

National Park Service
U.S. Department of the Interior

Bering Land Bridge National Preserve
Alaska



Finding of No Significant Impact

Coastal Emergency Shelter Cabin

December 2015

Recommended:  12/22/15
Superintendent, Bering Land Bridge National Preserve Date

Approved:  4 Jan 2016
Regional Director, Alaska Date

FINDING OF NO SIGNIFICANT IMPACT

Coastal Emergency Shelter Cabin Bering Land Bridge National Preserve, Alaska November 2015

The National Park Service (NPS) prepared an environmental assessment (EA) to evaluate impacts of construction of a coastal emergency shelter cabin in the Cowpack Lagoon area northeast of Shishmaref in Bering Land Bridge National Preserve (BELA).

The NPS has selected **Alternative 2 – *Construct the Cabin*** (Preferred Alternative), with the mitigation measures. Under the selected alternative, a cooperative agreement will be established with the Native Village of Shishmaref, and Kawerak, Inc., to construct a new cabin to replace the Kividluk shelter cabin which was destroyed by high winds in 2006.

Responses to public comments are found in Attachment A.

ALTERNATIVES

The following two alternatives were evaluated in the EA.

Alternative 1, *No Action* (Environmentally Preferable Alternative)

Under the No Action alternative, there would be a continuation of the existing situation and hazards. No emergency shelter cabin would be constructed in the Cowpack Lagoon area. Use of the winter trail for snowmachines between Shishmaref and Cape Espenberg would be more hazardous than it had been during the years when a coastal emergency shelter cabin existed (1983 to 2006).

Alternative 2, *Construct the Cabin* (Preferred Alternative) (Selected Alternative)

Under *Alternative 2*, the NPS will construct a coastal emergency shelter cabin.

It will be a simple construction 12' x 16' one room cabin, situated three feet off the ground and at least 300' from the edge of the nearby ocean bluff. It will be constructed of plywood with a tin roof in the manner typical of the region. It will not be supplied with an electrical generator.

The cabin will not have an outhouse. Since, the cabin will be for emergency sheltering only and the use will be mostly in the winter, it will have very low usage. A sign at the cabin will ask visitors to not leave toilet paper on the tundra. . The cabin will be unlocked but bear proof during both summer and winter.

Use of the cabin will be limited to emergencies and NPS administrative activities It will not be a Public Use Cabin and will not be used for commercial purposes, subsistence uses, recreational visits, park concessions, Incidental Business Permits, or by non-NPS agencies, entities, or

corporations. In unusual circumstances, the park superintendent could consider issuing a park permit for the use of the cabin.

Materials will be transported by snowmachine from December 2016 to March 2017 from Shishmaref. Construction crews will be transported by snowmachine. Construction will be in the winter of 2016. Minor fixes will be done in the summer of 2017 to include leveling of the cabin and any unfinished construction. Summer construction crews will be transported by boat or float plane if practical, otherwise by helicopter. Actual construction activities are estimated at 14-20 days, but this is highly dependent on weather conditions.

Mitigation Measures

The following mitigation measures are incorporated into the project.

Wilderness – The project site is in eligible wilderness. To protect wilderness values, construction will be done without motorized or mechanized equipment as much as practical. An ATV will not be hauled to the site for construction. Hauling supplies, materials and people will be done by snowmachine, float plane, or boat as much as safe and practical, otherwise helicopter landing will be authorized.

Natural Sounds – The cabin will not be supplied with an electrical generator or other internal combustion engine, except during initial construction.

Cultural Resources – 1) All cultural resources encountered during this project will be avoided. Observations of cultural resources under imminent threat will be reported to the Superintendent (907-443-6101) as soon as possible. The locations of all cultural resources encountered will be reported together with a brief description of the item or feature, its context, and any photographic images (film and/or digital) obtained. 2) Should human remains be encountered during the course of construction or transport, activities at the locality will cease immediately, and the Superintendent will be contacted immediately. 3) Should unauthorized human activities be witnessed that would damage, destroy, or result in illicit collection of archeological or paleontological resources, or should past illicit activities be evident, park law enforcement (907-443-6106 or 434-1510) and cultural resources (907-443-6104) staff will be contacted as soon as it is safe to do so, and workers will not attempt to accost individuals or groups of people engaged in illicit activities.

Hazardous Materials – The heating oil tank and oil line will be designed and constructed to be bear proof. The oil tank will be double-walled and on an impervious containment basin. Regular inspection, maintenance, and repairs will keep the heating oil tank and line safe from accidental spill on the ground. Any spills will be cleaned up and reported as soon as possible.

Human waste disposal – Workers will not dig cat holes in the winter. A sign will be posted at the cabin asking visitors to not leave toilet paper on the tundra.

Migratory Birds – Migratory birds or their nests will not be disturbed.

Polar Bears – There will be limited construction during the polar bear mating season between March and May. Workers will avoid possible polar bear denning sites. Workers will use Leave No Trace camping techniques. Garbage and human waste will be hauled from the site to a village for disposal. Park employees will be trained in Bear Safety. Electric fencing will be used around the construction camp. The construction camps (winter and summer) will use bear proof food containers to store food and items with food-like odors. Summer construction will avoid bird nests and waterfowl. Denning (October - April) polar bears would not be disturbed. Human activities would be prohibited within one mile of known den sites. A sign will be posted inside the cabin with text similar to the following: **BEAR NOTICE:**

Brown and polar bears can occur in this area and can be attracted to this cabin by human waste and trash. Please help keep this cabin bear safe for you and others. Please keep the inside and outside of the cabin clean by:

- *Securing the door while inside;*
- *Packing out all solid human waste in winter and burying it in summer;*
- *Packing out all food and trash;*
- *Hauling all animal carcasses xxx (determined by NPS experts) feet away from cabin, preferably on sea ice when safe*

Thank you for your efforts to keep this emergency shelter clean and safe for future users! (Native word for "thank you!" if appropriate)

The following US-FWS guidelines will be followed:

POLAR BEAR INTERACTION GUIDELINES

These Polar Bear Interaction Guidelines were developed to ensure that activities are conducted in a manner that avoids conflicts between humans and polar bears. Polar bears are protected under the Marine Mammal Protection Act (MMPA), and were listed as a threatened species under the Endangered Species Act (ESA) in 2008. The MMPA and ESA both prohibit the "take" of polar bears without authorization. Take includes disturbance/harassment, as well as physical injury and killing of individuals.

In addition to sea ice, polar bears use marine waters and lands in northern Alaska for resting, feeding, denning, and seasonal movements. They are most likely to be encountered within 25 miles of the coastline, especially along barrier islands during July-October. Polar bears may also be encountered farther inland, especially females during the denning period (October-April). Polar bears may react differently to noise and human presence. The general methods for minimizing human-bear conflicts are to: 1) avoid detection and close encounters; 2) minimize attractants; and 3) recognize and respond appropriately to polar bear behaviors. These Guidelines provide information for avoiding conflicts with polar bears during air, land, or water-based activities.

Unusual sightings or questions/concerns can be referred to: Susanne Miller or Craig Perham, Marine Mammals Management Office (MMM Office), 1-800-362-5148; or to Sarah Conn 907-456-0499 of the Fairbanks Fish & Wildlife Field Office (FFWFO).

When operating aircraft:

- *If a polar bear is encountered, divert flight path to a minimum of 2,000 feet above ground level or ½ mile horizontal distance away from observed bear whenever possible.*

When traveling on land, ice, or water:

- *Avoid surprising a bear. Be vigilant -- especially on barrier islands, in river drainages, along bluff habitat, near whale or other marine mammal carcasses, or in the vicinity of fresh tracks.*
- *Between October and April, special care is needed to avoid disturbance of denning bears. If activities are to take place in that time period the MMM Office should be contacted to determine if any additional mitigation is required. In general, activities are not permitted within one mile of known den sites.*
- *Avoid carrying bear attractants (such as strongly scented snacks, fish, meat, or dog food) while away from camp; if you must carry attractants away from camp, store foods in airtight containers or bags to minimize odor transmission until you return them to bear resistant containers.**
- *If a polar bear is encountered, remain calm and avoid making sudden movements. Stay downwind if possible to avoid allowing the bear to smell you. Do not approach polar bears. Allow bears to continue what they were doing before you encountered them. Slowly leave the vicinity if you see signs that you've been detected. Be aware that safe viewing distances will vary with each bear and individual situation. Remember that the closer you are to the animal, the more likely you are to disturb it.*
- *If a bear detects you, observe its behavior and react appropriately. Polar bears that stop what they are doing to turn their head or sniff the air in your direction have likely become aware of your presence. These animals may exhibit various behaviors:*
 - *Curious polar bears typically move slowly, stopping frequently to sniff the air, moving their heads around to catch a scent, or holding their heads high with ears forward. They may also stand up.*
 - *A threatened or agitated polar bear may huff, snap its jaws together, stare at you (or the object of threat) and lower its head to below shoulder level, pressing its ears back and swaying from side to side. These are signals for you to begin immediate withdrawal by backing away from the bear. If this behavior is ignored, the polar bear may charge. Threatened animals may also retreat.*
 - *In rare instances you may encounter a predatory bear. It may sneak or crawl up on an object it considers prey. It may also approach in a straight line at constant speed without exhibiting curious or threatened behavior. This behavior suggests the bear is about to attack. Standing your ground, grouping together, shouting, and waving your hands may halt the bear's approach.*
- *If a polar bear approaches and you are in the bear's path -- or between a mother and her cubs -- get out of the way (without running). If the animal continues to approach, stand your ground. Gather people together in a group and/or hold a jacket over your head to look bigger. Shout or make noise to discourage the approach.*
- *If a single polar bear attacks, defend yourself by using any deterrents available. If the attack is by a surprised female defending her cubs, remove yourself as a threat to the cubs.*

When camping:

- *Avoid camping or lingering in bear high-use areas such as river drainages, coastal bluffs and barrier islands.*
- *Store food and other attractants in bear-resistant containers*. Consider the use of an electric fence as additional protection. Do not allow a bear to receive food as a reward in your camp. A food-rewarded bear is likely to become a problem bear for you or someone else in the future.*
- *Maintain a clean camp. Plan carefully to: minimize excess food; fly unnecessary attractants out on a regular basis (e.g. garbage, animal carcasses, excess anti-freeze or petroleum products); locate latrines at least ¼ mile from camp; and wash kitchen equipment after every use.*
- *If a polar bear approaches you in camp, defend your space by gathering people into a large group, making noise and waving jackets or tarps. Continue to discourage the bear until it moves off. Have people watch the surrounding area in case it returns later, keeping in mind that polar bears are known to be more active at night. Additional measures to protect your camp, such as electric fences or motion sensors can be used.*

Harassment of polar bears is not permissible, unless such taking (as defined under the MMPA) is imminently necessary in defense of life, and such taking is reported to FWS within 48 hours.

**Containers must be approved and certified by the Interagency Grizzly Bear Committee as bear-resistant. Information about certified containers can be found at www.igbconline.org/.*

FOR DEPARTMENT OF INTERIOR EMPLOYEES ONLY

Use of Deterrents

In addition to following the Guidelines above, all U.S. Fish and Wildlife Service (Service) employees must have completed the Department of the Interior's (DOI) Bear and Firearm Safety Training course and be current in certification before engaging in field activities. Service staff must practice with and know how to use deterrents prior to conducting field work. If working in bear habitat, Service staff must anticipate and plan for possible scenarios of encountering polar bears, and identify appropriate responses, prior to initiating field work. Use of non-lethal polar bear deterrents by Service staff is only permissible if it is done in a humane manner and is for the purposes of protection or welfare of the bear or the public. Service staff have the right to use lethal methods to protect the public from polar bears in defense of life situations, and may do so when all reasonable steps to avoid killing the bear(s) have been taken.

Notification of Use of Deterrents

The Department of the Interior Bear Incident Report Form will be used to record and report polar bear-human interactions that require use of deterrents. These incidents will be reported to the MMM Office. This information will be used to track interactions over time and improve polar bear conservation and management.

PUBLIC INVOLVEMENT

The EA was issued for public review and comment from July 13, 2015 to August 13, 2015. Notices of the EA's availability were sent by mail or email to government agencies, interest groups, and individuals. The EA was posted on the NPS Planning, Environment, and Public Comment (PEPC) website, project #25458, and a link was posted on the park's webpage. The park issued a press release about the availability of the EA and the open comment period on July 13, 2015.

Four written comments were received. All of the comments favored the action alternative and two of the comments requested additional actions.

The public comments received did not change the conclusions in the EA about the environmental effects of the action. The NPS responses to substantive public comments are found in Attachment A.

DECISION

The NPS decision is to select **Alternative 2 – Construct the Cabin** (Preferred Alternative), including the mitigating measures.

Rationale for the Decision

The selected action (**Alternative 2, Construct the Cabin**) best accomplishes the purpose and need for action. The emergency shelter will provide the only shelter for approximately 87 miles of winter trail between Kotzebue and Shishmaref and is critical to the safety of winter travelers between these villages.

Alternative 1, *No Action*, would not accomplish the purpose and need of the project. Visitor and staff safety would not be improved back to when the previous emergency cabin existed.

Significance Criteria

The selected alternative, *Construct the Cabin*, 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.

In the contexts of both Bering Land Bridge National Preserve, and the Alaska Parks overall, this action is limited in its scope and effects because of its small footprint (a 12-foot by 16-foot cabin).

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 on wildlife, subsistence, wilderness, and viewshed. Adverse impacts were determined to be minor, and impacts to subsistence were determined to be beneficial.

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

The project will benefit to public health and safety by providing emergency shelter for those travelling the approximately 87 miles between Shishmaref and Kotzebue by snowmachine.

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 cabin will be located in a national park, and in an eligible wilderness area, however it replaces a prior existing cabin,

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 replacement of a cabin in the eligible wilderness area and its cumulative impact to wilderness character was analyzed in a Minimum Requirements Analysis and found to be acceptable.

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.

Polar bears and two species of eiders...The USFWS recommended several mitigation measures for the protection of polar bear, and these were accepted and integrated into the selected alternative.

FINDINGS

The selected alternative complies with the NPS Organic Act (see Attachment B for non-impairment determination), the Endangered Species Act, the National Historic Preservation Act, and Executive Orders on environmental justice and Indian trust resources. There will be no restriction of subsistence activities as documented by the ANILCA Section 810(a) Summary Evaluation and Findings in the EA.

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

RESPONSES TO PUBLIC COMMENTS and ERRATA

The NPS received 4 comment letters. Described below are the substantive comments and the NPS responses, including errata.

Comment #1. Northwest Arctic Borough: The Borough noted that the Kividluk Emergency Shelter Cabin was originally constructed by the village of Shishmaref in 1983 with State of Alaska funding and later became the responsibility of the NPS, at which point the cabin became an administrative use cabin available to the public only during the event of an emergency. The new cabin will have the same administrative designation and can only be accessed by the public during a serious, unexpected, and often dangerous situation requiring immediate action (e.g., severe weather situations and health emergencies).

NPS Response #1: The NPS agrees and appreciates the support.

Comment #2. NPCA: The National Parks Conservation Association supported the project. The status on the Endangered Species List for three species was not consistent throughout the EA.

NPS Response #2: **Errata:** Page 7 of the EA erroneously stated that the polar bear was *endangered* and the eiders were *candidate* species, when in fact all three are *threatened* as correctly stated in the USFWS letter on page 37 of the EA.

Comment #3. State of Alaska: The State supported the project. The Minimum Requirements Analysis in the EA is only necessary when a proposed project is located within designated wilderness.

NPS Response #3: NPS Management Policies of 2006, section 6.3.1, directs us to complete a Minimum Requirements Analysis for actions in all categories of wilderness.

Comment #4. State of Alaska: To properly evaluate the project's impacts, the EA needs to also consider the 1988 final Wilderness Recommendation Environmental Impact Statement (EIS) and Record of Decision (ROD), which did not recommend the area affected by the proposed project as designated Wilderness.

NPS Response #4: The wilderness review process required under ANILCA Section 1317(b) has not been completed on the 19 million acres that were identified as eligible in the 1984-86 General Management Plans. Although EISs and Records of Decision were completed by the NPS, no final action was taken in the Secretary of the Interior's office and no wilderness recommendation was ultimately conveyed to Congress. Park General Management Plans remain the authority for eligible wilderness until a new wilderness study or eligibility assessment is completed.

Comment #5. State of Alaska: The EA section 2.3.1 inaccurately indicates that ATV use is prohibited for any use other than reindeer herding.

NPS Response #5: Errata: Page 12 of the EA stated “ATV use is prohibited except by permit for reindeer herding purposes.” We agree that this sentence is unclear and remove it from the EA.

Comment #6. Individual: This is an important action that also addresses and respects the long-term prehistoric, historic and traditional cultures of the region. A commitment to insuring continuing wellbeing and safety is a desired action, and appropriate for a place that has been traversed by ancestors for thousands of years. Also, it is tremendously reassuring and affirming to see the participation of Kenneth Adkisson, who has been a mentor to so many, both in NPS and in the public for so many years.

NPS Response #6: The NPS agrees and appreciates the support.

ATTACHMENT B

NON-IMPAIRMENT DETERMINATION

The NPS Organic Act of 1916 and the General Authorities Act of 1970 prohibit impairment of park resources and values. The 2006 NPS Management Policies use the terms “resources and values” to mean the full spectrum of tangible and intangible attributes for which the park is established and managed, including the Organic Act’s fundamental purpose and any additional purposes as stated in the park’s establishing legislation. The impairment of park resources and values may not be allowed unless directly and specifically provided by statute. The primary responsibility of the NPS is to ensure that park resources and values will continue to exist in an unimpaired condition that will allow people to have present and future opportunities for enjoyment of them.

A determination of impairment is made for each of the resource impact topics carried forward and analyzed in the EA. The park significance was used as a basis for determining if a resource is:

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park;
- 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.

An impairment determination is not provided for wilderness because impairment determinations relate back to park resources and values. These impact areas are not considered to be park resources or values subject to the non-impairment standard(see *NPS 2006 Management Policies 1.4.6*).

Wildlife

Less than a tenth of an acre will be directly impacted by the cabin. Caribou, musk ox, moose, fox, wolf, brown and polar bear occur in the project area. Seals, walrus, and whales occur nearby. Steller’s and spectacled eider, yellow-billed loon, and other migratory birds occur nearby. Disturbance from the cabin’s presence or its use will include noise and visible human activity and will have only minor impact on these wildlife resources.

Viewshed

The cabin will have an adverse impact to the natural viewshed of the area. The cabin will be visible for several hundred yards as the only un-natural feature on the landscape. For a park visitor expecting to see unbroken natural vistas, this would be a negative impact. The cabin will also have a beneficial impact on safety of the area, and will not result in impairment of viewshed.

SUMMARY

The level of impacts to wildlife, wilderness, and viewshed resources anticipated from implementing Alternative 2, *Construct the Cabin*, will not result in an impairment of the park resources that fulfill specific purposes identified in the establishing legislation or that are key to the integrity of the park.