



National Park Service  
U.S. Department of the Interior  
Katmai National Park and Preserve  
Alaska

**FINDING OF NO SIGNIFICANT IMPACT  
Olga Lake Right-of-Way Certificate of Access**

Recommended:

Mark Sturm  
Superintendent, Katmai National Park and Preserve

Date

Approved:

Herbert C. Frost  
Regional Director, Alaska, National Park Service

Date

# **1. Introduction**

In compliance with the National Environmental Policy Act (NEPA), the National Park Service (NPS) prepared an Environmental Assessment (EA) to examine alternative actions and environmental impacts associated with the proposed action to issue a Right-of-Way Certificate of Access (RWCA) to Chris and Linda Branham, owners of private property (KATM-04-136 and KATM-04-137) located southwest of Lake Brooks along Headwaters Creek within Katmai National Park and Preserve. The issuance of the RWCA is necessary to ensure that the landowners have adequate and feasible means to access their inholding, which is entirely encapsulated by Katmai lands, while establishing reasonable regulations to protect park resources.

The statements and conclusions reached in this Finding of No Significant Impact (FONSI) are based on documentation and analysis provided in the EA and associated decision file. To the extent necessary, relevant sections of the EA are incorporated by reference below.

## **2. Selected Alternative and Rationale for the Decision**

Based on the analysis presented in the EA, the NPS has selected Alternative 2: Issue RWCA Authorizing ORV Trail and Use from KATM-04-137 to KATM-04-136 (Proposed Action and Preferred Alternative). This alternative includes the issuance of a RWCA by the NPS to the inholders authorizing the construction, maintenance, and use of an off-road vehicle (ORV) trail connecting an inholding on Olga Lake (KATM-04-137) to an inholding on Headwaters Creek (KATM-04-136).

The authorized trail will be 3 ½ miles long, 5 feet wide, and have an approved vegetative clearance area of 1 foot on each side of the trail; comprising a total right-of-way width of 7 feet. The trail will follow a prescribed route, agreed upon by NPS and the applicant, intended to minimize environmental impacts by avoiding wetlands and restricting activities to the corridor that survey has shown to not contain surface archeological resources.

The surface of the trail will remain mostly unimproved, with some sections receiving minor improvements such as timber lining, cut and fill, and grading. Cut and fill from within the RWCA will be limited to the surface level removal of topsoil and other materials from one section of the trail and the deposition of those materials onto another section of the trail. The areas identified along the RWCA trail corridor that require cut and fill will be identified within the trail plan, which must be submitted for NPS review and approval prior to the commencement of construction activities. Fill and other natural materials used to improve the trail must be sourced from the RWCA corridor itself or from inholdings KATM-04-136 or KATM-04-137.

Six pullouts will be authorized along the length of the trail occurring at approximately ½ mile intervals to allow for the safe passage of ORVs traveling in opposite directions and to provide for the protection and preservation of park resources within the RWCA corridor. The pull-outs are required by the NPS and will be located in areas where there will be the least environmental impacts and trail maintenance concerns. The location of the pullouts will be identified on the trail plan in areas where

vegetative clearance activities will be minimal and on level and dry land. These pullouts will be approximately 15 feet in width by 20 feet in length, will be cleared of vegetation, and have compacted or minimally improved surfaces.

The use of mechanized equipment and motorized tools for the construction and maintenance of the ORV trail will be authorized. This includes chainsaws and other power tools necessary for clearing vegetation as well as digging and removal of obstructions along the trail corridor. The use of ORVs with blades attached to perform cut and fill and grading will also be authorized.

The NPS will incorporate the Proposed Permit Stipulations and applicable Mitigating Measures contained in the EA in the RWCA in order to provide reasonable regulations to protect park resources and values.

### **Rationale**

Access to inholdings in Alaska National Parks is governed by the Alaska National Interest Lands Conservation Act (ANILCA) Section 1110(b), which states that the NPS shall provide adequate and feasible access to privately owned lands that are encapsulated by public land.

Alternative 2 was selected because it best meets the purpose and need identified in the EA: to provide adequate and feasible means for Chris and Linda Branham to access to their privately held inholding located along Headwaters Creek within Katmai National Park and Preserve. The inholder has requested ORV access to their inholding on Headwaters Creek for themselves, their family, friends, and guests, and to allow for the transportation of building supplies with the intent of constructing non-commercial private accommodations.

#### ANILCA Section 1110(b):

*“Notwithstanding any other provisions of this Act or other law, in any case in which State owned or privately owned land, including subsurface rights of such owners underlying public lands, or valid mining claim or other valid occupancy is within or effectively surrounded by one or more conservation system units, national recreation areas, or those public lands designated as wilderness study, the State or private owner or occupier shall be given by the Secretary such rights as may be necessary to assure adequate and feasible access for economic and other purposes to the concerned land by such State or private owner, or occupier and their successors in interest. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the natural and other values of such lands.”*

Issuing a RWCA is the NPS’s way of recognizing the legal access rights of inholders. The RWCA describes and permits the route to the inholding across NPS lands, the mode of travel, and the maintenance the inholder may perform. The NPS has identified the access route, methods of access, and have developed reasonable regulations governing use of the route in order to protect park resources and minimize potential impacts to park resources and values.

The NPS implements ANILCA Section 1110(b) through regulation 43 CFR 36.10. This regulation defines “adequate and feasible access” and identifies the criteria that the NPS must follow to ensure

that the route and method of access are compatible with the request of the private landowner, unless otherwise adequate and feasible access exists. The NPS has determined that no other means of adequate and feasible access exists that meet the stated access needs of the landowner.

The No Action alternative did not meet the purpose and need of this project. The landowners would not be provided with an adequate and feasible means to access their property. Refusal to issue a RWCA to the landowner when no other adequate and feasible means of access to the inholding otherwise exists would be in violation of ANILCA Section 1110(b), 43 CFR 36.10, and would violate the inholders statutory rights.

### **3. Mitigation Measures**

#### **Cultural Resources**

- The park will provide information concerning Katmai National Park and Preserve cultural resources and offer cultural resource awareness training to the land owners and their staff. Information will include proper procedures to follow should an inadvertent discovery occur during trail construction or maintenance activities.
- If cultural resources are discovered during trail construction or maintenance activities, work will be halted at the discovery site, the discovery will be protected, and the Katmai National Park and Preserve Superintendent or Chief of Cultural Resources shall be notified. Appropriate action will be taken to avoid adverse effects to any cultural resources.
- In the event that human remains are discovered during maintenance activities, all work on the project must stop and the park archeologist contacted immediately. As required by law, the coroner will be notified first. All provisions outlined in the Native American Graves Protection and Repatriation Act (1990) will be followed.
- Katmai National Park and Preserve cultural resource staff will visit the RWCA trail corridor periodically to assess the trail corridor for previously unidentified cultural resources.

#### **Natural Resources**

- The park will provide information concerning Katmai National Park and Preserve natural resources and offer natural resources awareness training to the land owner and relevant associates. Information will include proper procedures to follow during wildlife encounters and identification of invasive plant species.

#### **Vegetation and Soils**

- To prevent compaction, incising, shearing, erosion, or deposition of soils and substrates the RWCA will authorize minor improvements to the trail such as timber lining, limited cut and fill, and grading, as outlined in the inholders approved trail plan.

- Materials used for trail improvements will be sourced from inholdings within in the Olga Lake or Headwaters Creek area or from within the right-of-way corridor. No fill materials may be brought into the park from external sources.
- The project area will be surveyed for invasive plants prior to trail construction. The trail corridor will be closely monitored periodically after project completion to ensure that colonizing invasive plants are rapidly found and addressed.
- To prevent invasive plant species becoming established within the proposed project area, all vehicles and trailers being brought into the Olga Lake and Headwaters Creek area will be inspected by NPS for foreign soils and vegetation.

### **Wilderness**

- NPS will encourage the landowner to use the RWCA route only when it is necessary for transportation of people or materials to and from the inholding.
- The use of ORVs is only permitted within the RWCA trail corridor and on the inholders' private parcels in the Olga Lake and Headwaters Creek area. The surrounding park lands are designated wilderness areas and the use of ORVs is prohibited.

### **Wildlife**

- Brown bears and other wildlife occurring within the park shall not be approached and a minimum distance of 50 yards must be maintained at all times. All instances of negative interactions with wildlife will be reported to Katmai National Park and Preserve staff.
- To provide for the protection of bald and golden eagles, the NPS must be notified of any eagle nest occurring within the RWCA corridor. Should a nest need to be removed for construction of the ORV trail, the park must be notified and an incidental take permit will need to be acquired from the U.S. Fish and Wildlife Service.
- NPS will survey the project area for eagle nests prior to trail construction and periodically thereafter.
- The NPS will complete a fish survey on Headwaters Creek within the Olga Lake area prior to trail construction. The creek will be monitored periodically after the construction period to determine the effects on fish and fish habitat related to potential increased fishing activities.

## **4. Public Involvement/Agency Consultation**

The EA was placed on the NPS Planning, Environment and Public Comment (PEPC) website on March 22, 2019 where it was available for public review and comment through April 16, 2019. After reviewing comments from this initial round of public comment on the EA, the NPS decided to extend the public comment period to 60 days. The project was again made available for public review and comment from April 22, 2019 through May 27, 2019. Notice of the availability of the EA for public comment was sent to local and statewide newspapers, radio networks, television channels, and other

publications including magazines and journals. The information was also published on the Katmai National Park and Preserve website.

## **Tribal Consultation**

Consultation letters regarding this project were sent to Alaska Native Claims Settlement Act regional and village corporations, and Alaska Native Descendant organizations culturally-affiliated with Katmai National Park and Preserve. The following organizations were notified by certified mail (dated November 1, 2018) and by telephone thereafter of the proposed action and invited to consult with the park Superintendent:

### Alaskan Native Tribal Organizations

Chignik Bay Tribal Council, Chignik Lagoon Village Council, Chignik Lake Traditional Council, Clarks Point Village Council, Curyung Tribal Council, Egegik Village Council, Ekwok Village Council, Igiugig Village Council, Iliamna Village Council, Ivanof Bay Tribal Council, King Salmon Tribal Council, Kokhanok Village Council, Levelock Village Council, Manokotak Village, Naknek Village Council, Native Village of Afognak, Native Village of Aleknagik, Native Village of Ekuik, Native Village of Karluk, Native Village of Larsen Bay, Native Village of Old Harbor, Native Village of Perryville, New Koliganek Village Council, New Stuyahok, Newhalen Tribal Council, Nondalton Village, Ouzinkie Tribal Council, Pedro Bay Village, Pilot Point Tribal Council, Port Heiden Village Council, Port Lions Traditional Tribal Council, Portage Creek Village, South Naknek Village Council, Sun'aq Tribe of Kodiak, Tangirnaq Native Village, Traditional Village of Togiak, Twin Hills Village Council, and Ugashik Traditional Council.

### Alaskan Native Village Corporations

Far West, Incorporated, Chignik Lagoon Native Corporation, Chignik River, Limited, Becharof Corporation, Igiugig Native Corporation, Kokhanok Native Corporation, Levelock Natives Limited, Paug-Vik Incorporated, Oceanside Native Corporation, Bay View Incorporated, Pilot Point Native Corporation, Uganik Natives, Incorporated, Afognak Native Corporation, Natives of Kodiak Incorporated, Karluk Native Corporation, Nu-Nachk Pit Incorporated, Old Harbor Native Corporation, Ouzinkie Native Corporation, Leisnoi Incorporated, Aleknagik Natives Limited, Saguyak Incorporated, Choggiung Limited, Ekuik Native Limited, Ekwok Natives Limited, Iliamna Native Corporation, Koliganek Natives Limited, Newhalen Native Corporation, Stuyahok Limited, Nondalton Native Corporation, Pedro Bay Corporation, Tanalian Incorporated, Ohgsenskale Corporation, Manokotak Natives Limited, Togiak Natives Limited, Twin Hills Native Corporation, Akhiok-Kaguyak Incorporated, and Alaska Peninsula Corporation.

### Alaskan Native Regional Corporations

Bristol Bay Native Corporation, Koniag, Inc., and Cook Inlet Regional Incorporated.

### Traditionally Affiliated Groups

Council of Katmai Descendants, and Heirs of Pelagia Melgenak.

## **Cultural Resources Consultation**

The park formally consulted with the Alaska State Historic Preservation Officer (SHPO) concerning this proposed undertaking in February, 2019 in accordance with the National Historic Preservation Act, and its implementing regulation, 36 CFR 800. Based on findings of the NPS Archeological survey of the proposed RWCA access corridor conducted in the fall of 2018 the NPS determined that this action will not affect historic properties and requested concurrence of the determination “No Historic Properties Affected.” The SHPO concurred with this finding in March, 2019.

## **Endangered Species Consultation**

The park engaged in informal consultation with the U.S. Fish and Wildlife Service in February, 2019 through the IPaC system to determine if threatened and endangered species were known to exist within the area of the proposed RWCA trail corridor. No threatened or endangered species, nor critical habitat for species of concern, were identified through this consultation and a formal Biological Assessment was not prepared for this project.

## **Summary**

The project received thirteen (13) separate comment letters during the public comment period, from these letters the NPS determined that there were forty (43) substantive comments that warranted response. The comments did not change the conclusions in the EA regarding the environmental effects of the action. Responses to substantive comments and errata are found in Appendix A.

## **5. Finding of No Significant Impact**

As described in the EA, the selected alternative has the potential for adverse impacts to wilderness, soils, vegetation, and wildlife; however, no potential for significant adverse impacts was identified.

- **Wilderness:** The issuance of an RWCA authorizing the construction, maintenance, and use of an ORV trail in the Olga Lake and Headwaters Creek area will adversely impact the Katmai National Park wilderness. The impacts will include direct impacts to approximately 3.0 acres of wilderness lands and indirect impacts to adjacent wilderness areas that are within eye sight or ear shot of the RWCA area. The five qualities associated with wilderness character, which include Natural, Undeveloped, Untrammeled, Solitude and Primitive and Unconfined Recreation, and Other Features of Value will each be adversely affected by the issuance of the RWCA and associated future actions. These impacts are being reduced through stipulations that will be included in the RWCA intended to protect park resources and values, and the mitigating measures for Wilderness described in section 3: Mitigation Measures.
- **Soils:** The issuance of an RWCA authorizing the construction, maintenance, and use of an ORV trail will result in approximately 2.2 acres of soil disturbance. The soils that occur along the length of the 3 ½ mile ORV trail will be removed, compacted, or otherwise altered by the creation of an ORV trail, and the maintenance and repeated use of the trail. The tundra

soils that exist in this area are known to be sensitive to manipulation and disturbance to these soils would likely leave localized impacts that will exist for many years. The impacts will primarily be associated with the removal of vegetation and topsoil and compaction of the soil surface, which could lead to accelerated levels of erosion and drainage issues. These impacts are being reduced through stipulations that will be included in the RWCA intended to protect park resources and values, and the mitigating measures for Vegetation and Soils described in section 3: Mitigation Measures.

- **Vegetation:** This project will involve direct impacts to approximately 3.0 acres of vegetation that occur within the RWCA corridor attributed to the construction, maintenance, and use of the ORV trail. The vegetative ground cover along the physical trail corridor will be removed and an additional 1 foot of vegetative clearance will be cleared on each side of the trail. Invasive plant species are more likely to become established and take hold in areas that are affected by vegetative clearing and disturbance. The removal of natural vegetation and increased visitor use along the RWCA trail will increase the potential for invasive plant introductions. These impacts are being reduced through stipulations that will be included in the RWCA intended to protect park resources and values, and the mitigating measures for Natural Resources and Vegetation and Soils described in section 3: Mitigation Measures.
- **Wildlife:** The issuance of this RWCA in the Olga Lake and Headwaters Creek area of the park will have adverse effects on the wildlife that exists in this area. Brown bears, moose, raptors, ground nesting birds, songbirds, and other wildlife species will be disturbed and displaced, and will experience habitat loss and fragmentation by the construction and ongoing human activities related to the RWCA. Negative bear/human interactions are likely to increase as area use increases to levels not experienced prior to the RWCA being issued. Fishing pressure on Headwaters Creek will increase which will result in adverse effects to fish and fish habitat. These impacts are being reduced through stipulations that will be included in the RWCA intended to protect park resources and values, and the mitigating measures for Natural Resources and Wildlife described in section 3: Mitigation Measures.

Alternative 2 will not result in significant adverse impacts to wilderness, soils, vegetation, or wildlife. The impacts to these park resources will begin during the initial construction period for the ORV trail and will persist through the life of the trail.

There will be no effects to subsistence resources in the area because the project occurs within an area of Katmai National Park that is closed to subsistence use. There will be no significant impacts on public health, public safety, or unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the NPS selected alternative will not violate any federal, state, or local environmental protection law. The NPS has prepared a Non-Impairment Finding that is included as Appendix B.



## **6. Conclusion**

As described above, the selected alternative does not constitute an action meeting the criteria that normally requires preparation of an Environmental Impact Statement (EIS). The selected alternative will not have a significant effect on the human environment in accordance with Section 102(2)(c) of NEPA. Based on the foregoing, it has been determined that an EIS is not required for this project and, thus, will not be prepared.

This action complies with the Endangered Species Act, the National Historic Preservation Act, and Executive Orders 12898 and 13175. There will be no significant restriction of subsistence activities as documented by the ANILCA Title VIII, Section 810 summary evaluation and findings.

### **Appendices Include:**

- Appendix A: NPS Responses to Public Comments and Errata on the Environmental Assessment for Olga Lake Right-of-Way Certificate of Access
- Appendix B: Non-Impairment Finding on the Environmental Assessment for Olga Lake Right-of-Way Certificate of Access

## **Appendix A:**

### **NPS Responses to Public Comments and Errata**

### **On the Environmental Assessment for**

### **Olga Lake Right-of-Way Certificate of Access**

#### **Katmai National Park and Preserve**

In response to the environmental assessment the NPS received thirteen (13) comments through the Planning, Environment & Public Comment system, postal mail, or delivered by hand to the Katmai National Park and Preserve headquarters in King Salmon, Alaska. Of these comments, ten (10) were from private individuals (PI), one (1) was from the State of Alaska, ANILCA Program (SOA), one (1) was from a non-profit organization (NPCA), and one (1) was from a culturally affiliated organization (CKD).

The NPS has read and considered all comments received. Responses to substantive comments are provided below. A substantive comment is defined as one which leads the NPS to: (1) modify an alternative, including the proposed action; (2) develop and evaluate an alternative not previously given serious consideration; (3) supplement, improve, or modify the environmental analysis; or (4) make factual corrections (CEQ NEPA Regulations 40 CFR 1503.4).

**Comment #1 NPCA:** The Alaska National Interest Lands Conservation Act (ANILCA) carefully balances an inholder's right of access with the interest of the public in protecting the values of important public lands. "Adequate and feasible" access is guaranteed. Access of the inholder's choice is not. In this case, NPS has been called upon to balance the inholder's desire for motorized access to their inholding for private use against the values of wilderness, the most protective conservation designation NPS administers.

**Response #1 NPS:** Motorized access was selected as the proposed action and NPS preferred alternative because it was determined by the NPS to be the only feasible option to provide access to the Headwaters Creek parcel for the stated purpose of providing access for building materials, supplies, and equipment for cabin construction for use by family, friends, guests, and other private personal reasons. ANILCA section 1110(b), and its implementing regulation 43 CFR 36.10, guarantees access to privately owned lands that are effectively surrounded by lands managed by the NPS. The NPS is required to provide access to the area by the route and method that is desired by the applicant unless it is determined that adequate and feasible access otherwise exists. When considering the request for access to the inholding located at Headwaters Creek the NPS was unable to determine that an alternative means for access otherwise existed into this remote area.

**Comment #2 NPCA:** The draft Environmental Analysis (EA) does not discuss this possibility or explain how the inholder and NPS settled on 200 annual trips via ORV.

**Response #2 NPS:** The intent of this stipulation was to establish a cap on the number of motorized trips that are authorized along this right-of-way per year to add additional protection to the natural

resources in the area. The landowner indicated that 200 trips per year meets their requested access needs. The Olga Lake and Headwaters Creek area is only accessible by floatplane seasonally from May thru September, as is typical for many backcountry locations in Southwest Alaska. Given ideal conditions the landowner could potentially access Olga Lake up to 150 days per year. The 200 trip per year cap allows for at least 1 round trip per day by ORV with the option to increase that amount to more than one per day during periods of increased activity. This information is listed in the errata at the end of this appendix; the revised EA reflects these changes.

**Comment #3 NPCA:** If commercial use is the ultimate plan for this inholding or for the ORV trail between the Olga Lake and Headwaters Creek properties, it is important that it be considered up front as part of the current access determination to avoid illegally piecemealing the EA process. If the inholder ultimately plans on commercial access, we urge NPS and the inholder to engage in that discussion now rather than in the future.

**Response #3 NPS:** The intent for this RWCA is to provide ORV access to the Headwaters Creek parcel by the landowners, their family, friends, and guests, and to allow for the transportation of building supplies with the intent of constructing non-commercial private accommodations. Additional information from the SF-299 application will be incorporated to clarify the "Purpose and Need" section in the revised EA. This information is listed in the errata at the end of this appendix.

**Comment #4 PI:** We don't know how exhaust fumes, & heavy metals from the engine's fuel combustion affects local vegetation, insect life, etc.

**Response #4 NPS:** Exhaust generated by the proposed vehicles and levels of use would not reach levels which would adversely affect nearby vegetation or wildlife.

**Comment #5 PI:** One trail often leads to numerous offshoot trails to nearby vantage points, stream crossing locales, and other temporary areas of interest.

**Response #5 NPS:** Stream crossings and the establishment of ORV trail offshoots are prohibited actions which are not permissible through the issuance of the RWCA, nor are they allowable under the current management of Olga Lake and Headwaters Creek as wilderness lands. Any instance of unauthorized access to park lands by ORVs outside of the terms of the RWCA will be investigated by NPS and could result in the termination of the RWCA agreement.

**Comment #6 PI:** Any "Defense of Life & Property" problems that would occur as a result of increased interaction with these by visitors who haven't experienced brown bear behavior could be a future problem for both animals, visitors, Lodge owners, & Park Service personnel.

**Response #6 NPS:** It is anticipated that negative bear/human interactions will increase in this area as human activity increases due to the issuance of the RWCA. The State of Alaska allows for the defense of life and property when it relates to negative interactions with bears, which is permissible on the landowners' private property. All instances of negative bear/human interactions that occur on NPS lands must be reported to NPS law enforcement personnel.

**Comment #7 PI:** What's to be transported over such a trail...motor fuels, lubricants, propane, building materials, food-stuffs, garbage, alcoholic beverages, etc??...certainly not anything that should be spilled on or left along the tundra between Headwaters Creek & the lake in question.

**Response #7 NPS:** Hazardous materials such as fuel, oil, and other lubricants necessary for the operations and maintenance of ORVs in the Headwaters Creek area as well as construction materials, supplies, food, beverages, and trash are anticipated to be transported across the RWCA as required by the landowner. The storage of these materials is not authorized on NPS lands, including within the RWCA corridor.

**Comment #8 PI:** This proposal has such a short comment period attached to it that many local people are just now becoming aware of it and as such may not be able to even comment on it. Some of the fishing guides that use the area currently are out of state and not in a position to comment.

**Response #8 NPS:** The initial public comment period for the project was between March 22, 2019 and April 16, 2019 which was open for 25 days. After careful considerations of the comments received during this period the NPS extended the public comment period on this project to May 27, 2019 which allowed the project to be open for public comment for 60 days. A summary of public involvement and consultation is included in section 4 of this FONSI. The NPS feels that reasonable effort was made to make the public aware of this project.

**Comment #9 PI:** I have been around ATVs and ORVs my entire life and can say that when there is a trail, these machines seldom if ever stay on that trail exclusively. There will inevitably be ATVs that go off of the road and onto the tundra which is easily damaged and takes many years, even decades to recover.

**Response #9 NPS:** The issuance of the RWCA does not allow for ORVs to travel off trail and on to unimproved tundra lands. The potential for these impacts are being mitigated through stipulations contained in the EA related to trail maintenance and the construction of 6 pullouts along the length of the RWCA trail corridor.

**Comment #10 PI:** Furthermore, Mr. Branham, who states that this road will be used to access his properties, HAS access to his property on Olga Lake. You can land a float plane on Olga Lake easily. A beaver on floats can access this lake without any problem. You can also walk on foot between the two allotments.

**Response #10 NPS:** The RWCA is necessary in order for the landowner to access their parcel on Headwaters Creek. Walking is not being considered as a means of access that meets the needs of the landowner and has not been considered as an alternative in the EA.

**Comment #11 PI:** NPS DOES NOT need to provide "adequate and feasible" access to these privately owned lands via a road, when it is so easy to access via float plane.

**Response #11 NPS:** The NPS is required by ANILCA to provide access that is both adequate and feasible for economic and other purposes. NPS regulation 43 CFR 36.10 requires that the NPS

provide the landowner with their requested means of access unless adequate and feasible access otherwise exists. The NPS has determined that ORV access from Olga Lake to Headwaters Creek is the only means of adequate and feasible access that exists which meets the stated needs of the landowner.

**Comment #12 PI:** Very few people know about this. I did not know about it until someone told me a few days ago. Many affected parties who would like to comment and have an interest do not even know about this.

**Response # 12 NPS:** The NPS made the draft Environmental Assessment for the Olga Lake Right-of-Way Certificate of Access available for public comment for a period of 60 days. A summary of public involvement and consultation is included in section 4 of this FONSI. The NPS feels that reasonable effort was made to make the public aware of this project.

**Comment #13 PI:** If the private land owner wants to establish means of access to their land they should build a private airstrip for fixed wing aircraft or utilize helicopter transport.

**Response #13 NPS:** The NPS considered and dismissed construction of an airstrip as a means to access the private land parcel. Helicopter is not being considered as a means of access that meets the needs of the landowner and has not been considered as an alternative in the EA.

**Comment #14 PI:** Based on my experiences walking Tony's faint trail between Olga Lake and his Headwaters Creek Cabin I think it would be darn near impossible to run ORVs or ATVs across that boggy heath without rendering the wet land into an ugly rutted morass.

**Response #14 NPS:** The route that was selected by the NPS for this RWCA keeps the trail out of wetland areas and along high ground in between the Olga Lake and Headwaters Creek parcels.

**Comment #15 PI:** The proposal to issue a "Right of Way Certificate of Access" between the outlet of Headwaters Creek to Olga Lake was made public on March 22, 2019 and comments are due April 16... It is my understanding that proposals of this significant are generally granted a 60 to 90 day comment period. Am I incorrect?

**Response #15 NPS:** Typically EAs are made available for public review for a period of 30 days which is announced on PEPC and through a press release, direct or electronic mailings, or other effective means of communication. For this project, after the initial public comment period between March 22, 2019 and April 16, 2019, the NPS extended the public comment period to May 27, 2019 which resulted in the project being open for public comment for 60 days.

**Comment #16 PI:** Impacts on wildlife would be significant. The proposed trail would run right up portions of an existing hundreds of years old Bear trail and would quickly be frequented by all species of wildlife in the area resulting in unwarranted conflicts with the natural movement of wildlife in a designated wilderness area.

**Response #16 NPS:** The NPS does not agree that impacts to wildlife resulting from the issuance of the RWCA would be significant. Adverse impacts to wildlife have been analyzed in the EA. Stipulations and mitigating measures are included to reduce adverse impact to wildlife.

**Comment #17 PI:** The standard for remote location access in the Bristol Bay area has and should continue to be by AIR. It is far less intrusive in all respects. The owner of the inholdings who requested construction of this trail in fact owns a lodge which he built at the outlet of Kukakalek Lake in Katmai Park and did so with air access.

**Response #17 NPS:** The Headwaters Creek parcel is not directly accessible by fixed wing aircraft. Helicopter is not being considered as a means of access that meets the needs of the landowner and has not been considered as an alternative in the EA.

**Comment #18 PI:** I understand the importance of the Conservation Act, if the park service formed after parcels of land were already owned, but if the new owners purchased the land knowing that that are separated by wilderness area, do the same rules apply?

**Response #18 NPS:** ANILCA Section 1110 (b) does not make distinctions between parcels that were privately owned prior to the passage of ANILCA and those acquired after passage. Even though the land transferred ownership recently from native allotment to private ownership, the NPS is required to provide access to the private owner or occupier of those lands.

**Comment #19 PI:** Headwaters, where 04-136 is located, is a small creek and can only handle minimum pressure, 4 anglers at one time is pushing its limits. Again, it sounds like a road with 6 pullouts has intentions of transporting more than four anglers to the river each day. For an area that already has adequate access, this is not necessary and will directly threaten a small very delicate, but yet very important part of our watershed.

**Response #19 NPS:** The NPS agrees that increased access into the Headwaters Creek area could have an adverse effect on fish and fish habitat in Headwaters Creek which was not analyzed in the EA. Environmental impacts related to increased fishing pressure have been analyzed and are incorporated in the revised EA. This information is listed in the errata at the end of this appendix.

**Comment #20 PI:** The only pertinent question I pose is: are the Branhams; present landowners; those originally titled? If they are, then they should be allowed easement privileges. If they are not, which I suspect is the case, they should not be allowed easement privileges.

**Response #20 NPS:** ANILCA states that "... in any case in which State owned or privately owned land... is effectively surrounded by one or more conservation system units... the State or private owner or occupier shall be given... such rights as may be necessary to assure adequate and feasible access for economic and other purposes to the concerned land... (ANILCA 1110 (b))"

**Comment #21 PI:** I do not believe it is the responsibility of the United States government to accommodate their business schemes by producing airstrips or allowing roads, which this easement really is, within the wilderness area of Katmai National Park to support them.

**Response #21 NPS:** In accordance with 43 CFR 36.10 the NPS is required to issue a right-of-way to the landowners in order to allow them legal access across park lands to their property when the means of access is necessary to accomplish the applicants' land use objective and adequate and feasible access does not otherwise exist.

**Comment #22 PI:** I would urge you to reconsider adopting option 1 to truly maintain the parks values, I assure you that the site that they are seeking access to is fully accessible on foot and should not require further enhancements. ANILCA does not specify what type of access needs to be granted and I would argue that I have fully accessed the land with my own two feet for more than a decade, just as the original owners of the land.

**Response #22 NPS:** While the No Action alternative would best preserve park resources and values, this alternative would not achieve the statutory and regulatory requirement to issue a RWCA to the landowners to ensure adequate and feasible access to their parcel. Walking is not being considered as a means of access that meets the needs of the landowner and has not been considered as an alternative in the EA.

**Comment #23 PI:** Boat access would be less invasive than the proposed plan. You may lose a few trees that have been downed over the creek, but erosion potential and wildlife disturbance could be minimized by limiting size and horsepower that would be allowed when accessing the subject parcel and could be further mitigated by speed of travel requirements.

**Response #23 NPS:** The NPS considered and dismissed an alternative to access the Headwaters Creek parcel by boat due to environmental concerns, the length of time the trip from Brooks Lake would take, and maintenance issues along Headwaters Creek in order to keep the channel clear for boating operations. Additional details regarding NPS analysis of the Headwaters Creek Boat Access alternative is incorporated in the revised EA. The alternative was not considered to be reasonable or feasible, and was dismissed from detailed analysis in the EA. This information listed in the errata at the end of this appendix.

**Comment #24 SOA:** While the Service has discretionary authority to evaluate the proposal and add stipulations to the RWCA, adequate and feasible access to an inholding cannot be denied or effectively precluded by overly restrictive conditions or modifications. While the majority of the proposed stipulations appear reasonable, we question the basis for the limitation on number of annual motorized trips on the trail. If the intent is to transport guests during the summer and early fall season (e.g., June through mid-September), 200 round trips would limit the inholder to approximately one round trip per day. We request the Service revise this stipulation to allow for increased use, as needed, at the discretion of the Superintendent.

**Response #24 NPS:** The intent for this RWCA is to provide access to the headwaters creek parcel by the landowners, their family, friends, and guests, and to allow for the transportation of building supplies with the intent of constructing non-commercial accommodations. The trip stipulation was intended to establish a cap on the number of motorized trips that are authorized along this right-of-way per year in an attempt to protect the natural resources in the area. The Olga Lake and

Headwaters Creek area is only accessible by float plane seasonally from May thru September, as is typical for many backcountry locations in Southwest Alaska. Given ideal conditions, the landowner could potentially access Olga Lake up to 150 days per year. The 200 trip per year cap allows for at least 1 round trip per day by ORV with the option to increase that amount to more than one per day during periods of increased activity. The landowners have indicated this level of access is sufficient to accommodate their stated needs.

**Comment #25 SOA:** The "No Action" alternative (Alternative 1) in the EA needs to clearly state that inholder access under ANILCA Section 1110(b) is a statutory right and cannot be denied. Table 1. Summary of Alternatives indicates that under Alternative 1, ANILCA would not be implemented and access would be restricted to currently authorized methods.

**Response #25 NPS:** The NPS agrees that access to inholdings is a statutory right which cannot be denied. Additional description has been added to Alternative 1: No Action (Existing Conditions) in the revised EA. This information listed in the errata at the end of this appendix.

**Comment #26 SOA:** The final decision document should therefore clarify that while the "no action" alternative is required under the National Environmental Policy Act, not issuing a RWCA would be inconsistent with ANILCA and the EA's purpose and need.

**Response #26 NPS:** The NPS agrees that while the No Action alternative is required by NEPA, selecting it would only be appropriate if an adequate means of access otherwise exists. In this instance, the No Action alternative would not provide adequate and feasible access to the inholding that is required by ANILCA. This information is explained in the rationale section of the FONSI.

**Comment #27 PI:** Is the RWCA conveyed in perpetuity with the inholding property; or, is the RWCA limited to the particular inholder?

**Response #27 NPS:** The RWCA provides legal access to the private inholding which is transferrable with the sale or conveyance of the property. Future inholders who obtain this parcel would also obtain the RWCA and would be held to the same stipulations that are included in the RWCA.

**Comment #28 PI:** Who owns the ROW and what rights are conveyed?

**Response #28 NPS:** The NPS is proposing to issue a RWCA which will authorize the landowner to use NPS land in order to access their property subject to certain stipulations. A RWCA is a permissive use, it does not convey an interest in land.

**Comment #29 PI:** The Use of the inholding is of concern as the level of development, especially for "commercial activities" would have impact on the wilderness character of the surrounding ecosystem.

**Response #29 NPS:** ANILCA guarantees access to inholdings for economic and other purposes. The RWCA is being issued in order to provide access that was requested by the landowner, which includes access for building materials, supplies, and equipment for cabin construction for use by family, friends, guests and other private personal uses.



**Comment #30 PI:** The character of "wilderness" would also be subject to the intensity of intrusion by the particular use and mode of activities introduced. Does NPS have any oversight or role in determining activities on an inholding parcel?

**Response #30 NPS:** The NPS does not have regulatory authority over private lands in the state of Alaska. Actions that take place on NPS lands are subject to NPS rules and regulations.

**Comment #31 PI:** Is there any restriction on the kind or size of ORV permitted on the trail? A further concern is that vehicles vary in the level of emissions and noise generated.

**Response #31 NPS:** The NPS feels that the width of the RWCA (7 foot wide trail corridor) and the fact that all vehicles will to be transported to the site on small to medium sized float planes will provide enough controls on the types of ORVs that will be brought into the area.

**Comment #32 PI:** What is the level of expense and staff involvement incurred by NPS for inspections and monitoring, including flyovers?

**Response #32 NPS:** The NPS is required to monitor activities which have the potential to adversely affect park resources and values. These monitoring activities are not expenses that we explicitly track. Monitoring activities that are anticipated to be conducted by the NPS after the issuance of the RWCA are described in the Mitigating Measures and Reasonably Foreseeable Future Actions sections of the EA.

**Comment #33 PI:** The concern here is that the trail may impact adjacent NPS lands. Does NPS have ability to suggest further alterations and use of the trail to minimize or mitigate impacts?

**Response #33 NPS:** This RWCA may be amended to adjust the terms and conditions for changed conditions, to correct oversights, or to address conditions not previously contemplated. Either the NPS or Holder may initiate an amendment by notifying the other in writing and providing a justification for the proposed revision or supplement. Amendments by mutual consent of the NPS and Holder may occur, but the NPS may also require an amendment without the consent of the Holder if uses within the area authorized by this RWCA or other conditions become inconsistent with the regulatory standards of Title 43 CFR 36.9 and 36.10(e)(1). The NPS will consult with the Holder when any amendment is initiated. Any amendment must result in the Holder continuing to have adequate and feasible access to his/her property.

**Comment #34 PI:** The EA makes provision for avoidance of trail clearing and construction during late spring and summer to avoid nesting birds and limits the number of trips to 200... The concern is that these trips and their frequency within a limited time frame might likely coincide with the weather friendly nesting season.

**Response #34 NPS:** Trail clearing activities should be avoided during late spring and summer (April through July) to avoid impacting nesting birds. Impacts to bird species resulting from noise generated by the ongoing use and maintenance of the ORV trail are anticipated from this action and are analyzed in the EA.

**Comment #35 PI:** What is the current means of access to the inholding? Does the current mode incur impacts?

**Response #35 NPS:** The current means to access the inholding along Headwaters Creek is by the landowner accessing Olga Lake by float plane and traversing on foot overland to the Headwaters Creek parcel. This is an authorized use of Katmai National Park and Preserve and does not require special access from the NPS.

**Comment #36 PI:** Do the inholdings currently contain any development, infrastructure or equipment presence?

**Response #36 NPS:** There are currently no permanent inhabitants in this area and developments are limited to trap lines and small trapping cabins, largely degraded, that existed prior to the passage of ANILCA in 1980 when the lands surrounding the inholdings were designated as wilderness.

**Comment #37 PI:** Did the conveyance agreement with the original inholding owner, Olga Malone, contain understandings or restrictions relevant to the current project and its proposed use?

**Response #37 NPS:** When the allotment was sold from the estate of Olga Malone and into private ownership the heirs of the original owners included the following request as a condition of the sale:

"Today looking at Olga lake cabin, the gable ends can be put back up....Our wishes to Chris Branham is the cabin site not be disturbed unless if Olga Lake cabin can be restored for recreational use only and we still have the right to use it for the rest of our lives"

This information is contained in the NHPA Section 106 analysis completed by the BIA prior to the transfer of ownership.

**Comment #38 PI:** Is there Section 106 relevance or subsequent consideration for the 1906 action? Is there interpretation of this history available to the public or visitors to the Park?

**Response #38 NPS:** The BIA conducted complete NHPA Section 106 evaluations of KATM-04-136 and KATM-04-137 at the time of the sale/transfer of the parcels from native allotments to private ownership. The findings from these evaluations concluded that the properties did not maintain enough integrity for inclusion on the National Register of Historic Places.

**Comment #39 PI:** There is mention of inholder orientation to cultural resources. Is there also orientation re impacts to natural resources? Is this conveyed to inholder visitors as well, some of whom may be less familiar with the particular area and its conditions.

**Response #39 NPS:** The EA did not include a mitigating measure to offer natural resource awareness training to the landowner and his staff. However, this type of training will be valuable to the landowner and may serve to prevent negative human/wildlife interactions. An additional mitigation measure for natural resources awareness training has been incorporated in the revised EA. This information listed in the errata at the end of this appendix.

**Comment #40 PI:** One also has concern that a future inholder might have a less resource-compatible vision and presence. Do future subsequent inholding owners have to renew or reapply for the RWCA?

**Response #40 NPS:** The RWCA provides legal access to the private inholding which is transferrable with the sale or conveyance of the property. Future inholders who obtain this parcel would also obtain the RWCA along with and would be held to the same stipulations that are included in this EA/FONSI.

**Comment #41 CKD:** The Council of Katmai Descendants (CKD) would like to go on record as being in opposition of the proposed Olga Lake Right-of-Way Certificate of Access (83425) which would allow for a 3.5 long, 7 foot-wide road built from one inholding allowing access to another inholding owned by the same of both parcels within the Katmai National Park and Preserve.

**Response #41 NPS:** The NPS understands the position of CKD regarding this RWCA and appreciates their response and feedback on this project.

**Comment #42 CKD:** Noting that the proposed Olga Lake RWCA area spans more than 10,000 years of history of activity such as prehistoric house pits or hunting blinds would be subsurface and would not have any indication on the surface. Campsites and/or settlements would likely be located closer to water sources, such as Olga Lake, and has the potential for sites to be present along the RWCA, therefore subsurface testing should be done.

**Response #42 NPS:** The NPS analysis of cultural resources included 1) the expert review of the proposed route for geological features supporting ancient or pre-contact human habitation patterns; 2) literature review of previous surveys conducted at the Olga Lake parcels by the Bureau of Indian Affairs in 2011, and 3) two pedestrian surveys that were completed along the proposed RWCA route in 2018. NPS archeologists found no surface evidence indicating presence of shallow archeological features or resources along the proposed route. The lack of surface evidence and the nature of the terrain provided no rationale for conducting further investigations. The Alaska State Historic Preservation Officer concurred with the NPS determination that no historic properties would be affected on March 22, 2019.

**Comment #43 CKD:** Does the permit application contain stipulations about ground disturbance, vegetation removal, cumulative damage and other archaeological requirements such as the depth of ground disturbance?

**Response #43 NPS:** The EA/FONSI contains stipulations and mitigating measures which will be included in the RWCA in order to protect park resources and values from erosion, deep rutting and widening of the proposed right-of-way. These stipulations and mitigating measures are described in EA and incorporated by reference in the FONSI. The EA has been revised to include a cultural resource awareness education for the applicant; proper communication procedures to be followed for any inadvertent discovery of human remains or previously unidentified resources; and periodic site visits to the RWCA trail corridor park NPS cultural resources staff.

## ERRATA

This errata section provides clarifications, modifications, or additional information to the EA and to the selected alternative, Alternative 2: Issue RWCA Authorizing ORV Trail and Use from KATM-04-137 to KATM-04-136. These amendments will be incorporated into a revised EA which will be made publically available with the release of this FONSI.

Page 1, Purpose and Need. Add the following sentence after the first sentence in this section:

*The inholder has requested ORV access to their inholding on Headwaters Creek for themselves, their family, friends, and guests, and to allow for the transportation of building supplies with the intent of constructing non-commercial private accommodations.*

Page 4, Issues, Issues Selected for Detailed Analysis, Wildlife. Add the following sentence after the last sentence of the paragraph:

*Increased access to Headwaters Creek would potentially result in increased fishing activity along the creek. This would cause elevated pressure on fish populations in the creek and would likely result in adverse impacts to fish and fish habitat.*

Page 4, Issues, Issues Considered but Dismissed, Environmental Justice. In September 2018, the Department of the Interior, Office of Environmental Policy and Compliance rescinded Environmental Compliance Memo 95-3, National Environmental Policy Act Responsibilities Under the Departmental Environmental Justice Policy. Thus, discussion of this topic is not required.

Page 4, Alternatives, Alternative 1: No Action (Existing Conditions). Add the following sentence after the last sentence of the paragraph:

*Refusal to issue a RWCA to the landowner when no other adequate and feasible means of access to the inholding otherwise exists would be in violation of ANILCA Section 1110(b), 43 CFR 36.10, and would violate the inholders' statutory rights.*

Page 5, Alternatives, Alternative 2: Issue RWCA Authorizing ORV Trail and Use from KATM-04-137 to KATM-04-136, Paragraph 4. Add the following paragraph after the last sentence of the 4<sup>th</sup> paragraph:

*The Olga Lake and Headwaters Creek area is only accessible by float plane seasonally from May thru September, as is typical for many backcountry locations in Southwest Alaska. Under ideal conditions, the landowner would potentially have access to Olga Lake up to 150 days per year. In order to provide for the protection of park resources the NPS proposes to stipulate that the landowner adhere to a maximum number of round trips between Olga Lake and Headwaters Creek of 200 per year. This limit would allow for at least 1 round trip per day by ORV with the option to increase that amount to more than one per day during periods of increased activity. The landowner has indicated that will meet the needed level of access.*

Page 6, Alternatives, Alternative 2: Issue RWCA Authorizing ORV Trail and Use from KATM-04-

137 to KATM-04-136, Proposed Permit Stipulations. Modify the fourth bullet in this section to read:

- *Limited use of mechanized equipment during construction and maintenance of the ORV trail would be authorized by the superintendent.*

Page 7, Alternatives, Alternative 2: Issue RWCA Authorizing ORV Trail and Use from KATM-04-137 to KATM-04-136, Mitigating Measures. Add the following bullet in the cultural resources section:

- *In the event that human remains are discovered during maintenance activities, all work on the project must stop and the park archeologist contacted immediately. As required by law, the coroner will be notified first. All provisions outlined in the Native American Graves Protection and Repatriation Act (1990) will be followed.*

Page 7, Alternatives, Alternative 2: Issue RWCA Authorizing ORV Trail and Use from KATM-04-137 to KATM-04-136, Mitigating Measures. Add the following bullet in the cultural resources section:

- *Katmai National Park and Preserve cultural resource staff will visit the RWCA trail corridor periodically to assess the trail corridor for previously unidentified cultural resources.*

Page 7, Alternatives, Alternative 2: Issue RWCA Authorizing ORV Trail and Use from KATM-04-137 to KATM-04-136, Mitigating Measures. Add the following section before the “Vegetation and Soils” section:

#### *Natural Resources*

- *The park would provide information concerning Katmai National Park and Preserve natural resources and offer natural resources awareness training to the landowner and staff proposed for on-site work. Information would include proper procedures to follow during wildlife encounters and identification of invasive plant species.*

Page 7, Alternatives, Alternative 2: Issue RWCA Authorizing ORV Trail and Use from KATM-04-137 to KATM-04-136, Mitigating Measures. Modify the first bullet in the wildlife section to read:

*Brown bears and other wildlife occurring within the park should not be approached and a minimum distance of 50 yards should be maintained at all times. All instances of negative interactions with wildlife within the park should be reported to Katmai National Park and Preserve law enforcement personnel.*

Page 7, Alternatives, Alternative 2: Issue RWCA Authorizing ORV Trail and Use from KATM-04-137 to KATM-04-136, Mitigating Measures. Add the following bullet in the wildlife section after the third bullet:

- *The NPS would complete a fish survey on Headwaters Creek within the Olga Lake area prior to trail construction. The creek would be monitored periodically after the construction period to determine the effects on fish and fish habitat related to increased fishing activities.*

Page 8, Alternatives Considered but Dismissed, Headwaters Creek Boat Access from Lake Brooks.

Add the following sentences after the last sentence of the second paragraph in this section:

*Additionally, an attempt was made by park staff to reach the Headwaters Creek inholding by boat from Brooks Lake in June 2019. Low water levels in the creek channel and large amounts of downed spruce prohibited the crew from reaching the inholding.*

Page 11, Affected Environment, Wildlife. Add the following paragraph after the first paragraph in this section:

*Headwaters Creek provides critical spawning grounds for sockeye salmon (*Oncorhynchus nerka*) that migrate from Bristol Bay through Naknek River and Lake, Brooks River and Lake, and up Headwaters Creek each year to complete their natural life cycle. Sockeye salmon spawning in Headwaters Creek represent the majority of those spawning in Lake Brooks and its tributaries. The abundance of spawning salmon supports a healthy population of rainbow trout (*Oncorhynchus mykiss*) which feeds on the salmon eggs, alevin, and fry. Growth rates of rainbow trout have been linked to habitat heterogeneity, and the associated variation in sockeye salmon spawn timing in other streams of the Bristol Bay Region (Ruff et al. 2011). Human impacts that alter relationships between predators, prey, and their shared habitat, could have unintended ecological effects.*

Page 15, Impact Analysis, Wildlife. Add the following paragraph following the final paragraph in this section:

*Providing an alternative means of access to Headwaters Creek could open up the creek to increased pressures from anglers utilizing the creek. Headwaters Creek is an active salmon spawning ground, which also supports a healthy population of rainbow trout. Adverse impacts to fish and fish habitat could occur if increased access generates above-average fishing pressure as anglers occupy the creek and creek banks and remove adult fish from the resident population. This is could be concerning, given the relatively small size of Headwaters Creek and its importance to park resources and values as the major salmon-bearing tributary of Lake Brooks. To address this issue, the Park would increase monitoring of Headwaters Creek fish populations and habitat in order to determine the effects of increased access and potential increases in fishing activities in this area.*

Page 17, Table 2: Summary of Impacts, Wildlife. Add the following bullet in the wildlife section under the “Alternative 2” column:

- *Increased access to Headwaters Creek could result in increased fishing pressure on the creek and could be detrimental to fish and fish habitat.*

Page 18, Cumulative Impacts, Reasonably Foreseeable Future Actions. Remove the first paragraph in this section and incorporate into the “Purpose and Need” section. See errata: Page 1, Purpose and Need.

Page 21, References. Add the following reference immediately following the Public Law 88-577 reference:

*Ruff, Casey P. Temperature-associated population diversity in salmon confers benefits to mobile consumers. Ecology, Vol. 92, No. 11. Pp. 2073 – 2084. Ecological Society of America. 2011.*

General Edit, Throughout EA. All instances where the inholdings are incorrectly referred to as KATM-04-036 or KATM-04-037 will be corrected to read KATM-04-136 and KATM-04-137.

## **Appendix B:**

### **Non-Impairment Finding**

### **On the Environmental Assessment for**

### **Olga Lake Right-of-Way Certificate of Access**

#### **Katmai National Park and Preserve**

A determination of non-impairment is made for each of the resource impact topics carried forward and analyzed in the environmental assessment for the preferred alternative. The following criteria was used as a basis for determining the significance of the resource and whether or not impairment would occur:

- Necessary to fulfill specific purposes identified in the enabling legislation or proclamation of the park;
- Key to the natural or cultural integrity of the park or to opportunities for enjoyment of the Park;
- Identified in the park's general management plan or other relevant NPS planning documents as being of significance.

#### **Soils**

Management for soils is not specifically identified as a purpose in the establishing legislation of the park and is not specifically identified in the park's general management plan as being of significance. Alternative 2 will impact approximately 2.2 acres of soils and will not result in impairment.

#### **Vegetation**

Management for vegetation is not specifically identified as a purpose in the establishing legislation of the park and is not specifically identified in the park's general management plan as being of significance. Alternative 2 will impact approximately 3.0 acres of vegetation and will not result in impairment.

#### **Wildlife**

Wildlife; specifically brown/grizzly bears and salmon, are included in the General Management Plan for Katmai National Park and Preserve, the Foundation Statement for the park, and the park's enabling legislation as a resource of significant value.

“Whereas it appears that the public interest would be promoted by adding to the Katmai National Monument, Alaska, certain adjoining lands for the purpose of including within said monument, additional lands on which there are located features of historical and scientific interest and for the preservation of the brown bear, moose, and other wild animals.”

- President Herbert Hoover, 1931

“Katmai National Monument ... shall be managed for the following purposes, among others: To protect habitats for, and populations of, fish and wildlife including, but not limited to, high



concentrations of brown/grizzly bears and their denning areas; to maintain the water habitat for significant salmon populations; and to protect scenic, geological, cultural and recreational features.”

- ANILCA Section 202 (2)

Alternative 2 will impact wildlife species, including adverse impacts to brown bear and fish in the vicinity of the RWCA corridor. The adverse impacts include increased negative bear-to-human interactions and minor habitat loss and displacement adjacent to the RWCA trail corridor.

Construction and maintenance activities will disturb local wildlife, as will the ongoing operation of the ORV trail. These impacts will be localized around the Olga Lake and Headwaters Creek area of the park and will not result in impairment of these resources.

### **Wilderness**

Management for wilderness is included in the park’s general management plan.

“Section 701 of ANILCA designated 3,425,811 acres of Katmai National Park and Preserve as wilderness and directed that this wilderness be managed in accordance with the Wilderness Act of 1966, except as otherwise expressly provided for in ANILCA.”

- Katmai National Park and Preserve, General Management Plan

Wilderness Recreation is included in the Park’s Foundation Statement and is considered a fundamental resource and value for Katmai National Park and Preserve.

“Wilderness offers visitors the opportunity to experience solitude, mental and physical challenge, and personal enrichment.”

- Katmai National Park and Preserve, Foundation Statement

Alternative 2 will impact wilderness areas, including adverse impacts to each of the five qualities of wilderness character attributed to the issuance of the RWCA. ANILCA established the Katmai Wilderness as well as the requirement to provide access to inholdings. While wilderness qualities in the vicinity of the RWCA corridor would be adversely impacted, these impacts will not result in impairment to the Katmai Wilderness.

### **Conclusion**

In conclusion, as guided by this analysis, good science and scholarship, advice from subject matter experts and others who have relevant knowledge and experience, and the results of public involvement activities, it is the Superintendent’s professional judgment that there will be no impairment of park resources and values from implementation of Alternative 2.