

# **Sequoia and Kings Canyon National Parks**

## **Disposition Plan for NPS-Owned Structures at Wilsonia, Grant Grove, Kings Canyon National Park**

### **Determination of No Impairment**

The National Park Service (NPS) *Management Policies 2006* (section 1.4) require analysis of potential effects to determine whether actions would impair park resources. The selected alternative to address the future disposition of the 12 NPS-owned structures in Wilsonia is alternative G which implements a multi-faceted disposition strategy utilizing several components of the other alternatives described in the environmental assessment (EA).

The fundamental purpose of the national park system, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, begins with a mandate to conserve park resources and values. NPS managers must always seek ways to avoid, or to minimize to the greatest degree practicable, adverse impacts to park resources and values. However, the laws do give the NPS the management discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, as long as the impact does not constitute impairment of the affected resources and values. Although Congress has given the NPS the management discretion to allow certain impacts within the park, that discretion is limited by the statutory requirement that the NPS must leave park resources and values unimpaired, unless a particular law directly and specifically provides otherwise.

NPS *Management Policies 2006* (section 1.4.7.1) also prohibit unacceptable impacts, which are defined as, “impacts that fall short of impairment, but are still not acceptable within a particular park’s environment.” During the impairment analysis, the selected alternative was also evaluated for unacceptable impacts. NPS has concluded that for the same reasons no impairment to park resources or values would occur (discussed below) no unacceptable impacts would occur as a result of implementation of the selected alternative.

Pursuant to NPS *Management Policies 2006* (section 1.4.5), impairment is an impact that, in the professional judgment of the responsible NPS manager, “would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of these resources or values.” Whether an impact meets this definition depends on the particular resources that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts.

An impact to any park resource or value may, but does not necessarily, constitute an impairment, but an impact would be more likely to constitute an impairment when there is a major or severe adverse effect upon 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
- identified as a goal in the park's general management plan or other relevant NPS planning documents.

An impact would be less likely to constitute an impairment if it is an unavoidable result of an action necessary to pursue or restore the integrity of park resources or values and it cannot be further mitigated.

Impairment may result from visitor activities, NPS administrative activities; or activities undertaken by concessioners, contractors, and others operating in the park. Impairment may also result from sources or activities outside the park.

### **SEQUOIA AND KINGS CANYON NATIONAL PARKS PURPOSE AND SIGNIFICANCE**

The purpose and significance of Sequoia and Kings Canyon National Parks (parks) were considered during the impairment determination process for the selected alternative. The purposes of the parks are the reasons why Congress established these areas as part of the national parks system. The purpose statements are basic to all other assumptions about the parks and the ways in which the parks should be used and managed. The purpose of Sequoia and Kings Canyon National Parks as defined in the parks' General Management Plan (GMP) (NPS 2007) is as follows:

Protect the greater Sierran ecosystem—including the sequoia groves and high Sierra regions of the park—and its natural evolution forever.

Provide appropriate opportunities to present and future generations to experience and understand park resources and values.

Protect and preserve significant cultural resources.

Champion the values of national parks and wilderness.

Statements of a park's significance describe why the park is important within a global, national, regional, and ecosystem-wide context and are directly linked to the purpose of the park. As stated in the parks GMP (NPS 2007), Sequoia and Kings Canyon National Parks are special and unique because they have:

The largest giant sequoia trees and groves in the world, including the world's largest tree, the General Sherman tree

An extraordinary continuum of ecosystems arrayed along the greatest vertical relief (1,370 to 14,497 feet in elevation) of any protected area in the lower 48 states

The highest, most rugged portion of the high Sierra, which is part of the largest contiguous alpine environment in the lower 48 states

Magnificent, deep, glacially carved canyons including Kings Canyon, Tehipite Valley, and Kern Canyon

The core of the largest area of contiguous designated wilderness in California—the second largest in the lower 48 states

The largest preserved southern Sierra foothills ecosystem

More than 300 known marble caverns, many inhabited by cave wildlife that is found nowhere else

A wide spectrum of prehistoric and historic sites documenting human adaptations in their historical settings throughout the Sierran environments

### **NON-IMPAIRMENT DETERMINATIONS FOR THE SELECTED ALTERNATIVE**

For the selected alternative, a determination of non-impairment is made for cultural and water resource topics carried forward for detailed analysis in the EA. Pursuant to the *Guidance for Non-Impairment Determinations and the NPS NEPA Process* (2011), impairment findings are not necessary for visitor experience, socioeconomics, public health and safety, environmental justice, land use, and park operations. These topics do not encompass park resources and values protected according to the Organic Act, and cannot be impaired in the same way that an action can impair park resources and values. After dismissing the above topics, topics evaluated for impairment are as follows:

#### **Cultural Resources**

Cultural resources are necessary to fulfill the purposes for which the parks were established and are identified in the parks purpose and significance statements. Cultural resources pertinent to the selected alternative include historic structures, a cultural landscape, and archeological resources.

In March 1996, the Wilsonia community was listed as a Historic District on the National Register of Historic Places. In 2011, the Wilsonia Historic District successfully amended the original 1996 listing to expand the period of significance, update the evaluations of individual contributing and non-contributing resources, and acknowledge the contributing nature of the interspersed landscape elements (man-made and natural) to the larger district. The expanded period of significance reflects the consistent nature of the vernacular forms erected in the recreational cabin district up through the mid-20<sup>th</sup> century, ending with the introduction of newer, contemporary building forms during the 1960s and 1970s, and the changing patterns of local park management.

The Amended Documentation, approved on June 1, 2011 identifies the entire Wilsonia District as one contributing site. This evaluation acknowledges the fact that the district is much more than just a collection of isolated recreational cabin buildings, but is a cohesive landscape composed of small and large scale man-made features as well as the interrelated natural forested landscape.

As outlined in the 1995 National Register Nomination, the Wilsonia Historic District was composed of 212 primary buildings. Of these, 139 (approximately 66%) were evaluated as contributors, and 73 as non-contributors due to age or alterations. With the 2011 amendment, the Wilsonia Historic District

now contains a total of 211 primary buildings. Of these, 162 (approximately 77%) are evaluated as contributors, and 49 as non-contributors due to age or alterations. With the amendment, eleven of the NPS-owned structures are now considered “contributing resources” within Wilsonia Historic District.

In addition, the 2011 Amendment to the 1996 National Register listing for the Wilsonia Historic District included landscape features as part of the Historic District, including character-defining aspects of the mountain setting, (e.g. natural vegetation, meadows, boulders, rock outcroppings, intermittent streams, and hilly terrain). The preservation of topographical features is a key element of preserving the cultural landscape associated with the area. Therefore, the overall cultural landscape is added as a contributing site, for a total of 163 contributing resources within the Wilsonia Historic District.

The last extensive archeological survey in the Grant Grove area was conducted in October 1974 prior to the development of the concessions facilities at Grant Grove. The party surveyed approximately 700 acres north and west of Wilsonia that included the entire Grant Grove development area. No surface evidence of archeological resources was found on any proposed development site. Site specific archeological surveys are conducted for project work, but there has been no complete survey of the NPS-owned properties in Wilsonia. However, these surveys have found both prehistoric and historic resources, and it is likely that archeological resources are located in the area based on site conditions.

Under the selected alternative, there will be a multi-faceted approach for future disposition of the NPS-owned structures within the Wilsonia Historic District. The approach will utilize components of alternatives, described in the EA:

1. Seek land exchanges (title) - as described under alternative F in the EA.
2. Seek partners for non-NPS adaptive reuse – leasing and assigning (including partnering) – as described under alternative E of the EA.
3. If there are no parties interested in land exchanges or non-NPS adaptive reuse for specific structures, then the structures will either be:
  - a. Stabilized as static elements of the Historic District – as described under alternative C.
  - b. Improved for NPS adaptive reuse– as described under alternative D.
  - c. Removed from the site and the property restored – as described under alternative B.

Depending on the success of each of the above components, there could be different effects on the historic structures and the cultural landscape of the Wilsonia Historic District. The impacts will range from beneficial to no adverse effect if structures are maintained and the historic integrity of the District is retained, to a determination of adverse effect if structures are removed from the District. The selected alternative will not result in impairment of historic structures or the cultural landscape because mitigation would be instituted to reduce adverse effects, in consultation with the California State Historic Preservation Officer (SHPO) and Advisory Council on Historic Preservation (Advisory Council). It is likely that some of the eleven contributing structures will remain in place and will receive an adequate level of protection in accordance with *The Secretary of the Interior’s Standards for the Treatment of Historic Properties*, and some will be removed. However, even if all eleven structures were removed, 93% of the contributing structures will remain in place, and the overall historic integrity of the Wilsonia Historic District will be maintained. The Wilsonia Historic District will remain as described on the National Register of Historic Places Registration Form (2011) as “much more than just a collection of isolated recreational cabin *buildings*, but is a cohesive landscape

composed of small and large scale man-made features as well as the interrelated natural forested landscape.”

The selected alternative will not result in impairment of archeological resources because mitigation is in place to avoid any adverse effects. Prior to any project work, the structures and lots will be surveyed for the presence of archeological resources. All below grade structures will remain in place, but excavation will occur if new water/wastewater systems are installed. If evidence of archeological resources is found in the area, the sites will be secured, and the appropriate SEKI staff will consult with the California SHPO and affiliated tribes, as necessary. The selected alternative will not result in impairment of historic structures, the cultural landscape, or archeological resources because mitigation measures for adverse effects on eligible or listed National Register structures will be coordinated with the SHPO and Advisory Council, the overall historic integrity of the Wilsonia Historic District will be maintained, and adverse effects on archeological resources will be avoided.

Some adverse effects to historic structures could occur, however, impacts will not impair the resource to the point that the parks purpose cannot be fulfilled. The NPS will continue to consult with the SHPO and develop a Programmatic Agreement (PA) to complete the Section 106 process and implement the disposition strategy. The parks will continue to preserve cultural resources; therefore, there is no reason to suspect that implementation of the selected alternative will pose a risk of impairment to the parks cultural resources.

### **Wetlands, Floodplains, and Water Resources**

The wetlands in this area appear to have been altered by human occupation in the last 150 years. There are deeply incised channels that have lowered water tables and appear to be actively eroding. These incised channels have likely resulted from concentrating water through culverts to pass under roads, from intentional ditching to maintain this road drainage system, and perhaps from livestock grazing in the 19<sup>th</sup> century. This change in natural hydrological pattern is likely a large contributing factor to the ability of reed canarygrass to establish and dominate in these wetlands. With the drop in the water table, vigorous and highly competitive native wetland vegetation may be converted to drier-site vegetation that does not resist invasion by reed canarygrass.

A wetlands inventory has not been conducted for the NPS properties within Wilsonia, but several site visits have been conducted and surface water, wetland, and riparian habitat were found in proximity to several of the NPS-owned structures. The structure at 83690 Park Road is located on a lot where the majority of the lot is a drainage/wetland area (NPS 2011; NPS 2006/2007) and is next to an intermittent creek. The building at 83663 Chinquapin Lane is located on a potential wetland/high water table area. The “Postmaster’s House” at 83692 Fir Lane is within ten feet of an unnamed creek, and the building at 83691 Fir Lane is located 15 feet from an unnamed creek; both of these structures are likely within the floodplains of these creeks. The structure at 83736 Park Road has a culvert that seems to drain into the yard and road runoff flows in the yard also.

NPS Environmental Health Services (EHS) conducted several inspections in 2006 and 2007 of the water and wastewater systems for the NPS-owned structures within Wilsonia. The inspections found that the systems do not meet the minimum current code requirements for health and safety with respect to water and wastewater systems (NPS 2006/2007). The report concluded that “these properties severely compromise the natural resources and are a threat to public health because of shallow groundwater and close proximity of wells to wastewater systems and wastewater system to natural

surface water.” The report further stated that the use of the properties should be discontinued to protect the hydrologic and meadow/forest environs. Shortly after the report, all remaining NPS occupied cabins were closed to occupancy.

Under the selected alternative, it is likely that some structures will remain in place, and others will be removed. A priority order for exchanges will be developed based on a number of criteria, such as the protection of natural resources, including water resources. If any of the five structures located near or within wetlands or riparian areas is removed, then the result will be improved conditions as the vacated sites are rehabilitated and move toward a natural range in variability. This will result in beneficial long-term effects at those localized areas. If any structures remain within these areas, there will continue to be long-term adverse effects on water resources.

Under the selected alternative, each structure to be exchanged or adaptively reused will be evaluated to determine if water and wastewater systems could be brought to minimum code requirements. If they cannot meet code, then the systems will be capped and/or closed appropriately to remove the risk of runoff/leakage. Alternative systems will be considered to allow for exchanges or some level or adaptive reuse.

For structures that will be stabilized or completely removed, under the selected alternative, the affiliated wastewater system(s) will be abandoned in place and appropriately closed/capped to meet minimum life-health-safety standards. This will improve water quality in a localized area by reducing opportunities for runoff or leakage.

The selected alternative will not result in impairment of wetlands or floodplains because mitigations to protect these natural features are included for project areas near or within wetlands/floodplain areas. The NPS will consider the natural resource value of demolition and restoration of a property that is within a floodplain or is on the boundary of a wetland when considering whether to exchange, stabilize, reuse, or remove a structure. Wetlands within project zones will be reviewed for NPS Jurisdictional Wetlands status. Impacts on wetlands will be avoided and minimized to the extent practicable. No wetland fill will occur without authorization from the Corps and appropriate permitting under the Clean Water Act. Appropriate permits (404 permit and 401 certification) will be acquired should there be any impacts on wetlands.

The selected alternative will not result in impairment of water resources because the following mitigation measures will be implemented to reduce adverse effects. All equipment that could come in contact with a naturally-occurring waterbody or potentially enter a storm drain system shall be: a) thoroughly cleaned of soil/mud and all organic matter by rinsing the equipment within a containment barrier constructed at least 100 feet of any waterbody; b) disinfected with a chlorine solution (one part bleach to 32 parts water or stronger) followed by a thorough rinse with clean water, and c) soil/mud, organic debris and cleaning solution will be collected and removed from the parks. Equipment cleanout areas shall be approved in advance and marked as such when used. Ensure that soils/sediments do not have an opportunity to enter any naturally-occurring waterbody or storm drain system. Fuel and other hazardous materials will be accessed, applied, and stored within a containment barrier constructed at least 100 feet from any waterbody or storm drainage. Every day, prior to commencement of work, all machinery will be inspected for leaks, leaked material removed from the environment, and if a leak is found, the machinery will not be used until repaired.

Under the selected alternative, a permit approval process will continue to be instituted to ensure the protection of water resources. The NPS has exclusive jurisdiction over much of the area of the parks, including Wilsonia. The extent of jurisdiction means that the NPS has the authority to adopt and administer land use regulations for these areas including (per 36 CFR 7.8) permit approval over water supply, sewage or disposal systems, and building construction or alterations. All building and wastewater permits requiring NPS concurrence per 36 CFR 7.8 will continue to be reviewed for the protection of natural resource values and be subject to review in a historic preservation context (per 36 CFR 800). Depending on the scope of activities, the following permits may be required: a California Department of Public Health, Drinking Water Program- Domestic Water Supply Permit and amendments for a new water supply and/or change in the method of water treatment; a U.S. Army Corps of Engineers- Section 404 Nationwide Permit for work within waterways and/or wetlands; and, a California State Water Resources Board- Section 401 water quality certification for working in waterways.

The selected alternative will not result in impairment of wetlands, floodplains, or water resources because a multi-faceted approach for disposition of the NPS-owned structures within the Wilsonia Historic District will be implemented and will consider protection of natural resources, including water resources, and other mitigation measures and permitting procedures. There will be beneficial effects on water resources from removing NPS-owned structures near or in wetlands and riparian areas. If any NPS-owned structures remain within these areas there will continue to be long-term adverse effects on water resources; however, impacts will be localized and will not impair the resource to the point that the parks purpose cannot be fulfilled. Water and wastewater systems will be upgraded or constructed to meet minimum code requirements, or capped appropriately to reduce the risk of runoff or leakage, improving water quality in the localized area, resulting in long-term beneficial effects on water resources. The parks will continue to take all necessary actions to maintain or restore the natural hydrology within the parks, and to avoid, whenever possible, the alteration of park waters; therefore, there is no reason to suspect that implementation of the selected alternative will pose a risk of impairment to the parks water resources.

## **Conclusion**

Based upon the information contained in the EA (including impact analysis as summarized above), consideration for relevant scientific and scholarly studies, and advice or insights offered by subject matter experts and others who have relevant knowledge or experience, and with consideration for the results of civic engagement and public involvement activities, it has been determined that no impairment of park resources or values, nor any unacceptable impacts, will result from implementation of the selected alternative. In the best professional judgment of the NPS decision-maker, there will be no major or severe adverse effect upon a resource or value whose conservation is: (1) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park; (2) key to the natural or cultural integrity of the park; or (3) identified as a goal in the park's general management plan or other relevant NPS planning documents.