

National Park Service
U.S. Department of the Interior

**Wrangell-St. Elias National Park and
Preserve
Alaska**



Finding of No Significant Impact

McCarthy Creek Subsistence House Log Permit

February 2006

Recommended:

Dan S. Rosenthal

Superintendent, Wrangell-St. Elias National Park and Preserve

2/15/06

Date

Approved:

John K. ...

Regional Director, Alaska

2/18/06

Date

FINDING OF NO SIGNIFICANT IMPACT

McCarthy Creek Subsistence House Log Permit

Wrangell-St. Elias National Park and Preserve, Alaska February 2006

The National Park Service (NPS) prepared an environmental assessment (EA) to issue a special use permit authorizing the applicant to harvest 120 subsistence house logs in the upper McCarthy Creek valley area of Wrangell-St. Elias National Preserve. The applicant would be allowed to harvest dead standing timber only during the winter, subject to the Wrangell-St. Elias subsistence house log policy, permitting procedures, and specific permit conditions. The NPS, accompanied by the applicant, would mark 240 dead trees in the upper valley. The applicant's allowable harvest would consist of the first 120 harvested trees that are suitable for construction of a private residence. The applicant would use a tracked vehicle and sled to transport house logs to their private property. Snowmachines would be used to bring harvested logs to the tracked vehicle and sled. The NPS would designate a route that corresponds to a segment of an historic mining access alignment along McCarthy Creek. The applicant's harvest area would be limited to within 0.5 mile of the designated route, and not closer than 300 feet from McCarthy Creek or any other water body.

The NPS has selected Alternative B—Subsistence Use of Beetle-Kill House Logs (applicant proposal and NPS preferred alternative) with permit conditions.

Four parties provided comments during the EA public review period. One commenter provided substantive comments, and the NPS response to these comments is provided in the attachment to this Finding of No Significant Impact. No changes were made to the EA.

ALTERNATIVES

Two alternatives were evaluated in the EA.

Alternative A – No Action

Under the no-action alternative, the NPS would not issue a subsistence house log permit to the applicant. However, the applicant would be able to acquire house logs from sources external to park lands, and transport the logs to their inholdings using snowmachines, aircraft, and non-motorized surface transportation methods. External sources may be logs harvested from state, private, or university lands, logs harvested outside of WRST or commercial log packages. Logs from external sources could be acquired by the applicant and transported to their property using the modes of transportation identified above. These aforementioned methods of access and material transport are allowed by ANILCA 1110(a), and do not require authorization by the NPS. Alternative A (No-Action) is the environmentally preferred alternative.

Alternative B – Subsistence Use of Beetle-Kill House Logs (Applicant Proposal and NPS Preferred Alternative)

Under Alternative B, the NPS would issue a subsistence house log permit to the applicant in accordance with NPS-53, and under the auspices of the Wrangell-St. Elias subsistence log policy. The subsistence house log permit would be subject to standard permit procedures and conditions, and other stipulations deemed necessary to protect the resources of WRST. The applicant would use a tracked vehicle to transport house logs harvested from the upper McCarthy Creek valley to their private land during the winter. Snowmachines would be used to bring logs to the tracked vehicle and sled. The allowable harvest would enable the applicant to construct a house with a square footage of about 280 square feet.

The allowable harvest would be limited to trees affected by mortality from a spruce beetle outbreak dating to 1990. NPS would not allow the applicants to harvest any live trees under this alternative. NPS would mark 240 dead trees. Recent inventory of forest resources in the upper valley of McCarthy Creek indicates that about 50 percent of dead standing trees in a 3,063-acre study area have undergone deterioration by rot which renders them unsuitable for house construction. Consequently, the applicants would be authorized to use the first 120 trees harvested and found in condition suitable for house construction.

The NPS would designate a route that corresponds to a segment of an historic mining access alignment along McCarthy Creek. The applicant's harvest area would be limited to within 0.5 mile of the designated route, and not closer than 300 feet from McCarthy Creek or any other water body.

Any permit issued by the NPS would be for actions affecting NPS managed public land only. The applicants would be responsible for obtaining permission to cross any non-federal lands.

The applicant will be responsible for obtaining all necessary permits and approvals. These may include:

- A Corps of Engineers Clean Water Act Section 404 permit for any part of the project that traverses the waters of the United States.
- The Alaska Department of Environmental Conservation Certificate of Reasonable Assurance pursuant to the Clean Water Act Section 401.
- The Alaska Department of Natural Resources Fish Habitat Protection Permit for crossing streams bearing fish.

PUBLIC INVOLVEMENT

The EA was released for public review and comment from December 16, 2005 through January 17, 2006 on the NPS PEPC public website. The park issued a press release announcing the availability of the EA and the public comment period on December 15, 2005. The news release was aired by radio stations in Valdez and Glennallen, Alaska, during the public comment period.

Comments were received from the State of Alaska, ANILCA Implementation Program (State); National Parks Conservation Association (NPCA); and two local residents. With exception to the substantive comments provided by one local resident, the comments received were either of a clarifying nature (State), supported the proposed action (other local resident), or expressed no objections to the proposed action given applicant compliance with the Wrangell-St. Elias subsistence house log policy, and specific permit conditions (NPCA). The public comments did not change the conclusions in the EA concerning the environmental effects of the proposed action. NPS responses to the substantive comments of the local resident are provided in the attached errata sheet.

DECISION

The NPS decision is to select Alternative B—Subsistence Use of Beetle-Kill House Logs (Applicant Proposal and NPS Preferred Alternative) along with the mitigating measures. No modifications of Alternative B were made during or after the public comment period.

Mitigating Measures

The subsistence house log permit would be subject to standard permit procedures and conditions, and other stipulations deemed necessary to protect the resources of WRST, including:

House Log Harvesting

- Logs may only be used for a primary place of residence, and not for commercial sale or in structures used for commercial purposes. Commercial purposes include sale of whole logs, sale of lumber milled from whole logs, or construction of a lodge or other commercial structure.
- Applicants are prohibited from harvesting live trees. Allowable harvest will be limited to dead standing timber only. The NPS will mark 240 dead trees; applicants' allowable harvest will be the first 120 trees marked and harvested and in a condition suitable for construction of a residence.
- Subsistence house logs may not be harvested farther than 0.5 mile from the designated transportation route.
- No trees, regardless of size, may be harvested within 300 feet of McCarthy Creek or any other water body.
- Permittee(s) will submit a slash treatment plan that is approved by both the NPS and Alaska DNR prior to beginning harvest.
- Slash treatment may include removal, piling and burning, scattering and cutting slash into pieces less than 5 feet in length and leaving both ends in contact with the ground, to a level that prevents the spread of Spruce bark beetles, Ips beetles and that prevents an

increase in wildfire fuel loading. At a minimum all slash must be in contact with the ground surface

- Harvested trees will be cut as close to the ground surface as feasible and stumps must be less than 18 inches in height.
- Live trees will not be damaged during felling, yarding or skidding. Trees with any bark removed or girdled will be considered damaged and harvest/transport operations will cease until reviewed by the Superintendent or his designee.
- Suspension of the largest diameter end of the log will be required during all yarding or skidding activities.
- Yarding or skidding operations will cease if ground disturbance occurs.
- The applicant must be able to document that they qualify as a local rural resident and that their primary residence is located on their private lands on upper McCarthy Creek.
- An additional subsistence house log permit will not be issued to the landowner/family for a period of 10 years after this permit is issued. This condition applies to any land subdivided or transferred subsequent to the issuance of the original subsistence house log permit.
- An additional subsistence house log permit may be issued due to emergency or unusual and unforeseen circumstances such as fire or other damage.

Tracked Vehicle

- Travel with a tracked vehicle (D-5 Caterpillar or smaller) pursuant to this permit is authorized from the date of permit issuance until April 15 2006; and from October 20, 2006 until either April 15, 2007 or the expiration of the permit (whichever comes first). Travel during the above identified periods is further conditioned upon the ground being frozen to a minimum depth of 6 inches and the existence of snow cover sufficient to protect the resources (typically more than 6 inches of snow). Stream crossings will utilize ice or snow ramps. Open water crossings require advance approval by the Superintendent or designee.
- Before utilizing a tracked vehicle, the permittee will obtain all necessary State of Alaska permits and Department of Army permits. This permit does not authorize travel across private land. The applicant is responsible for securing permission to cross private land.
- The permittee shall notify the Superintendent 48 hours prior to the start of hauling of logs with a tracked vehicle. However, if after one or more trips are completed, and the site conditions still allow for use of a tracked vehicle to transport logs to proceed, this stipulation may be modified.

- The tracked vehicle may only be utilized on parklands on the designated transportation route. The designated transportation route for house logs with the tracked vehicle is the existing disturbed route from the applicants' private lands south to a location approximately 0.5 miles downstream of Green Butte where the trail begins to climb to uplands north of East Fork Creek. This route has 4 stream crossings of McCarthy Creek, and is about 3 miles in length.
- A maximum of 8 round trips with a tracked vehicle, will be permitted on the designated transportation route. Additional trips require approval by the Superintendent.
- The Superintendent or his designees may accompany the permittee on any or all tracked vehicle trips to insure permit compliance.
- If the tracked vehicle utilized is a bulldozer, the bulldozer will travel with the blade up except as necessary to build snow bridges at sites approved by the Superintendent or his designee.
- No cut and fill of soil and/or gravel or blading causing ground disturbance is permitted.
- Placement of fill materials in the waters of the United States is prohibited.
- Tracked vehicle operators will not execute tight turns by locking one track without advance approval by the Superintendent or his designee.
- Debris, food and refuse generated by the permittee and/or his employees and coworkers will be removed from the preserve and disposed of in accordance with State and Federal law.
- Any tracked vehicle which breaks down or becomes stuck (i.e., cannot be extricated by means of immediately available resources), in support of transporting harvested logs will be reported as soon as possible to the Superintendent or his/her designees. Equipment must be removed or stabilized in consultation with the NPS.
- This permit does not affect applicant's use of snowmachines during periods of adequate snow cover.

Cultural Resources

- All cultural resources shall be avoided. The permittee shall not injure, alter, destroy, or collect any cultural resource site, structure, or object.
- Prior to building snow ramps, areas of concern for cultural resources would be located by park staff to ensure that cultural features are protected, such as historic bridge abutments not readily visible in snow and winter conditions.

- If a cultural resource is inadvertently impacted by the permitted activities, the permittee shall cease the activity, protect the resource, and notify the Superintendent immediately.

Water Resources

- A snow ramp must be constructed only of snow and ice, and must be substantially free of soil and organic debris.
- The permittee will avoid impeding the passage of fish, disrupt fish spawning, adversely affecting over-wintering or nursery areas identified by the Superintendent or his/her designees. The permittee shall not permanently block off or change the character or course of any stream.

Fuel

- No refueling of the tracked bulldozer is permitted on preserve lands.
- 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. Immediate actions will be taken to confine the spill to the smallest area. Discharge notification and reporting requirements from AS 46.03.755 and 18 AAC 75 Article 3 will be attached to the permit and are to be followed by the applicant.
- Violation of the terms and conditions of the permit may result in immediate revocation of the permit by the park superintendent.

Rationale for the Decision

Alternative B (Applicant Proposal and NPS Preferred Alternative) with mitigating measures will satisfy the purpose and need of the project better than the no-action alternative (environmentally preferred alternative) because it enables the NPS to permit an allowable subsistence use with only negligible to minor effects on park resources. Alternative B will assure protection of park resources in accordance with ANILCA, the general public use regulation at Title 36 CFR 13.49, and the Wrangell-St. Elias subsistence log policy.

Significance Criteria

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

(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 EA evaluated the effects of the preferred alternative (subsistence use of beetle-kill logs) on forest resources, water quality and fish, cultural resources, and safety hazards. There will be negligible effects on forest

resources, minor adverse effects on water quality and fish, negligible effects on cultural resources, and minor-moderate increased safety risks.

(2) *The degree to which the proposed action affects public health or safety.* The proposed action will not affect public health or safety. However, individuals may incur safety risks harvesting dead trees.

(3) *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.* The geographic area of the permitted subsistence house log harvest is the upper McCarthy Creek valley within Wrangell-St. Elias National Preserve. Scientific studies have found that harvest of live standing timber for house logs could affect forest productivity and recruitment of forest resources affected by a recent spruce beetle epidemic in the upper McCarthy Creek valley. Consequently, the NPS is authorizing harvest of dead standing timber only given that the harvest of live standing timber is not sustainable for the foreseeable future. Cultural resources in the project vicinity will be protected by specific permit conditions for these park resources.

(4) *The degree to which effects on the quality of the human environment are likely to be highly controversial.* The effects on the quality of the human environment are not likely to be highly controversial. Neither the number of comments received on the EA received during the 30-day public comment period, nor their content, indicate that a high level of controversy exists regarding the proposed action.

(5) *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.* The degree or possibility that the effects on the human environment will be highly uncertain or will involve unique or unknown risks is remote.

(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 degree or possibility that the action may establish a precedent of future actions with significant effects or represents a decision in principle about future considerations is remote.

(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 would provide for subsistence use of dead standing timber for house logs without affecting forest productivity in an area where a spruce beetle outbreak has rendered the harvest of live standing timber as unsustainable. The action is not related to other actions of individual insignificance 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 McCarthy Creek valley contains 12 known historic sites related to lode mining and associated

transportation. These are mostly comprised of mining camps, mines and mine features, road construction camps, isolated cabins, remains of bridge abutments, and tunnels. One site, the Green Butte Mining Camp Historic District, is eligible for listing on the National Register of Historic Places. In consultation with the Alaska State Historic Preservation Officer, eleven other sites are being evaluated for their eligibility for inclusion on the National Register of Historic Places; three sites have been determined eligible by the NPS. With the specific permit conditions for cultural resources protection, the degree or possibility that the action may cause loss or destruction of known scientific, cultural, or historic resources is 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. There are no threatened or endangered species or critical habitat in the project area.

(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 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 NPS 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 McCarthy Creek Subsistence House Log Permit Environmental Assessment

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

NPS RESPONSE TO PUBLIC COMMENTS

A 30-day public comment period was provided for the EA from December 16, 2005 to January 17, 2006. Comments were received from the State of Alaska, ANILCA Implementation Program (State); National Parks Conservation Association (NPCA); and two local residents. One comment received from a McCarthy, Alaska resident by electronic mail on December 24, 2005 contained substantive comments. The paraphrased comments and the NPS responses follow.

Substantive comments are those that modify the existing alternatives, propose new alternatives not previously considered, supplement, improve, or modify the impact analysis, or make factual corrections. These comments did not change the EA conclusions about the effects of the proposed action or other alternatives.

Comment No. 1: There seems to be a conflict on pages 6 and 7: 1.4.2 concludes that yarding or skidding may increase sediment transport to streams. 1.4.5 expects no soil impacts due to frozen ground.

Response: *The NPS believes that the conditions and stipulations that will be attached to the permit will adequately minimize the level of any resulting impacts to the environment.*

Comment No. 2: 4.4.2. NPS should not be involved in operational decisions about avalanche hazards. This is a can of worms you do not want to open. It either has to be done effectively, requiring a large investment in data collection and analysis, or left entirely to judgment of those doing the logging. General education by NPS about avalanche hazards is highly appropriate, but not day to day decisions. Risk reduction by working early in the day to avoid warm temperatures is sound advice at some times of the winter, but by no means covers all avalanche situations.

Response: *NPS is cognizant of the numerous hazards associated with backcountry travel in the winter, including but not limited to storms, cold weather, flooding or avalanche hazards. Our plan is to leave the decision about when and where to log and travel within the upper McCarthy Valley to the judgment of the applicant for their activities in regard to all hazards, including avalanche hazards.*

Comment No. 3: The EA is not clear about whether the tracked vehicle to be used in hauling logs is already available at the permit site, or must be walked all the way up McCarthy Creek. The latter would substantially raise number of stream crossings and potential stream pollution.

Response: *The applicant is in possession of a bulldozer on their private property. In addition, the applicant stated they would only need to cross McCarthy Creek at 4 locations above Green Butte. Hence, the NPS did not analyze the impacts of walking a tracked vehicle up McCarthy Creek or additional stream crossings.*

Comment No. 4: For a shallow snow cover within allowed parameters of the permit, building snow bridges by bulldozing snow into the creek is going to generate a lot debris and sediment in the creek.

Response: *Ideally, snow ramps will not be necessary. However, NPS has provided a range of potential tools for the applicant's use to successfully implement the project without causing long term damage to stream banks. Should snow ramps be necessary, the applicant can either wait to construct the ramps until additional snow is available, or they will be expected to proceed cautiously as they construct the ramps. The permit requires all work to cease if ground disturbance occurs. We consider this stipulation adequate to avoid generating an excessive amount of debris and sediment in the creek.*

Comment No. 5: A comfortable, winterized, 280 square foot cabin could be built much faster and easier with very little impact on Park resources by hauling in dimensional lumber through a combination of air and snow machine freighting.

Response: *This option remains available to the applicant under the no action alternative. Furthermore, as noted in the EA, the applicant could construct a house under the no action alternative larger than 280 square feet, if desired, without any authorization or approval by the NPS.*