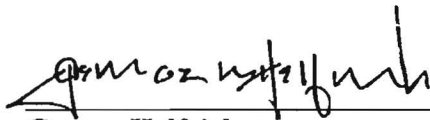


## FINDING OF NO SIGNIFICANT IMPACT

Proposed Construction of a New Subsistence Cabin  
Noatak National Preserve, Alaska  
May 2010

Recommended:



George Helfrich  
Superintendent, Western Arctic National Parklands

May 07, 2010

Date

Approved:



Sue Masica  
Reg. Director, Alaska Region

6/7/2010

Date

## **FINDING OF NO SIGNIFICANT IMPACT**

### **Proposed Construction of a New Subsistence Cabin Noatak National Preserve, Alaska May 2010**

The National Park Service (NPS) prepared an environmental assessment (EA) to consider a permit application for constructing one cabin for subsistence activities within Noatak National Preserve (NOAT).

The NPS has selected Alternative 2 with modifications. Under Alternative 2 the Superintendent may issue a permit to construct a cabin to support subsistence activities.

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

### **ALTERNATIVES**

Three alternatives were evaluated in the EA.

#### **Alternative 1, No Action Alternative**

Under the no-action alternative no cabin/tent platform construction permit would be issued. Pursuant to 36 CFR 13.166 the applicant would use a temporary facility or structure for less than thirty days and the site would be returned to a natural condition.

#### **Alternative 2, Authorize Permit to Construct New Cabin for Subsistence Purposes (Applicant's Proposed Alternative)**

The applicant would be issued a permit to construct a cabin and accompanying food cache on the island near the confluence of the Noatak and Kuguroruk Rivers.

The permit would authorize one 12' x 16' cabin, situated three feet off the ground, out of view of the river, and at least 50 feet from the mean high water line. It would be constructed of plywood and a tin roof. The permit would authorize an Alaska-style food cache elevated approximately 12 feet off the ground. The permit would also authorize a fish drying rack. Cabin, cache, and drying rack materials would be brought to the site via the Noatak River. They would remain at the site year-round. Construction could begin immediately. The applicant would plan to use the cabin for a short period in the spring and for about two months in the fall.

The cabin would be designated for shared use among subsistence users as required by 36 CFR 13.168; and would be available to other subsistence users throughout the year. Residential use would be prohibited under 36 CFR 13.164(b). Proposed permit stipulations are listed in Appendix B of the EA.

#### **Alternative 3, Authorize Permit to Construct Tent Platform for Subsistence Purposes (Environmentally Preferred Alternative)**

The applicant would be issued a permit to construct a tent platform and accompanying food cache on the island near the confluence of the Noatak and Kuguroruk Rivers. Pursuant to 36 CFR 13.104, a tent platform is defined as a structure, usually made of timber products, constructed to provide a solid, level floor for a tent, with or without partial walls not exceeding three feet in height above the floor and having only the tent fabric, the ridge pole and its support poles extending higher than three feet above the floor. The permit would authorize a tent platform situated out of view of the river and at least 50 feet from the mean high water line.

Under Alternative 3, the permit would also authorize an Alaska-style food cache elevated approximately 12 feet off the ground, and a fish drying rack.

Tent material, cache, and drying rack materials would be brought to the site via the Noatak River. The footprint of the tent platform would be the same as for the cabin in Alternative 2. The tent fabric would be removed when not used, but the platform, accompanying poles, cache, and fish drying rack would remain year-round. Construction could begin immediately. The applicant would likely use the tent platform for a short period in the spring and for about two months in the fall. The tent platform would be designated for shared use among subsistence users as required by 36 CFR 13.168, and would be available to other subsistence users throughout the year.

Residential use would be prohibited under 36 CFR 13.164(b). Proposed permit stipulations are listed in Appendix B of the EA.

## **PUBLIC INVOLVEMENT**

To initiate this EA process, notice of the project was published on the NPS Planning, Environment and Public Comment (PEPC) website. During the scoping period, NPS consulted with the State of Alaska and local government and tribal entities regarding the project's purpose and need, potential alternatives, and the EA schedule.

The EA was issued for public review and comment from November 14, 2008 to January 5, 2009. The public comment period was extended to January 31, 2009. The EA was sent to 58 government agencies, tribal entities, interest groups and individuals. The EA was posted on the Noatak National Preserve website and the NPS's PEPC website on November 17, 2008. Six written comments were received on the EA.

Public comments were carefully considered and responses to public comments are found in Attachment A of this document. The public comments did not significantly change the conclusions in the EA about the environmental effects of the selected action.

## **DECISION**

The NPS decision is to select Alternative 2 with modifications and mitigating measures.

Alternative 2 will be modified as follows:

- A locking weatherproof box or locker is authorized instead of an elevated food cache.
- The footprint of the cabin, storage box, drying rack, latrine, and trash burning pit will be contained within an area less than 80' x 100' feet.

## **Mitigating Measures and Existing Laws and Policies**

The permittee must dispose of human waste at least 100 feet from mean high water and at least 4 feet above the water level at normal high water.

The permittee is required to maintain the cabin and adjoining lands in a clean and orderly state. The grounds around the structure shall be kept clean and free of garbage, human waste, junk, and discarded animal parts and hides. All garbage including all residue from burned garbage must be removed from the preserve rather than buried.

The permittee will take precautions around camp to guard against human/bear encounters. Fish will not be left unattended. The fish rack must be attended while fish are on it.

The site will be surveyed by NPS prior to construction for cultural resources. If cultural resources are discovered, the site would be protected and the construction would stop until NPS has evaluated the site. If significant archeological resources are found appropriate mitigation would be accomplished

The cabin will be situated out of view of the river and at least 50 feet from the mean high water line. Pursuant to 36 CFR 13.118 when constructing, maintaining or repairing the cabin, the permittee must use materials and methods that blend with and are compatible with the immediate and surrounding area.

### **Rationale for the Decision**

The selected alternative is Alternative 2. Alternative 1 (No Action Alternative) would not provide reasonable shelter for the applicant. The requirements that must be met in order to issue a permit for construction of a new cabin (at the requested location as described under Alternative 2) have been met. The following further explains the rationale for the decision.

The decision was made after careful examination of 36 CFR 13.162(a), 36 CFR 13.162(b), 36 CFR 13.166, and 36 CFR 13.168.

### **STEP 1**

**In making a decision on a permit application the Superintendent shall consider**

- 1) whether the use by local rural residents of a cabin or other structure for subsistence purposes is customary and traditional in that park area**

The use by local rural residents of a cabin for subsistence purposes is customary and traditional in Noatak National Preserve, particularly sod houses, wall tents, and similar structures. Although the preferred structure at fish camps in the region has been a wall tent as this is comfortable yet portable if conditions change for fishing, most rural residents use cabins on private property for subsistence activities.

- 2) AND shall determine whether the use and occupancy of a new or existing cabin or structure is “necessary to reasonably accommodate” the applicant’s subsistence uses.**

Because of the reasons stated in his application, the applicant has demonstrated a need for the use and occupancy of a new cabin at his fish camp to reasonably accommodate subsistence fishing. A cabin will make it easier for the applicant to repeatedly visit and remain consistently on site while fishing thereby better protecting and preserving his subsistence harvest, and would be better able to store equipment and food. A cabin would also improve safety during these more extended stays by reducing conflicts with bears and providing better shelter from inclement weather.

### **STEP 2**

**In making this determination [step 1 above], the Superintendent shall:**

- 1) examine the applicant’s particular circumstances...**
  - a. past patterns of subsistence use:**

The applicant has been using this part of NOAT for subsistence purposes his entire life. His family has used this general area for at least 100 years. He currently participates in subsistence activities in the area, including from a fish camp at the proposed cabin site that he's used since the mid 1980s. The applicant participates in customary and traditional subsistence activities throughout the region during the better part of each year and he provides for numerous people in Noatak. He maintains strong ties to tradition and a subsistence way of life and he intends to continue this way of life for the long term. The applicant has an extensive history of subsistence use at this site.

**b. reasonable subsistence use alternatives:**

The applicant requested a permit to construct a cabin near the confluence of the Kuguroruk and Noatak Rivers, a site he has regularly used, therefore, no alternative locations were considered. The alternative of a tent frame was evaluated in the EA.

**c. the specific ...subsistence uses to be accommodated by the cabin or structure: primarily**

The cabin would be used by the applicant in late summer and fall to support fishing for chum salmon, whitefish, Arctic char, and pike in a net set in the Noatak River. These subsistence uses are substantial and important.

**d. the impacts of the cabin or structure on other local rural residents who depend on subsistence uses:**

A cabin would provide a higher level of safety from weather and bears. It would be easier for him to stay on site, perhaps giving him the opportunity to engage in subsistence activities for longer periods of time. This could ultimately benefit him as well as other locals who would share in the harvest, as is customary practice. The possibility exists that some subsistence users may feel displaced from the site because although the structure would be for shared use, some local people might consider it the applicant's shelter and may avoid the area. During the month of July up to 30 individuals fish in the area any day of the month. It is typical for a group of 4-5 individuals to come up the Noatak River in one boat to the mouth of the Kuguroruk River to fish. Most groups are from the village of Noatak. There is a generally supportive community attitude toward reasonable accommodation of individual subsistence uses.

**2) AND the impacts of the proposed structure and activities on the values and purposes for which the park area was established.**

Impacts to specific park resources are analyzed in greater detail in the EA. The proposed cabin would have minor adverse impacts to fish and bear resources. Fish harvest associated with the applicant's fish camp would not adversely affect populations of fish. It is also unlikely grizzly bears would be killed in defense of life or property due to the presence of a hard-sided cabin and the requirement that the applicant remain on site when fish were drying.

Authorizing construction of a new subsistence cabin would create moderate beneficial impacts to subsistence opportunities. A new cabin would provide a higher level of safety from weather and bears, giving the applicant an opportunity to engage in subsistence activities for longer periods of time. This could ultimately benefit him as well as other locals who would share in the harvest, as is customary practice. Other subsistence users would also be able to use the cabin. Some subsistence users may feel displaced from the site because of feelings that it belonged to the applicant and may alter the patterns of their subsistence activities.

This cabin proposal is in designated Wilderness next to a designated Wild river. Substantive public comments offered new perspectives about impacts to wilderness which resulted in changes in the analysis and conclusion of impacts to wilderness (see attached Errata). Constructing a new cabin and related facilities in designated Wilderness and next to, but not visible from, a designated Wild river would create moderate adverse impacts to wilderness. Impacts to wilderness character from building a new cabin would be long-term, however, impacts would be isolated to the vicinity of the cabin site, which is a small area surrounded by vast wilderness. Thus the spatial area of effect would be small. Impacts to wilderness would be moderate because wilderness is one of the fundamental purposes of the unit and has been identified in the park's foundation statement as a significant resource.

The untrammeled component of wilderness character, which is essentially areas unhindered and free from modern human control or manipulation, would continue to be the case at the cabin site. The undeveloped nature, essentially without permanent improvement or modern human occupation, would be impacted because the applicant would construct a cabin and fish drying rack.

The natural characteristics of wilderness, or ecological systems substantially free from the effects of modern civilization, would locally decrease. A new cabin and associated increased activity at the confluence of the Noatak and Kuguroruk rivers, would decrease the naturalness by things like trampling vegetation and possibly litter from associated use of the facility by others.

Outstanding opportunities for solitude or a primitive and unconfined type of recreation would continue. A cabin would not be visible from the Noatak River because the permit would stipulate that the cabin be sited far enough into the forest that it would not be seen from the river. The permit would also stipulate that cabin materials and colors blend with the surroundings.

While the cabin would be constructed out of view of the river, scenic values could still be compromised as the cabin would be visible from other locations. The gravel bar east of the fish camp contains a popular camping site for river floaters. This camping site is within a half mile of the proposed cabin site, so recreational users could encounter the cabin year-round. The cabin could encourage additional use of the area which could result in adverse impacts to vegetation and soils, and reduce opportunities for solitude in that area. A cabin would become an identified destination which would likely attract use to the area. This could create conflicts between subsistence users and conflicts between subsistence and recreation users.

## **THEN**

**The Superintendent may permit the construction of a new cabin or other new structure for subsistence purposes only if:**

- 1) a tent or other temporary facility would not adequately and reasonably accommodate the applicant's subsistence uses without significant hardship**
- 2) AND the use of no other type of cabin or other structure provided for in this subpart can adequately and reasonably accommodate the applicant's subsistence uses with a lesser impact on the values and purposes for which the park area was established.**

The decision is to issue Mr. Ashby a permit to construct a new cabin structure as proposed in his application and with the modifications and mitigations described above stipulated in the permit terms.

The 12'x16' foot, un-insulated structure is the minimum necessary to reasonably accommodate his subsistence use. The term of the permit will be limited to a period of five years or less. The permit to use the cabin for subsistence purposes may be renewed upon application and a determination by the Superintendent that no circumstance relating to the permittee's use of the cabin has changed in the interim.

The cabin will provide Mr. Ashby the continuation of the opportunity for a subsistence way of life without significant hardship. Mr. Ashby has used this site for 30 years, and facilitating the opportunity for his subsistence use with a small and simply-constructed cabin perpetuates his physical, economic, traditional and cultural existence. A tent platform, which would need to be annually assembled, would make his use unnecessarily difficult, and would not provide needed protection from bears or weather that a structure with walls and a tin roof provide. The terms of the permit specify the cabin is to be shared with other subsistence users and the cabin will be removed at the end of Mr. Ashby's use of the cabin for subsistence purposes.

### **Significance Criteria**

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

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

The selected action will create minor beneficial impacts to subsistence, minor adverse impacts to fish and wildlife, and moderate negative impacts to Wilderness and Wild River values. None of these impacts are significant.

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

The selected action will improve public health and safety by permitting a cabin and storage box that will provide subsistence users shelter from inclement weather. Permit stipulations (such as the requirement to not leave fish unattended) provide guidance for use of the site and facilities that will ensure better protection against bears. The NPS will encourage the applicant to use an electric fence as a way to protect fish harvest, which would reduce opportunities for bear-human encounters.

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

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

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

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



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

The effects of the selected alternative do not involve unique or unknown risks.

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

The selected alternative would not set a precedent of future actions. Application for and issuance of permits for a cabin for subsistence purposes is regulated under 36 CFR 13.160, which provide criteria for eligible subsistence users to apply for a permit and for the Superintendent to consider in issuing a permit.

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

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

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

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

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

No federally designated or candidate threatened or endangered animal or bird species are known to occur within Noatak National Preserve, and none are anticipated to be affected by the proposed project. No species proposed for listing occur in the Preserve, nor is there critical habitat.

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

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

## **FINDINGS**

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

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



The National Park Service has determined that the selected alternative does not constitute a major federal action significantly affecting the quality of the human environment. Therefore, in accordance with the National Environmental Policy Act of 1969 and regulations of the Council on Environmental Quality (40 CFR 1508.9), an environmental impact statement is not needed and will not be prepared for this project.

**ATTACHMENT A**  
**NPS RESPONSES TO PUBLIC COMMENTS AND ERRATA**  
**Proposed Construction of a New Subsistence Cabin**  
**Noatak National Preserve, Alaska**  
**May 2010**

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

**PUBLIC COMMENTS**

The NPS received six public comments: one from an agency, one from a regional corporation, one from a borough, one from an organization, and two from individuals.

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

**State of Alaska**

**Comment 1:** The EA summarizes the single “Subsistence Use Issue” as “*Living conditions for subsistence users could be improved.*” That statement greatly underplays the potential benefits of permanent facilities to subsistence users. We are therefore pleased the corresponding discussion in the Affected Environment’s Subsistence Use section is more expansive and clarifies that both the cabin and tent platform would improve subsistence opportunities, which would benefit not only the applicant, but other locals who would share in the harvest, as is customary practice. A permanent facility, especially a cabin, would also provide for increased safety, for both the applicant and others, while in use either for subsistence purposes or in times of emergency. In addition, a food cache and drying racks, in conjunction with other appropriate precautions, would increase protection of harvested fish from bears and other wildlife, reducing the need for supplemental harvest and the potential for habituated animals. It could also be anticipated that permanent facilities would reduce the chance that a bear may be killed in defense of life and property.

**NPS Response:** *NPS appreciates the State’s recognition of the importance of subsistence in Alaska national parks. NPS wishes to point out that all of these points have indeed been captured in the Impacts of the Alternatives section of the EA. They are also an important factor in the decision-making process.*

**Comment 2:** Since the proposed cabin site is described as a “*relatively popular fishing site*” and the EA notes a popular campsite for river floaters is located approximately one-half mile away, we recommend potential user conflicts be more fully analyzed. While we agree there is potential for displacement, we request the analysis discuss whether there is potential for other conflicts between subsistence users at this location as well as between subsistence and non-subsistence users.

**NPS Response:** *Under Alternative 2 there could be conflicts between subsistence users as well as between non-subsistence users if the cabin attracts more people to the site. Conflicts between subsistence users were addressed in the impacts analysis in the conclusion for impacts to subsistence under Alternative 2. Potential conflicts between subsistence users and recreational users should have been stated in the Wilderness section under “outstanding opportunities for solitude or a primitive and unconfined type of recreation” since additional subsistence users at this site would detract from this*

aspect of wilderness character. This has been corrected on the ERRATA. Similar impacts could be seen under Alternative 3 but to a lesser degree because a tent platform would not be expected to attract as many people to the area.

**Comment 3:** As currently written, the EA contains inconsistencies with regard to the description of the project area and wilderness resources. For example, the EA describes the area as a “popular fishing location” with a fish camp that includes “a lean-to covered in plastic, fish drying rack, campfire ring, canoe, and hole for human waste.” Despite this history and evidence of use, the Wilderness Values/Wild River section indicates “The project area *exemplifies* the untrammeled, natural, and undeveloped characteristics of Wilderness, and provides outstanding opportunities for solitude or primitive/unconfined recreation. [Emphasis added] We are concerned that this idealistic portrayal of the project area may unfairly influence public comment, especially for those that are unfamiliar with the ANILCA provisions that apply to designated Wilderness in Alaska.

**NPS Response:** NPS maintains that the area does indeed exemplify “the untrammeled, natural, and undeveloped characteristics of Wilderness, and provides outstanding opportunities for solitude or primitive/unconfined recreation.” Small groups typically boat to the project area from Noatak village July – October to fish and/or hunt. Fewer non-locals fish and hunt in the project area during that time period. The popular camping site for recreational boaters is also an unimproved site which typically sees only one group at a time. A fishing camp site with no permanent structures is the only sign of modern human use on Preserve land in the area. Otherwise it is natural, untrammeled, and undeveloped. NOAT offers some of the most remote recreational hiking and boating opportunities in the national park system. NOAT’s foundation statement states, “The purpose of NOAT is to protect an intact 6.7 million-acre, mountain-ringed river basin ecosystem for outstanding research and wilderness opportunities within an arctic-subarctic environment.” Additionally, ANILCA Section 101 provides that it is the intent of Congress that ANILCA “preserve wilderness resource values” and ANILCA Section 102(13) states that the term “wilderness” as used in ANILCA has the same definition as in the Wilderness Act. NPS believes that its portrayal of the wilderness aspects of the project area is accurate.

**Comment 4:** Page 12, Alternatives Considered but Dismissed, Bear Proof Fence: We question the conclusion that an electric fence is “an unreasonable burden on the applicant.” Relatively inexpensive, properly deployed and monitored electric fences have proven effective in deterring bears from accessing human food sources. We recommend every possible reasonable precaution be analyzed to reduce negative bear/human encounters.

**NPS Response:** NPS agrees that a bear proof fence could be an effective tool to enhance personal safety and protect fish harvest from bears and will encourage, but not require the applicant to use a bear proof fence. The permit will stipulate that drying fish are not to be left unattended.

**Comment 5:** Page 16, Fish and Wildlife, third paragraph: The EA mistakenly refers to Dolly Varden as Arctic char. We request a correction in an errata sheet.

**NPS Response:** This correction is reflected in the ERRATA.

**Comment 6:** Page 31, third paragraph, seventh sentence: We understand the “restricted-sensitive” designation referenced in this paragraph is from the 2005 Northwest Arctic Borough Coastal Management Plan. We request the errata sheet cite the source to clarify that it is not a federal designation.

**NPS Response:** This clarification is reflected in the ERRATA.

## National Parks Conservation Association

**Comment 7:** We understand that the applicant has a right to apply for a cabin under 36 CFR 13.160 (a) and he has done that. But the act of applying for a permit does not automatically trigger an EA. We assume the Park Service reviews the applicants “particular circumstances” and makes some kind of determination about the likelihood that a cabin or some other structure is warranted prior to investing the agency’s time, energy, and funding into writing an EA on how best to meet the applicant’s needs. Yet there is nothing in the EA that speaks to this pre-EA review of circumstances or why a simpler structure is inadequate or unreasonable.

**NPS Response:** *This permit application and the issues it raised about subsistence opportunities and new cabins in designated Wilderness warranted a more thorough analysis than most other permit requests. In order to adequately evaluate the application, the National Park Service used the National Environmental Policy Act (NEPA) process to inform the decision-making process outlined in regulation at 36 CFR Part 13. The impacts analysis in the Environmental Assessment (EA) and the public comment received during the EA process provided information about the criteria against which the application is evaluated. While this process took more time it afforded a thorough evaluation of the application. While there is considerable overlap between the EA and a regulatory analysis, an EA focuses more on evaluating impacts of construction on park resources.*

*The EA was undertaken to inform the decision on the application. The scope of the EA is limited to the application and does not evaluate a variety of scenarios beyond the scope of the application.*

**Comment 8:** The purpose and need of this project seems to be the comfort and convenience of the applicant, protecting salmon from bears, and the applicant’s personal protection from bears.

The Purpose and Need of this EA is too broad and too general. A more focused and clear purpose and need would help us better understand the problem being addressed and help us support an appropriate solution. Our analysis of the need, based on the information in the EA and subsequent discussions with staff, is solely to protect his harvested fish from bears.

Assuming that the purpose and need of the project is to protect drying salmon from raids by neighborhood bears, the range of alternatives is deficient.

**NPS Response:** *The purpose statement in the EA states that the purpose of the project is to evaluate a permit application for constructing one cabin for subsistence activities within NOAT. The applicant has identified comfort and convenience as some of the reasons for requesting a permit to construct a new cabin. The focus of the EA (to evaluate a permit application) is different from the needs that the applicant identified in the application. NPS maintains that a reasonable range of alternatives were evaluated.*

**Comment 9:** NPCA needs a better understanding of his current situation at fish camp to fully understand what the purpose and needs are.

**NPS Response:** *Under 36 CFR 13.161 the following information is required in a permit application: an explanation of the applicant’s need for the cabin, a description of the applicant’s past, present and anticipated future subsistence uses relevant to his need for the cabin, and a description of the types of occupancy and schedule for use of the cabin. Information regarding the applicant’s current situation is described throughout the EA. NPS has evaluated the applicant’s permit request based on the information provided in the application. NPS believes that the information provided is sufficient to evaluate the application.*

**Comment 10:** The EA must explain in far more detail than two sentences why the bear-proof fence alternative is not reasonable.

**NPS Response:** *NPS agrees that a bear-proof fence is a reasonable measure to enhance personal safety and protect fish harvest from bears. For this reason NPS will encourage but not require that the applicant use a bear proof fence. NPS dismissed a bear-proof fence as a stand-alone alternative because it doesn't address the applicant's need for enhanced protection against inclement weather.*

**Comment 11:** Amending the legal context to include the section 707 directive and a more explicit discussion of what is and is not allowed in designated Wilderness would serve the EA well.

**NPS Response:** *NPS agrees that it is important to include appropriate laws relating to wilderness management in the legal context section of the EA. This clarification is reflected in the ERRATA.*

**Comment 12:** The difference between the applicant's proposed alternative and the environmentally preferred alternative is the cabin, yet they both claim only minor long-term negative impacts to wilderness. We can understand such impact for the environmentally preferred alternative, as the tent platform would be used only during fishing season and then the tent is taken down. Further, the tent does not provide a draw for others to start increasing their use of the area. The cabin, however, is an identified destination and its increased use will have a higher impact on wilderness than a tent platform (or no platform) and this distinction needs to be fully addressed in the analysis. The cabin, acting as a magnet, would cause use of the area to increase and wilderness values would be impacted. This is discussed in the EA, but we feel it is lightly dismissed. How the cabin is used by others adds to our concern that the long-term environmental impact is more than minor.

**NPS Response:** *Upon further consideration of these comments, constructing a new permanent cabin and related facilities in designated Wilderness and next to, but not visible from, a designated Wild River would create moderate adverse impacts to wilderness. This change is reflected in the ERRATA.*

### **Individuals**

**Comment 13:** The reality is that the applicant wants a cabin in the preserve. If this request is granted then it would open up construction of cabins for any qualifying NOAT subsistence user anywhere in the preserve and in a relatively short time there would be cabins being built up at numerous prime spots and eventually the area would look something like what has taken place in the lower Noatak Canyon.

**NPS Response:** *The EA did not address cumulative impacts of additional permit requests because this is not reasonably foreseeable; none have been received or are currently anticipated.*

**Comment 14:** The cache height is 10' in the draft permit and 12' in the remainder of the text.

**NPS Response:** *The cache height should be 12' throughout the document. This correction is reflected in the ERRATA.*

## ERRATA

This errata section provides clarifications, modifications or additional information to the EA and to the selected alternative, Alternative 2 with modifications. These amendments do not significantly change the analysis of the EA; therefore, a new or revised EA is not needed and will not be produced.

1. Alternative 2 is **modified** as follows:

- A locking weatherproof box or locker is authorized instead of an elevated food cache.
- The footprint of the tent platform, storage box, drying rack, latrine, and trash burning pit would be contained within an area less than 80' x 100'.

2. Potential conflicts between subsistence users and recreational users under Alternative 2 should have been stated in the Wilderness section under “outstanding opportunities for solitude or a primitive and unconfined type of recreation” since additional subsistence users at this site would detract from this aspect of wilderness character. Similar impacts would be seen under Alternative 3 but to a lesser degree because a tent platform would not be expected to attract as many people to the area. **[correction]**
3. Page 16, Fish and Wildlife, third paragraph: Dolly Varden should be listed as Arctic char. **[correction]**
4. Page 31, third paragraph, seventh sentence: The “restricted-sensitive” designation referenced in this paragraph is from the 2005 Northwest Arctic Borough Coastal Management Plan and is not a federal designation. **[clarification]**
5. Page 6, third paragraph: The following is added to the legal context :  
ANILCA Section 707 states: “Except as otherwise expressly provided for in this Act wilderness designated by this Act shall be administered in accordance with applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness...” The Wilderness Act states: “...except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act...there shall be no...structure or installation within any such area.” **[clarification]**
6. Impacts to wilderness under Alternative 2 would be moderate because wilderness is one of the fundamental purposes of the unit and has been identified in the park’s foundation statement as a significant resource. Impacts to wilderness character from building a new cabin could be long-term as the permit is for up to 5 years and renewable. The cabin could encourage additional use of the area which could result in trampling, litter, and degradation of opportunities for solitude in that area. However, the spatial area of effect would be small. Impacts would be isolated to the vicinity of the cabin site, which is a small area surrounded by vast wilderness.

The four components of wilderness character are naturalness, untrammeled, undeveloped and opportunities for solitude or primitive and unconfined recreation.

Untrammeled means that wilderness is essentially unhindered and free from modern human control or manipulation. This would continue to be the case at the cabin site.

Undeveloped means that wilderness character retains its primeval character and influence, and is essentially without permanent improvement or modern human occupation. The undeveloped

character of the area would be impacted because the applicant would construct a cabin and fish drying rack.

Natural means that wilderness ecological systems are substantially free from the effects of modern civilization. A new cabin and associated increased activity at the confluence of the Noatak and Kuguroruk rivers would decrease the naturalness of the site by things like trampling vegetation and increasing litter from cabin construction and associated use of the facility.

Outstanding opportunities for solitude or a primitive and unconfined type of recreation means that wilderness provides outstanding opportunities for solitude or primitive and unconfined recreation. A cabin would not be visible from the Noatak River because the permit would stipulate that the cabin be sited far enough into the forest that it would not be seen from the river. The permit would also stipulate that cabin materials and colors blend with the surroundings. While the cabin would be constructed out of view of the river, scenic values would still be compromised as the cabin would be visible from other locations and from the air, and other structures such as a fish drying rack could be seen from the river. The gravel bar east of the fish camp contains a popular camping site for river floaters. This camping site is within a half mile of the fishing site, so recreational users could encounter the cabin year-round. Seeing structures can detract from a sense of solitude. A cabin would become an identified destination which would likely attract use to the area. This could create potential conflicts between subsistence users and between subsistence and recreation users.

**[correction]**

7. The cache height should be 12' throughout the document. **[correction]**