

National Park Service
U.S. Department of the Interior



Glacier Bay National Park and Preserve
Alaska

**Glacier Bay National Preserve
Off-Road Vehicle Use Plan
Environmental Assessment
March 2007**



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National Park Service
U.S. Department of the Interior

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Alaska

Note to Reviewers

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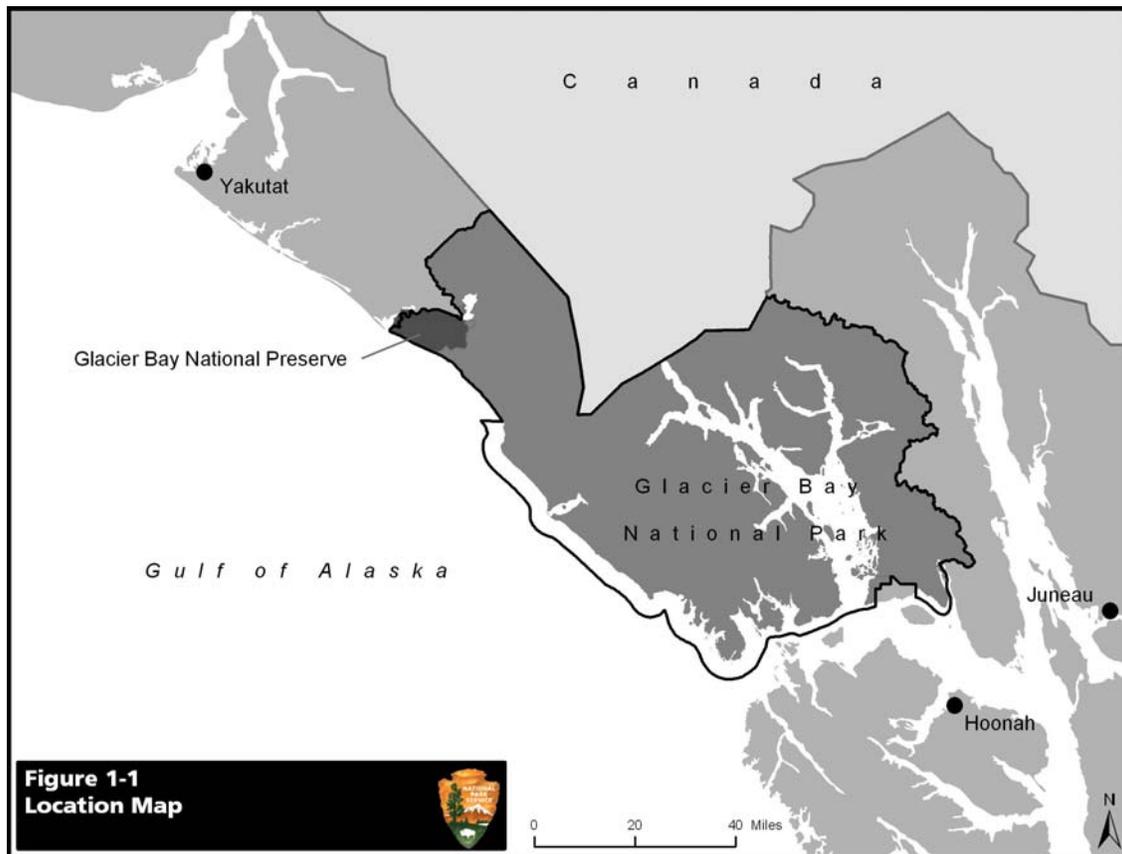
Acronyms and Abbreviations

ANILCA	Alaska National Interest Lands Conservation Act
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
DO	NPS Director’s Order
DOI	Department of the Interior
DSC	Dog Salmon Creek
EA	Environmental Assessment
EAR	East Alsek River
GLBA	Glacier Bay National Park and Preserve
GMP	General Management Plan
NEPA	National Environmental Policy Act
NPS	National Park Service
NHPA	National Historic Preservation Act
ORV	Off-Road Vehicle
PEPC	Planning, Environment, and Public Comment
USFWS	U.S. Fish and Wildlife Service

CHAPTER 1: PURPOSE AND NEED FOR ACTION

1.1 PURPOSE AND NEED

The National Park Service (NPS) is proposing to develop an Off-Road Vehicle (ORV) Use Plan to designate ORV trails and routes in the Dry Bay area of Glacier Bay National Preserve (Fig. 1-1).



The Dry Bay area is remote and only accessible by boat and aircraft. ORVs are the main mode of transportation in and around Dry Bay for commercial fisherman, lodge owners and their guests. While ORV use is generally prohibited under current NPS regulations, Section 205 of the Alaska National Interest Lands Conservation Act (ANILCA) authorized the use of motorized vehicles in support of access to campsites, cabins, airstrips, net sites, etc. supporting commercial fishing in the Preserve. Other ORV users, such as lodge operators and guests, are restricted to existing trails. Currently no trails or routes have been designated for general travel purposes in the Dry Bay area.

Over the years the ORV trail network has expanded significantly beyond that in existence in 1979. This has resulted in trails providing duplicate access and an increase in adverse impacts to park resources and values. ORV trails have degraded habitats by compacting soils, trampling vegetation, water channeling and erosion, degrading water quality, and altering hydrological regimes. Limiting ORV access to designated trails and routes is necessary to prevent undue

resource damage and protect the access of commercial fisherman. Currently there are about 83.5 miles of ORV tracks in the Dry Bay area.

The purpose of the plan would be to authorize and regulate the use of ORV's on specific trails and routes in the Preserve in support of commercial fishing as well as other purposes (i.e., subsistence or recreational activities) while minimizing and correcting damage to Preserve resources and values. Existing trails/routes that duplicate access or cause extensive resource damage may be closed. Repair strategies for trail segments in poor condition or contributing to resource damage along designated trails/routes would be developed. The designation of ORV trails and routes and the expansion of allowable ORV uses would be authorized through special regulations.

The ORV plan is needed to designate ORV trails or routes, broaden authorized ORV use from just commercial fishermen to other users and purposes, and to develop strategies to repair and maintain designated routes. From a practical standpoint, it is difficult to distinguish between uses for commercial fishing purposes and other uses, such as subsistence, recreation, or general travel. Therefore, the NPS proposes to designate ORV trails and routes for all users. The plan would change direction given in the 1984 General Management Plan (NPS, 1984) by recognizing a broader user group and increasing the use of public lands for a variety of purposes. The plan would be considered a GMP amendment.

This environmental assessment (EA) analyzes the potential environmental impacts which could result from the alternatives considered, including the No Action alternative. This EA has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, regulations of the Council of Environmental Quality (CEQ) (40 Code of Federal Regulations 1508.9), and the NPS NEPA compliance guidance handbook (Director's Order (DO)-12, *Conservation Planning, Environmental Impact Analysis, and Decision Making*)(NPS, 2001a).

1.2 PURPOSE AND SIGNIFICANCE OF THE PARK

Glacier Bay National Monument was created by presidential proclamation in 1925 but did not include the Dry Bay area. In 1980 the monument was expanded and redesignated Glacier Bay National Park and Preserve (GLBA) by the Alaska National Interest Lands Conservation Act (ANILCA). Section 202(1) of ANILCA established the fifty-seven thousand acre Glacier Bay National Preserve which includes the Dry Bay area. Hunting under state regulations, fishing, trapping, and subsistence uses are allowed in the preserve.

The general purposes of Glacier Bay National Park and Preserve are stated in Section 101 of ANILCA. The preserve shall be managed for the following purposes, among others: To protect a segment of the Alsek River, fish and wildlife habitats and migration routes and a portion of the Fairweather Range including the northwest slope of Mount Fairweather.

Section 203 of ANILCA provided that hunting shall be permitted in areas designated as national preserves under the provisions of this Act. Subsistence uses by local residents shall be allowed in national preserves.

Section 205 of ANILCA states that in the Dry Bay area of Glacier Bay National Preserve,

“the Secretary may take no action to restrict unreasonably the exercise of valid commercial fishing rights or privileges obtained pursuant to existing law, including the use of public lands for campsites, cabins, motorized vehicles, and aircraft landings on existing airstrips, directly incident to the exercise of such rights or privileges, except that this prohibition shall not apply to activities which the Secretary, after conducting a public hearing in the affected locality, finds constitute a significant expansion of the use of park lands beyond the level of such use during 1979.”

Section 811(a) of ANILCA states that rural residents engaged in subsistence uses shall have reasonable access to subsistence resources on the public lands. Section 811(b) states that

“...permits on public lands appropriate use for subsistence use of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulation.”

The NPS has not made a determination as to whether ORVs were traditionally used for subsistence purposes in the Glacier Bay National Preserve.

The General Management Plan (GMP) for GLBA was completed in 1984 (NPS, 1984). It provides the overall guidance for the entire park and preserve, including direction for the Dry Bay area of Glacier Bay National Preserve. The GMP reiterated that ANILCA provides for the continued exercise of valid commercial fishing rights and privileges, including the use of public lands for cabins, motorized vehicles, and aircraft landings on existing strips. The GMP states the act emphasizes the need to protect area resources by preventing land use levels from expanding significantly beyond 1979 levels and by not allowing new use. A 25-percent increase in the use of public lands was established as the measure of significant expansion at Dry Bay. The GMP also states that, “no additional roads or airstrips will be authorized because the present level of development is satisfactory for access to fish campsites and the fish-processing plant. These access points are also adequate for recreational and subsistence purposes in the preserve, including hunting, fishing, and trapping.”

1.3 LEGAL MANDATES, REGULATIONS, AND POLICIES

The NPS Organic Act (1916) and the General Authorities Act (1970) prohibit impairment of park resources and values. The NPS 2001 Management Policies (NPS, 2001b) and Director’s Order #55 use the terms “resources and values” to mean the full spectrum of tangible and intangible attributes for which the park was established and is 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 a condition that will allow the American people to have present and future opportunities to enjoy them.

The evaluation of whether impacts of a preferred alternative would lead to an impairment of park resources and values is included in this EA. Impairment is more likely when there are potential impacts to a resource or value whose conservation is:

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park;
- essential 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 GMP or other relevant NPS planning documents.

36 CFR § 4.10 (Travel on park roads and designated routes) provides the NPS the authority to designate off-road motor vehicle routes and areas via special regulations. It states:

(a) Operating a motor vehicle is prohibited except on park roads, in parking areas and on routes and areas designated for off-road motor vehicle use. (b) Routes and areas designated for off-road motor vehicle use shall be promulgated as special regulations. The designation of routes and areas shall comply with § 1.5 of this chapter and E.O. 11644 (37 FR 2887). Routes and areas may be designated only in national recreation areas, national seashores, national lakeshores and national preserves. (c) The following are prohibited: (1) Operating a motor vehicle not equipped with pneumatic tires, except that a track-laying motor vehicle or a motor vehicle equipped with a similar traction device may be operated on a route designated for these vehicles by the superintendent. (2) Operating a motor vehicle in a manner that causes unreasonable damage to the surface of a park road or route. (3) Operating a motor vehicle on a route or area designated for off-road motor vehicle use, from 1/2 hour after sunset to 1/2 hour before sunrise, without activated headlights and taillights that meet the requirements of State law for operation on a State highway. (36 CFR § 4.10)

Executive Order 11644 requires a finding that ORV use will not adversely affect the natural, aesthetic or scenic values of the Preserve.

On December 27, 2006, the designation process for off-road vehicle routes and areas at Dry Bay was initiated with the publication of a proposed rule in the Federal Register. The proposed designation reads as follows:

“The use of off-road vehicles is authorized only on designated routes and areas in Dry Bay. The use of off-road vehicles in all other areas in Dry Bay is prohibited. A map of designated routes and areas is available at park headquarters.” (See 71 FR 77665, December 27, 2006).

NPS Management Policies 2006 address wetland protection (section 4.6.5) and watershed and stream processes (4.6.6) which are particularly important to the OHV Use Plan:

Wetlands: The Service will manage wetlands in compliance with NPS mandates and the requirements of Executive Order 11990 (Protection of Wetlands), the Clean Water Act, the Rivers and Harbors Appropriation Act of 1899, and the procedures described in Director's Order 77-1 (Wetland Protection). The Service will (1) provide leadership and

take action to prevent the destruction, loss, or degradation of wetlands; (2) preserve and enhance the natural and beneficial values of wetlands; and (3) avoid direct and indirect support of new construction in wetlands unless there are no practicable alternatives and the proposed action includes all practicable measures to minimize harm to wetlands.

Watershed and Stream Processes: The Service will manage watersheds as complete hydrologic systems and minimize human-caused disturbance to the natural upland processes that deliver water, sediment, and woody debris to streams. These processes include runoff, erosion, and disturbance to vegetation and soil caused by fire, insects, meteorological events, and mass movements. The Service will manage streams to protect stream processes that create habitat features such as floodplains, riparian systems, woody debris accumulations, terraces, gravel bars, riffles, and pools. Stream processes include flooding, stream migration, and associated erosion and deposition.

The Service will protect watershed and stream features primarily by avoiding impacts on watershed and riparian vegetation and by allowing natural fluvial processes to proceed unimpeded. When conflicts between infrastructure (such as bridges and pipeline crossings) and stream processes are unavoidable, NPS managers will first consider relocating or redesigning facilities rather than manipulating streams. Where stream manipulation is unavoidable, managers will use techniques that are visually nonobtrusive and that protect natural processes to the greatest extent practicable.

1.4 ISSUES AND IMPACT TOPICS

Issues and concerns with this project are grouped into distinct impact topics to aid in analyzing environmental consequences, which allows for a standardized comparison of alternatives based on the most relevant information. The impact topics were identified on the basis of federal laws, regulations and orders, NPS Management Policies 2001, and NPS knowledge of potentially affected resources. A brief rationale for selecting or dismissing each topic is provided below.

1.4.1 Issues Selected for Detailed Analysis

Water Quality

Repeated ORV crossings of streams in the area could increase stream bank erosion, turbidity, and sedimentation in normally clear streams. Fuel and oil from vehicles could adversely affect water quality. Streams crossed by ORV trails include Dog Salmon Creek, East Alsek River (EAR), Doame River, and other small unnamed drainages.

Closing ORV stream crossing could improve water quality downstream of the closure by decreasing stream bank erosion, turbidity, and sedimentation.

Vegetation (Including Wetlands)

ORV use on existing trails would continue to have direct impacts to vegetation/wetlands which include reduction in plant cover, simplification of the vegetation structure, and alteration of the habitat for plant growth.

ORV use on existing trails could further the expansion of invasive plant species.

Closing specific trails to ORV travel would allow natural development and regrowth of upland and wetland vegetation.

An NPS Wetlands Statement of Findings is not necessary because under Alternatives 2 and 3 no new ORV trails would be developed and proposed stream crossing improvements would be confined to the existing trail and would not affect additional wetlands.

Aquatic Biota and Habitat

Repeated vehicle crossing of streams in the Dry Bay area could degrade fish habitat through loss of stream bank vegetation, stream bank erosion, and increased turbidity and sedimentation. The physical act of driving through the stream gravels could potentially affect sensitive life stages of fish (e.g., salmon eggs, juvenile salmon). Streams containing anadromous species currently crossed by ORV trails include Dog Salmon Creek, East Alsek River, Doame River, and other small unnamed drainages.

Closing stream crossing to ORV travel could improve fish habitat by allowing for natural stream bank revegetation and decreases in stream turbidity and sedimentation.

Wildlife

Use of designated trails by ORVs could disturb and displace wildlife in the Dry Bay area. Moose, wolves, grizzly and black bears, and other small mammals and birds inhabit the area.

Closing specific trails to ORV travel would allow natural regrowth of upland and wetland vegetation thus improving wildlife habitat.

Visitor Use

Recreational uses of the Dry Bay area could be affected by the closure of existing trails particularly the trail accessing the Doame River area.

ORV use on existing trails could affect visitor experience through modification of the visual resources (multiple trails) and ORV noise.

1.4.2 Impact Topics Dismissed from Further Analysis

Air Quality

Exhaust emissions would be produced by ORVs but the low level of use in the Dry Bay area would have negligible effect on the area's air quality.

Soils

Existing trails in the Dry Bay area primarily occurs on areas containing a gravel or sand substrate and are predominately well or moderately well drained. Because no additional trails would be developed and the impacts on soils would be expected to be minimal this impact topic has been dismissed.

Threatened and Endangered Species

The Endangered Species Act (ESA) requires an analysis of impacts on all federally listed threatened and endangered species. The threatened Steller sea lion occasionally pursue spawning salmon into the East Alsek River estuary; however, there are no records of sea lion haulouts along the Dry Bay beachfront. In compliance with the ESA, the NPS conducted an informal Section 7 consultation with the National Marine Fisheries Service (NMFS). The NMFS concluded that none of the alternatives in the ORV Use Plan would likely affect the Steller sea lion (Brix, 2006).

There are no other known endangered or threatened species or critical habitat for any endangered or threatened species in the project area.

Wilderness Values

The Glacier Bay National Preserve is not a designated or proposed wilderness area.

Subsistence

The ANILCA section 810(a) Summary Evaluation and Finding concluded that the proposed action would not result in a significant restriction of subsistence uses in Glacier Bay National Preserve. An ANILCA Section 810(a) Summary Evaluation and Findings is included in Appendix E.

Cultural Resources

The effects of the proposed action on cultural resources were dismissed from further analysis for several reasons. Although Dry Bay is the homeland of the Ghunaaxhoo Kwaan of the Tlingit Indians, and several important village sites occur in the general area, the portion of Dry Bay within the area of potential effect was unsuitable for human habitation throughout history because it is a young and very dynamic landscape, having evolved from a glacial outwash plain into a dissected river delta only within the past 200 years, during which time most of the area was either wetland, estuary, or shifting river course. Those areas not lying in or near the water table were windswept barrens largely devoid of vegetation and occasionally subject to catastrophic outburst floods associated with ice damming events at Alsek Lake. There is no soil development that would protect cultural deposits in the event some past activity might have left physical remains. Lastly, the proposed action will not expand disturbance into areas not already disturbed by ORV use and previously determined to be devoid of archaeological remains. Although several legend sites associated with Raven creation stories occur near the area of potential effect – Diyáayi [*Looks Like a Whale* – Bear Island] – they are natural bedrock outcrops that lie beyond any trails and will not be effected by trail closures or mitigation measures. The standard mitigation language to protect any archeological sites encountered during the project is included in Section 2.5 Mitigating Measures.

Socioeconomics

No impact on the local economy would be expected because commercial fishing activities would not be affected by the designation of trails.

Executive Order 12898, "Environmental Justice"

Executive Order 12898, "General Actions to Address Environmental Justice in Minority

Populations and Low-income Populations" requires all federal agencies to incorporate environmental justice into their missions by identifying and addressing disproportionately high and adverse human health or environmental effects of their programs and policies on minorities and low-income populations and communities. The EA alternatives would have no health or environmental effects on minorities or low-income populations or communities.

1.5 PERMITS AND APPROVALS NEEDED TO IMPLEMENT PROJECT

Permits and approvals needed to implement the Off-Road Vehicle Use Plan are summarized below:

State of Alaska Coastal Management Program: The NPS would submit a Negative Determination to the State of Alaska, Department of Natural Resources, Office of Project Management and Permitting, to request concurrence that this project would not have any adverse effects on land and water resources of the State of Alaska's coastal zone (Appendix F). The plan would also be reviewed by the City and Borough of Yakutat for provisions under their coastal management plan. The NPS would apply for appropriate permits identified during the review process.

A Title 42 Fish Habitat Permit from the State of Alaska, Department of Natural Resources, Office of Habitat Management and Permitting would be required for trails crossing water bodies containing fish. Stream fords are an activity which requires a Fish Habitat Permit.