



# DETERMINATION OF NON-IMPAIRMENT

## Fisher Restoration Plan / Environmental Assessment

April 2015

### The Prohibition on Impairment of Park Resources and Values

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NPS *Management Policies 2006*, §1.4.4, explains the prohibition on impairment of park resources and values: “While Congress has given the Service management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the 1916 Organic Act, establishes the primary responsibility of the National Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them. The impairment of park resources and values may not be allowed by the Service unless directly and specifically provided for by the legislation or by the proclamation establishing the park. The relevant legislation or proclamation must provide explicitly (not by implication or inference) for the activity, in terms that keep the Service from having the authority to manage the activity so as to avoid the impairment.”

### What is Impairment?

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NPS *Management Policies 2006*, §1.4.5, What Constitutes Impairment of Park Resources and Values, and §1.4.6, What Constitutes Park Resources and Values, provide an explanation of impairment. “Impairment is an impact that, in the professional judgment of the responsible NPS manager, will harm the integrity of park resources or values, including the opportunities that otherwise will be present for the enjoyment of those resources or values.” §1.4.5 of *Management Policies 2006* states:

“An impact to any park resource or value may, but does not necessarily, constitute impairment. An impact would be more likely to constitute impairment to the extent that it affects a resource or value whose conservation 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 as a goal in the park’s general management plan or other relevant NPS planning documents as being of significance.”

An impact would be less likely to constitute an impairment if it is an unavoidable result of an action necessary to preserve or restore the integrity of park resources or values and it cannot be further mitigated. An impact that may, but would not necessarily lead to impairment may result from NPS activities in managing the park, visitor activities, or activities undertaken by concessioners, contractors, and others operating in the park. Impairment may also result from sources or activities outside the park.”

Per §1.4.6 of *Management Policies 2006*, park resources and values at risk for being impaired include:

- “the park's scenery, natural and historic objects, and wildlife, and the processes and condition that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structure, and objects; museum collections; and native plants and animals;
- appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;
- the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and
- any additional attributes encompassed by the specific values and purposes for which the park was established.”

Both MORA and NOCA have developed foundation documents (MORA's Foundation Document is awaiting approval as of April 2015) that describe the purpose and significance of each unit of the national park system which are subject to the no-impairment standard.

## **Impairment Determination for the Selected Alternative**

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Based on the 1916 Organic Act, the North Cascades National Park Service Complex General Management Plan, the Lake Chelan National Recreation Area General Management Plan, the Ross Lake National Recreation Area General Management Plan, and the Mount Rainier National Park General Management Plan, topics from the EA that were evaluated for potential impairment due to implementation of the Selected Alternative include: Rare, Threatened, and Endangered Species; Wildlife and Wildlife Habitat; Soundscapes and the Acoustic Environment; and Wilderness. Non-resource topics such as visitor use and experience, neighboring landowners, land use and socioeconomics, and park operations and safety that were also discussed in the EA are not subject to impairment determinations.

### **Rare, Threatened, and Endangered Species**

The selected alternative will not result in impairment to rare, threatened, and endangered species in North Cascades National Park Service Complex or Mount Rainier National Park because although there will be short- to long-term, negligible to moderate adverse impacts to these species as a result of competition for forest cover and prey and predation, the diversity and abundance of prey in the Cascades is assumedly sufficient to support healthy fisher populations (i.e. conditions that would affect the health of wildlife in the parks have not changed dramatically since fishers were present). Furthermore, the selected alternative will have a long-term, minor, beneficial impact on the fisher by increasing the size and expanding the geographic range of this species within its historic range.

### **Wildlife and Wildlife Habitat**

The selected alternative will not result in impairment to wildlife and wildlife habitat in North Cascades National Park Service Complex or Mount Rainier National Park because although there will be adverse long-term, minor effects on fisher prey species in these locations, impacts to the overall ecosystem from the restoration of the fisher are expected to be beneficial, long-term, and negligible to minor, as a native predator-prey relationships

would be more fully restored while sufficient habitat would remain functional to maintain viability of all species. In addition, impacts to fisher predators will be long-term and beneficial.

### **Soundscapes and the Acoustic Environment**

The selected alternative will not result in impairment to soundscapes and the acoustic environment in North Cascades National Park Service Complex or Mount Rainier National Park because although noise impacts from fisher reintroduction efforts would be adverse, short-term, and negligible to minor, these impacts would be infrequent, transient, localized – tied primarily to the location of fishers, and would cease entirely after two years following implementation in each park. In general, natural sounds would prevail under this alternative.

### **Wilderness**

The selected action will involve the restoration and monitoring of fishers using tracking collars or implants, telemetry flights, and camera and hair snare stations. These actions would have short-term, negligible to minor, adverse impacts on the untrammeled, undeveloped, and opportunities for solitude qualities of wilderness character. However, these actions would not cause impairment to the Mount Rainier and Stephen Mather Wildernesses as fisher restoration would eventually result in long-term, negligible to minor, beneficial impacts to the natural and other features of value qualities of both wildernesses. While these beneficial impacts would be long-lasting, the adverse impacts would quickly fade within several years of implementation in each wilderness. Aerial telemetry flights, the most intense impact would extend for only two years following implementation, while longer term monitoring associated with the installation of cameras and hair snares stations, which are temporary in nature, would extend for several years following the initial release of fishers on NPS lands.

### **Summary**

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As described above, adverse effects and environmental impacts anticipated as a result of implementing the selected 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, will not rise to levels that will constitute impairment of park values and resources in Mount Rainier National Park nor the NPS units within North Cascades National Park Service Complex.