority.

- p. The Holder agrees that in undertaking all activities pursuant to this RWCA, it will not discriminate against any person because of race, color, religion, sex, or national origin.
- q. No member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this RWCA or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this RWCA if made with a corporation for its general benefit.
- r. Holder shall indemnify the United States against any liability for damages to life, person or property arising from Holder's occupancy or use of the areas authorized for their use.
- s. Any alterations to this instrument must be in writing and signed by the NPS and Holder.
- t. Nothing herein contained shall be construed as binding the NPS to expend in any one fiscal year any sum in excess of appropriations made by Congress or administratively allocated for the purpose of this RWCA for the fiscal year, or to involve the NPS in any contract or other obligation for the further expenditure of money in excess of such appropriations or allocations.
- u. The waiver of any breach of any provision of this RWCA, whether such waiver be expressed or implied, shall not be construed to be a continuing waiver or a waiver of, or consent, to any subsequent or prior breach of the same or any other provision of this RWCA.

IN WITNESS WHEREOF, the Regional Director, Alaska Region of the National Park Service, acting on behalf of the United States, in the exercise of the delegated authority from the Secretary of the Department of the Interior, has caused this ANILCA 1110(b) Right-of-Way Certificate of Access (RWCA 9865-12-005) to be executed this _____ day of _____, 2012.

 Sue Masica
 Regional Director, Alaska Region
 National Park Service
 United States Department of the Interior

ACCEPTED this _____ day of _____, 2012.

__ Randy Elliott __
 Printed name of Holder

 Signature of Holder

RWCA 9865-12-005

EXHIBIT A: ALLOWABLE USES AND SPECIAL STIPULATIONS - MAY 16, 2012

ALLOWABLE USES:

WITHIN THE NIZINA RIVER CORRIDOR SEGMENT:

- Holder may utilize the following types of motorized vehicles within the RWCA: 4-wheel drive vehicles, wheeled trailers, tracked and wheeled construction and mining equipment, 4 or 6-wheeled and tracked all-terrain-vehicles (ATVs) and off road vehicles (ORVs), and snowmachines.
- Holder may also drive trucks, bulldozers, excavators or equivalent motorized equipment within the approved river corridor.
- The Superintendent or his/her designees may accompany the holder for the purpose of monitoring activities.
- Overland motorized travel (other than by snow machine) shall be limited to the route identified and authorized by this RWCA.
- Existing roads and tracks shall be used whenever possible.
- Access across the Nizina River floodplain with tracked heavy equipment will be completed during periods of low water or frozen river bed conditions.
- The operator will obtain and maintain an ADF&G Fish Habitat Permit for travel on the Nizina riverbed.
- Movement of equipment through willow and alder shall be avoided.
- Route disturbance shall be kept to a minimum to protect local wildlife habitats. All activities along the route site shall be conducted in a manner that will minimize disturbance to soil and vegetation and changes of natural drainage systems.
- Refueling shall not occur within the annual floodplain. No fuel transfer activities may occur within 100 feet of any water body. Vehicles and equipment that are leaking fluids shall be pulled from service until leaks are repaired.
- The operator is prohibited from abandonment of supplies, fuel containers, vehicles or other equipment associated with the project on park lands
- Stream banks shall not be altered to facilitate crossing or be disturbed. The holder shall not blade the route or modify the entry into any channel.
- The use and storage of hazardous substances must be done in accordance with existing federal and state laws and regulations.
- Debris (such as soil) contaminated with used motor oil, solvents, or other chemical may be classified as hazardous substances and must be removed and disposed of in accordance with existing federal and state laws and regulations.

WITHIN THE EASTERN UPLANDS ROAD SEGMENT:

- Holder may utilize the following types of motorized vehicles within the RWCA: 2-wheel drive highway vehicles, 4-wheel drive highway vehicles, motorcycles, tracked and

wheeled construction and mining equipment, 4 or 6-wheeled and tracked all-terrain vehicles (ATVs) and off road vehicles (ORVs), and snowmachines.

- Holder may use dump trucks, bulldozers, excavators or equivalent motorized equipment for placing fill and grading the road surface within the 15-foot-wide road.
- Holder may fill holes and depressions with gravel and soil.
- Holder may place fill material within the road to a level which exceeds the adjacent ground level.
- Holder may place synthetic materials such as geotextiles, geoblock, and/or natural materials such as logs, sand, gravel and rock within the 15-foot-wide road to prevent the loss of, and damage to, soils and substrates.
- Holder may plow snow within the 15-foot-wide road.
- Holder may install and maintain a chain (not to be locked) across the authorized road and post an NPS-approved sign road noting that the road provides access to private lands.
- Holder may clear brush within and excavate ditches 5 feet either side of the 15-foot-wide road.
- Holder may clear deadfall and windfall from the road.

SPECIAL STIPULATIONS:

GENERAL:

- It is the Holder's responsibility to know private property and State of Alaska land boundaries and to secure permission for any access across private property and or State lands.
- Holder shall recognize the right of the any other owners of property within Mineral Surveys 948 and 923, Alaska, who have been issued RWCA's by the NPS to use and/or maintain the subject road and route in a manner that comports with this RWCA.

FUEL:

- The use, transport and storage of fuel must be done in compliance with all applicable federal and state law and regulation.
- No refueling is authorized within the area authorized by this RWCA.
- All spills of oil, petroleum products, and hazardous substances shall be reported to the Alaska Department of Environmental Conservation (ADEC) in accordance with Alaska law. Spill notification shall be provided to the superintendent at (907) 822-5234 at the time notification is provided to ADEC.
- All fuel will be transported and handled to minimize or prevent uncontrolled discharges and spills to the immediate environment. There will be fuel absorbency pads and drip pans present during all fuel transfers. All diesel fuel, gasoline, and motor oil will be stored, handled and disposed of in accordance with all regulations.

AQUATIC HABITAT AND FISH:

- Access facility drainages shall be routed away from potentially unstable stream channels, fills, and hill slopes.
- Side-casting of materials from an access facility is prohibited on segments within or abutting areas for riparian and aquatic protection.

WATER RESOURCES:

- Holder shall not measurably alter the water quality and/or the banks of streams, river, or lakes.
- Holder shall avoid impeding the passage of fish, disrupting fish spawning, and adversely affecting over-wintering or nursery areas identified by the superintendent or his/her designee.
- Holder shall not block or change the character or course of, or cause pollution in any stream, river, pond, pothole, lake, and lagoon or drainage system.
- A snow ramp or ice bridge may only be constructed of snow, ice, and cribbing, and must be largely free of soil and organic debris; it must be constructed to go out with natural ice breakup, or it must be breached and the cribbing removed before breakup to protect downstream structures, water quality, and fish habitat.
- Holder shall minimize the number of stream crossings and where feasible, cross streams at a right angle to the stream channel. Travel along the route shall avoid riparian areas, except where access is needed to a water body crossing, or where there is no feasible alternative. A stream crossing or route in any riparian area must be located to minimize adverse effects on fish habitat and on water quality.

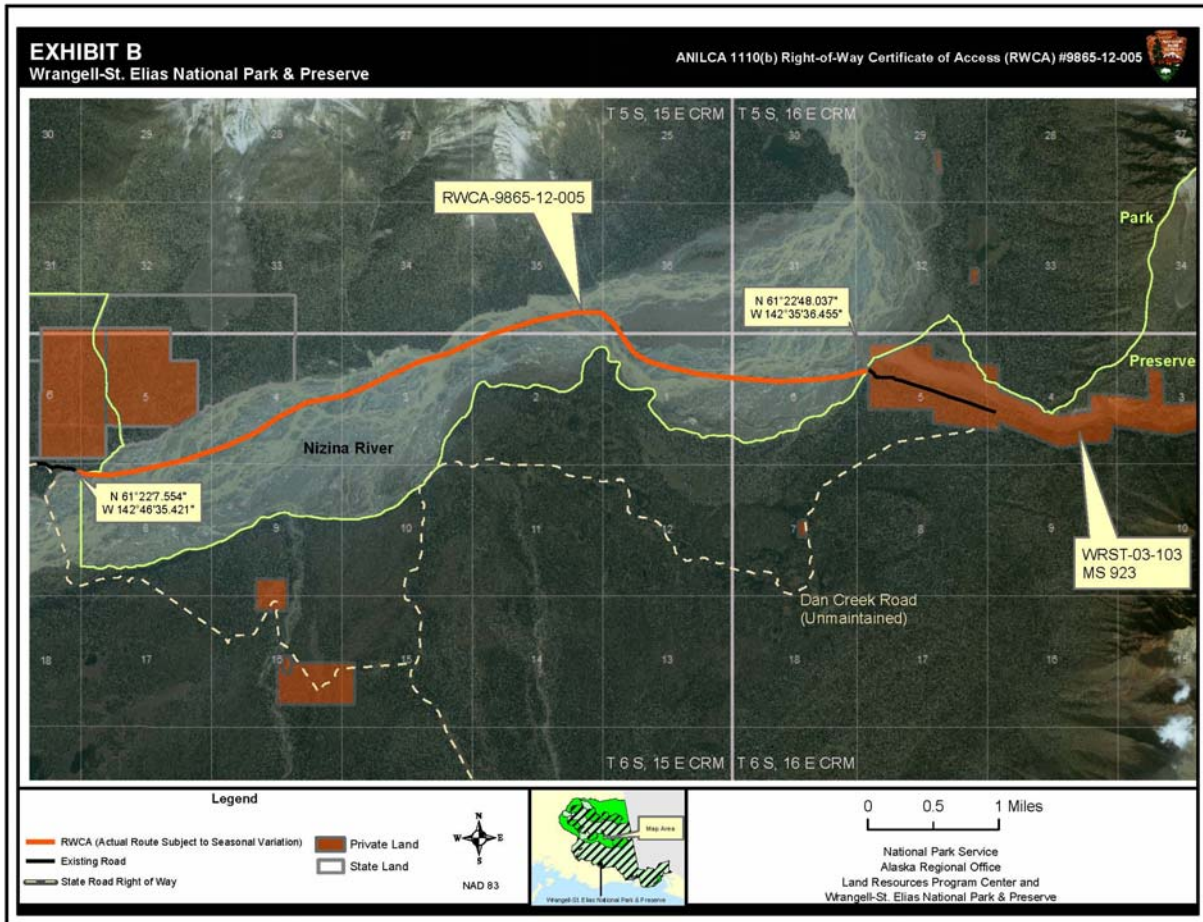
MAINTENANCE WITHIN THE EASTERN UPLAND ROAD SEGMENT:

- Maintenance shall be confined to the existing road. New road construction, widening, or realignment is prohibited.
- Holder shall contact the superintendent prior to the start of all non-routine maintenance activities (such as grading the road surface or adding additional fill utilizing heavy equipment) to inform the NPS of the nature, extent and schedule of the work to be performed.
- Holder shall not plow snow or grade the road in a manner that disturbs the adjacent natural soil or vegetation.
- Holder shall remove any temporary stakes and/or flagging upon completion of maintenance activities.
- Holder shall take all precautions necessary to prevent wildfires. No burning of debris will be allowed without specific authorization of the superintendent.
- Holder shall not cut or clear any standing live trees with a DBH (diameter at breast height) greater than three inches unless authorized by the superintendent or his/her designees.
- Holder shall not use or place dust suppressants any suppressant chemicals within the area authorized by this RWCA unless authorized by the superintendent or his/her designee.

- Holder shall not disturb or damage any survey monuments.
- Holder is prohibited from taking sand, gravel, rock, soil or plant material from parklands outside of the area authorized by this RWCA (15-foot wide road plus 5 feet either side of the road).
- Holder shall maintain water control features to accommodate flood events and to avoid damage to the facility or environment.
- Holder shall insure that installation and replacement of surface water control features such as culverts, small bridges, french drains, ditches, grade dips, crowning, out-sloping, or depressions with permeable gravels, cobble, or rock will preserve natural hydrological functions within and adjacent to access facilities.
- Prior to importing fill material (such as borrow and gravel) for use on the access facility, there must be approval by the superintendent or his/her designee that these material are free of exotic or invasive plant species.
- When transporting livestock forage and bedding materials with non-native species and their seed across park lands, Holder shall prevent the loss of these materials onto park lands. These materials must be covered with tarps or enclosed in containers to prevent the introduction of exotic or invasive species on NPS lands.
- If Holder conducts vegetation clearing, grubbing, and other site preparation and construction activities during bird nesting seasons, such activities shall be conducted in a manner that shall not result in the destruction of active bird nests, eggs, or nestlings. If an active nest is encountered at any time, it must be protected from destruction.

RWCA 9865-12-005

EXHIBIT B: Map



ATTACHMENT C

DETERMINATION OF NON-IMPAIRMENT

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

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, or
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or
- identified in the park's general management plan or other relevant NPS planning documents as being of significance.

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

Visual Resources

Past and present impacts to visual resources would be expected to remain, though gradually lessening over time. The impacts on visual resources from Alternative 2 would include an expansion of colors and forms that contrast with the natural environment. Localized impacts to visual resources would include an increase in the disturbed mining area for the foreseeable future and ephemeral tracks across the Nizina River floodplain. However, its impact on visual resources would be temporary, remain largely confined to private lands, mimic previously disturbed landscapes, be restricted to an area not frequented by park visitors, and remain largely invisible from park lands.

Alternative 2 would result in direct, medium intensity and long term negative impacts to local visual resources. However, this action's summary effect would be minor because its contribution is low in terms of the park's total visual resources.

Vegetation

Past and present impacts to vegetation would be expected to remain, though gradually lessening over time. Alternative 2 would facilitate erosion, altering, disturbing, and/or destroying vegetation, resulting in direct and indirect impacts to park lands. Once mining is completed, the newly disturbed areas would remain affected until they fully revegetate. However, most direct impacts would be confined to private lands and only indirect, low intensity impacts would affect park vegetation.

Alternative 2 would result in direct and indirect, medium intensity long term negative impacts to local vegetation. However, while its impact on the project area is of medium intensity, its summary impact is minor in terms of the park's vegetation as a whole.

Wildlife

Past and present impacts to wildlife would be expected to remain, though gradually lessening over time. Mining, construction activities, and increased use of the local supply routes would destroy or alter wildlife habitat and disturb and/or disrupt wildlife. Once mining activity is completed, the area would

remain affected, while the disturbed habitat slowly recovers by natural processes. However, as all development would occur on private lands, only indirect, medium intensity impacts would affect park lands.

Alternative 2 would add direct and indirect, medium intensity long term negative impacts to local wildlife. However, while its contribution to the project area is of medium intensity, its summary impact is minor in terms of the park's wildlife as a whole.

Aquatic Resources

Past and present impacts to aquatic resources would be expected to remain, though gradually lessening over time. Mining, construction activities, and increased use of the local supply routes would disturb and/or impact vegetation and soils increasing sediment input, create minor disturbances within stream channels, impact eggs or alevins, and increase the risk of fuel spills. Minor channel disturbances are not anticipated to have measureable effects to habitat complexity. Mitigation measures are expected to minimize the risk of fuel spills. Once mining is completed, the area's aquatic systems could remain affected until the disturbed areas fully revegetate and their soils stabilize. However, as most of this potential impact would occur on private lands, NPS stipulations would control and mitigate any potential significant impacts on parklands, therefore its relative impact would be low to park aquatic resources.

Alternative 2 would result in additional direct and indirect, low intensity long term negative impacts to local aquatic resources. However, while its contribution to the project area is of low intensity, its summary impact is minor in terms of the park's aquatic resources as a whole.

Wetlands

Past and present impacts would be expected to remain, though gradually lessening over time. Alternative 2 would not cause any direct impacts to wetlands as there are no wetlands within the mine site's proposed footprint. Mining, construction activities, and increased use of local supply routes would disturb and/or remove vegetation and soils, facilitating erosion. Although some wetlands proximal to the access corridor would be indirectly affected by motor vehicle travel, this would probably not result in any loss of wetlands or wetland function. As this action has little potential to impact park lands, its relative impact would be low.

Alternative 2 would result in indirect, low intensity long term negative impacts to local wetlands. However, while its contribution to the project area is of low intensity, its summary impact is minor in terms of the total acreage of wetlands located throughout the park.

Floodplains

Past and present impacts to floodplains would be expected to remain, though gradually lessening over time. Alternative 2 would be unlikely to affect the Nizina River or Dan Creek floodplains directly, as the mining operations are confined to uplands in the Dan Creek valley. Vehicle operations upon the gravel Nizina River floodplain would be confined to an 8-12 foot wide corridor over a six-mile zone. Riparian vegetation borders the barren floodplains. Anticipated or potential impacts would not measurably decrease the floodplain's overall function.

Alternative 2 would result in indirect, low intensity long term negative impacts to local floodplains. However, while its contribution to the local area is of low intensity, its summary impact is minor in terms of the park's total area of naturally functioning floodplains.

SUMMARY

The minor adverse impacts anticipated as a result of implementing the preferred alternative on a resource or value whose conservation is necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or identified as significant in the park's general management plan or other relevant NPS planning documents, would not rise to levels that would constitute impairment.