



National Park Service
U.S. Department of the Interior

Denali National Park and Preserve
Alaska


FINDING OF NO SIGNIFICANT IMPACT
Access and Use Request, Ruth Glacier, Mountain House LLC

Recommended:


Donald Striker
Superintendent, Denali National Park and Preserve

8/1/19
Date

Approved:


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

8/6/2019
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 a request for use of NPS lands to access to a 4.99 acre private parcel located on a nunatak (an isolated piece of rock protruding above a glaciated area) on the Ruth Glacier within the Alaska Range of Denali National Park and Preserve. The application for use of park lands included activities that qualify as formal access to inholdings as provided for by the Alaska National Interest Lands Conservation Act (ANILCA). The application also requested activities that are considered special/incidental uses of NPS land that qualify for permitting via a special use permit as provided for by the 1916 NPS Organic Act.

The NPS is required to respond to applications for these requested uses. NPS action is needed to ensure that use(s) determined to be necessary for adequate and feasible access, as identified in ANILCA, are provided for in a Right of Way Certificate of Access (RWCA). NPS response is also needed regarding the request for special/incidental uses of NPS lands.

The scope of the analysis was limited to actions proposed by the applicant. If the applicant were to request additional uses of NPS property, those actions would have to be addressed in a separate application. 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 selected Alternative 2, Issuance of a RWCA, and Special Use Permit. Under Alternative 2, a RWCA will authorize modification and maintenance of a wooden staircase that connects with the existing stairs on the private parcel and descends to a new location on NPS land. The extension of the staircase is needed to provide adequate and feasible access from the glacier to and from the nunatak. As the glacier continues to recede from the nunatak, the staircase extension will allow lodge guests to move between the lodge and glacier safely.

The modified section of the stairs will descend from the private parcel to the glacier, extending onto NPS land for approximately 35 linear feet beyond the south end of the private parcel. The stairs will be three feet wide and affixed into rock via removable metal stakes. The applicant will construct and maintain stairs on NPS land so that they function safely for pedestrian passage, and will remove the stairs if no longer needed. The applicant could limit public access to the stairs at the boundary of their private property.

The NPS recognizes that the changing nature of the glacier may require future modifications to the staircase (e.g., length, location). Small changes could be made through the RWCA with superintendent's approval. Limits on possible changes that could be made without the superintendent's approval will be included in the conditions of the RWCA. Substantial changes would require an amendment to the RWCA and could warrant additional NEPA analysis.

An SUP will allow the applicant to establish a total of two (2) storage areas on the Ruth Glacier. These 15 feet x 15 feet staging areas will be identifiable through the use of wands or flagging and will be documented via written communication detailing their coordinates. The location of the storage areas could change during the season in response to changes to the glacier, while remaining proximal to the landing areas. Relocation of the storage areas greater than 100 feet from the approved location will require permission from the superintendent.

The storage areas will each house one (1) white storage tote (no greater than 48" tall) that will have high visibility wands/flagging. The totes will provide temporary storage for cargo that is transported to or from the glacier via fixed-wing aircraft in support of lodging operations. The applicant proposes to move any cargo from the storage area as quickly as possible to the private parcel, weather and logistics permitting. Staged materials are not restricted to totes and could include a limited quantity of fuels that are needed for lodge operations. Fuels approved to be stored on NPS lands include diesel, propane, motor oil, and glycol in OSHA-approved containers with containment provisions and spill response materials kept at the storage area. Aviation fuels will not be authorized in the storage areas. With the exception of the storage totes, it is expected that cargo and fuels be temporarily stored for no more than 72 hours before being moved to the private parcel.

An SUP will allow the applicant to transport cargo from the nearby airstrip or storage areas to the private parcel using a helicopter sling load operation. Cargo will be transported using a heavy cable that descends from a helicopter. The cable is then hooked to netted cargo while the helicopter is hovering above the materials. Helicopter sling load operations could occur year round, with weekly limits and daily timing (based on type of aircraft being used) set in the SUP.

Rationale

Access to private property surrounded by NPS land in Alaska is governed by ANILCA Section 1110(b), which states that the NPS shall provide adequate and feasible access to privately owned lands that are surrounded by public land. This section of ANILCA also states that these access rights must be subject to reasonable regulation to protect the natural and other values of affected NPS land. The NPS does not regulate the use of the private property.

"Notwithstanding any other provisions of this Act or other law, in any case in which State owned or privately owned land [...] is within or effectively surrounded by one or more conservation system units [...] 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 [...] Such rights shall be subject to reasonable regulations issued by the Secretary to protect the natural and other values of such lands" [ANILCA Section 1110(b)].

Uses of NPS land that are not determined to be necessary for adequate access to private property may be authorized at the discretion of the superintendent under the authority of the 1916 Organic Act. Although such uses may take place in association with activities on private property, they are not necessary for access to private property and are therefore not covered by Section 1110(b) of ANILCA or authorized by a RWCA.

The NPS has selected Alternative 2 as preferred because this alternative authorizes the modification and extension of the staircase, thereby ensuring adequate and feasible access as provided for in ANILCA. Modification of the stairs, as described under Alternative 2, is necessary to ensure that the private parcel could be routinely accessed from the glacier. The stairs in their current condition on the private parcel do not ensure access in some seasons, due in part to changing conditions on the Ruth Glacier.

This alternative reduces impacts to park resources by working with the private property owner to minimize long helicopter cargo flights. By authorizing use for sling load operations at two small storage areas, cargo can be transported by fixed wing with less frequency than would be needed if solely conducted by helicopter.

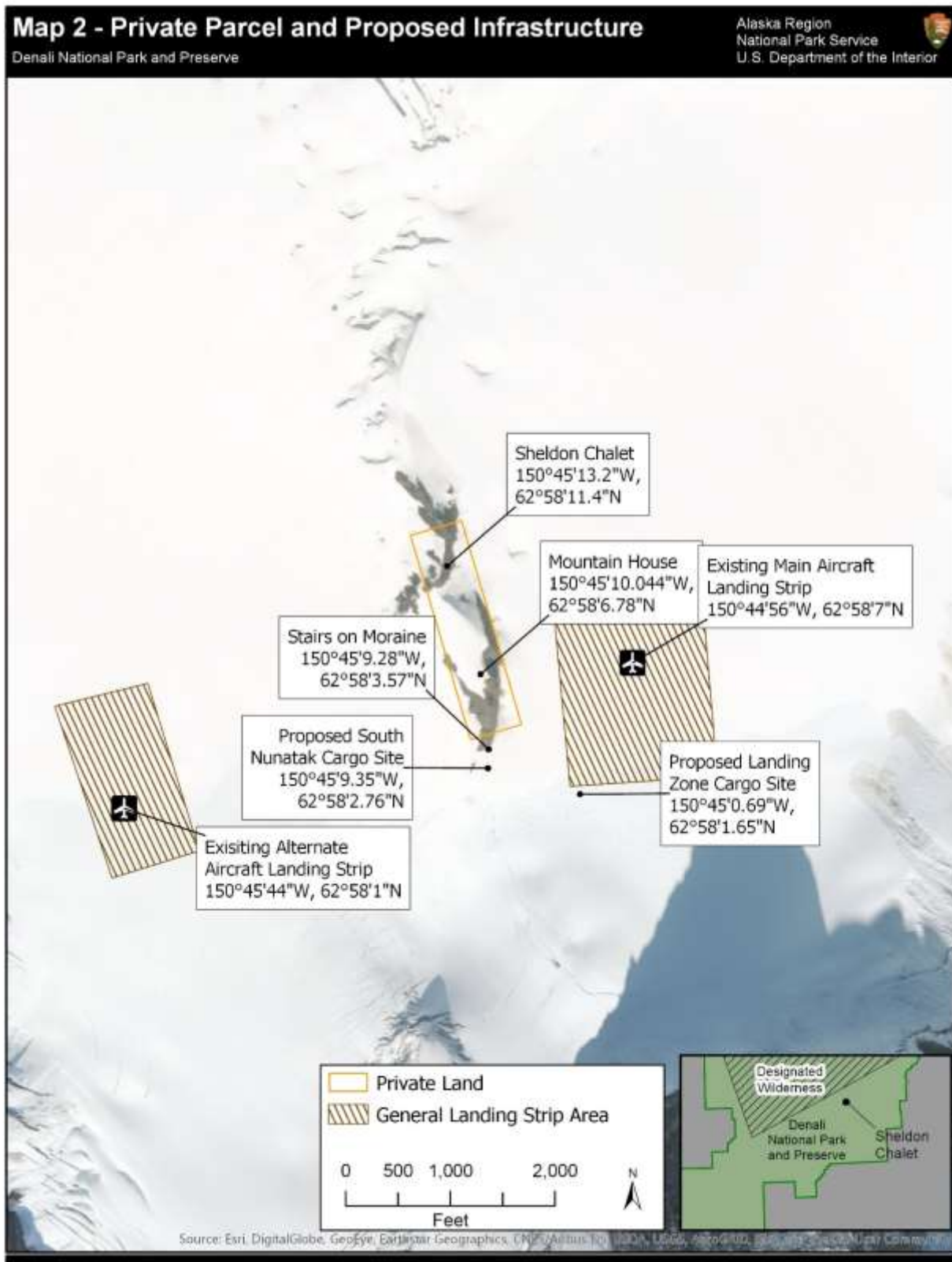
The decision provides the applicant and the NPS with a shared understanding of the permitted activities and the specific location, frequency, and timing with which these activities may occur on NPS lands. The annual review and issuance of an SUP allows the NPS to assess impacts to park resources in a recurring fashion. The conditions found in the RWCA, as well as the SUP, will clarify expectations between the private property owner and the NPS for adequate and feasible access.

In contrast, Alternative 1 does not ensure adequate and feasible access under ANILCA by failing to authorize modification of the staircase to maintain its functionality. Alternative 3 assures adequate and feasible access. However, when considered within the context of the property owner's business plans, Alternative 3 would increase soundscape and other impacts and safety risks because of the need for longer durations of helicopter operations.

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Figure 2. Map 2 from the Environmental Assessment: Mountain House LLC 4.99 Acres



3. Mitigation Measures

The selected alternative incorporates the mitigation measures and many of the draft permit conditions detailed in the EA (Impacts Analysis, pages 15-22). These measures describe specific actions to avoid or reduce impacts to acoustic resources, visitor experience, scenic resources, and wilderness character.

4. Other Alternatives Considered

Alternative 1: Existing Conditions (No Action)

In addition to the selected alternative, the EA analyzed two additional alternatives, including a No Action Alternative, Alternative 1. Under this alternative, additional use of NPS land would not be authorized. Staircase modification, cargo storage and helicopter activity requiring NPS land would not be permitted. The property owner would still be able to access the private parcel via those means otherwise allowed on NPS lands or via ANILCA 1110(a) (fixed wing flights, snow machines, foot traffic) as well as flights directly to the parcel via helicopter from areas outside of the park. Construction of stairs, other support facilities, and storage areas could still occur on private land at the discretion of the property owner.

Alternative 1 was not selected as it fails to provide adequate and feasible access to the private parcel from the glacier.

Alternative 3: Issuance of RWCA only (staircase)

Under Alternative 3, a RWCA would be issued for the construction of the wooden staircase on NPS land. An SUP would not be issued for the establishment of storage areas and helicopter sling load operations.

The RWCA would permit the construction and maintenance of a three-foot wide, wooden staircase, affixed into rock via removable metal stakes rocks on approximately 35 linear feet of NPS land. Small changes to the staircase would require permission from the superintendent and extensive changes could require an amendment to the RWCA, as described under Alternative 2.

Alternative 3 was not selected because of the safety and soundscape impacts that would occur if cargo was only flown directly to the private parcel via helicopter. The amount of helicopter activity would increase since more flights would be needed to move the quantity of materials that could otherwise be flown to the area via fixed wing aircraft. There would also be an increased safety risk as cargo would need to be sling loaded over a larger area of NPS land and in areas of concentrated aviation use.

5. Public Involvement/Agency Consultation

A public review and comment period of the EA was open on the Planning, Environment, and Public Comment (PEPC) website from May 9 – June 20, 2019. Press releases announcing the EA and subsequent extensions of the public comment period were mailed to media outlets, agencies and stakeholders. The EA was available on PEPC and the public was invited to submit comments via mail or through PEPC.

Consultation letters were sent to seven tribes and two Alaska Native Claims Settlement Act corporations. The superintendent was not contacted by any of these corresponding parties to follow up on this particular project. Park staff consulted with the State Historic Preservation Officer who concurred with the park's determination of "No Historic Properties Affected" as well as the State of Alaska ANILCA office.

87 submissions were received via PEPC and mail. The public comments did not change the conclusions of the EA about the environmental effects of the action but did offer substantive feedback, which is addressed in Appendix A of this FONSI.

6. Finding of No Significant Impact

Alternative 2: Issuance of RWCA and Special Use Permit (NPS selected)

The selected alternative will impact approximately 35 feet X 3 feet of NPS land for an extension of an existing staircase onto park land to meet adequate and feasible access requirements under ANILCA 1110(b). A staircase ascending the nunatak is a visible sign of human construction on the landscape and impacts wilderness character.

Additionally, two 15 feet X 15 feet glaciated areas by the landing strips on the Ruth Glacier are approved via an SUP for temporary storage. The SUP will be reviewed and approved on an annual basis to ensure acoustic, visitor experience, and wilderness impacts remain at or below the level analyzed in the EA.

The Backcountry Management Plan (BCMP) acknowledges and allows for "very high" levels of motorized activity within the Ruth Major Landing Area in recognition of the area's unique aviation history and visitor attractions. Allowing helicopter sling load operations to occur year round via an SUP will add direct impacts on acoustic resources. This will result in small increases in exceedance for two of the three BCMP standards during the summer season. Exceedance of standards during the winter months is unlikely. Indirect impacts for acoustic resources proximal to the project area, as well as in locations in other parts of the Alaska Range, may occur if fixed wing operations choose to land in other authorized areas due to the increase of helicopter activity associated with the private parcel.

The NPS intends to re-establish an acoustic monitoring site on the Ruth Glacier in 2020 to better understand current and changing flight patterns. Additionally, an annual fee will be charged to the applicant for monitoring adherence to permit conditions. In addition to placing acoustic monitoring equipment, NPS staff will make no less than three trips to the project area during the busy season (April – July) to ground truth monitoring devices and document impacts to the area.

The monitoring data will be used to inform decisions about subsequent SUP issuance and other approved aviation use in the area. Park managers will analyze overall aviation activity relative to the acoustic standards for the area to inform the authorization of future use levels.

The presence of the storage areas, totes, and cargo will be visible signs of human presence on the landscape. Impacts from similar storage have included debris being left or lost on the glacier, with the potential to pose a safety hazard to visitors and to arriving flights. The storage of non-aviation fuels and other liquid materials carries the potential for spills on the glacier in a heavily used area. The SUP will contain conditions to mitigate these issues. Aviation fuel will not be authorized for storage for any

amount of time. The authorization of helicopter sling loads and storage areas through an SUP allows park management to annually monitor and review activities to manage impacts to park resources.

In summary, the activities requested under Alternative 2 will impact acoustic resources, scenic resources and the visitor experience as visitors witness general development and activity from sling load operations, the storage areas, and the stairs. These impacts are minimized through terms and conditions identified in the RWCA and SUP and are not significant.

The selected alternative will not have significant effects on cultural resources, air quality, floodplains, wetlands, paleontological resources, native grave sites, local community, vegetation and soils, wildlife habitat, or Indian trust resources and sacred sites. 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 ANILCA Title VIII, Section 810(a) summary evaluation and findings. 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.

7. Conclusion

As described above, the selected alternative does not constitute an action meeting the criteria that normally requires preparation of an environmental impact statement. 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 environmental impact statement is not required for this project and, thus, will not be prepared.

List of Appendices:

- Appendix A: NPS Response to Public Comments
- Appendix B: Environmental Assessment Errata
- Appendix C: Non-impairment Determination

Appendix A:

NPS Response to Public Comments

A total of 87 submissions were received during the public comment period for this EA. The summary below includes NPS responses to substantive comment shared in these submissions.

Special Use Permit Justification and Stipulations

Many commenters stated that the EA did not identify a sufficient NPS need for issuing an SUP. Some suggested that the proposed SUP does not satisfy NPS standards for issuing an SUP.

NPS Response:

The 1916 Organic Act establishing the National Park Service provides the park superintendent discretionary authority to authorize special park uses. These authorities are granted to the Superintendent in the 1916 Organic Act and found at USC 100751(a). In issuing an SUP for sling load operations and storage on NPS land, the NPS has followed all guidance from NPS Reference Manual 53.

A special park use is an activity that takes place on park land and provides a benefit to an individual, group or organization, rather than the public at large and requires written authorization and NPS management to protect park resources and the public interest.

The NPS determined that it was safer and provided greater resource protection to use a fixed-wing transport method to move cargo from outside the park to the Ruth Glacier versus long sling loads from outside the park boundary to the inholding. Authorizing these operations via an SUP addresses the applicant's needs, reduces soundscape impacts, limits impacts to park visitors, mitigates safety concerns, and allows the park to adaptively manage these uses.

The applicant needs to move up to 2,000 pounds of cargo materials per fixed-wing trip to their property. This quantity of cargo cannot always be moved expediently (within 24 hours) even if using a snow machine and transporting cargo up the staircase (as authorized by the associated RWCA). Movement of cargo via snow machine is still allowed, but could require storage of more materials on the glacier for a greater length of time than movement via sling load.

NPS believes that the soundscape will be better protected by authorizing sling load operations using a helicopter for the short distance from the storage areas to the inholding. The alternative would be for the inholder to move the same amount of cargo solely using a helicopter but requiring multiple helicopter trips from outside the park boundary directly to the inholding. This option would increase soundscape impacts over a larger area of park and for longer periods of time

Additionally, reducing the need for the applicant to sling load from outside the park boundary would decrease visual impacts to visitors recreating down glacier and in high use areas in adjacent areas such as Backside Lake.

Authorizing sling load operations and storage on NPS lands via an SUP allows the park to monitor these activities and manage them adaptively based on observed effects. An SUP is issued for a limited period and is subject to renewal, revision, or revocation, and includes specific stipulations to mitigate any

potential impacts from the special park use. The NPS is committed to managing these special park uses via an SUP with stipulations that minimize impacts to the environment and the visitor experience.

To reduce interference with the operations of existing NPS concessioners and maintain a healthy and safe environment for other visitors, the two storage areas (15' x 15') will be marked for visibility with wands and/or flagging. The permit holder will annually communicate the current location of storage areas in writing to current Denali National Park and Preserve air taxi concession holders and the superintendent.

Each storage area may contain one storage tote ($\leq 48''$ tall) which must be secured in a manner that prohibits its movement outside of the storage area. All cargo must be secured in a storage tote, helicopter sling bag or net, or packaged and rigged for immediate transport via sling load or snow machine.

To minimize the potential for buried hazards, all cargo areas and storage totes must be excavated within 72 hours following each snow accumulation greater than 12 inches. Any time cargo stored on NPS land cannot be located, the permit holder must report the lost items to the superintendent within 48 hours of the loss.

Storage areas are permitted for year round use. Non-aviation related fuel storage is permitted only under proper storage containment with spill response kits on site.

Soundscape

Some commenters suggested that soundscape monitoring is needed to properly understand acoustic impacts from the activities that would be authorized under the SUP. One commenter said that there is insufficient data regarding helicopter operations to make a decision because the park does not have baseline acoustic data that accounts for new Mountain House operations. One commenter noted that none of the alternatives addressed mitigating the exceeded noise level threshold for Ruth Glacier.

NPS Response:

Denali National Park conducts soundscape monitoring throughout the park every year. Although the Ruth Glacier area did not receive dedicated monitoring immediately prior to the authorization of permitted activities, baseline data for the natural soundscape of this and other areas of the park exist and were included in the Environmental Analysis.

The NPS recognizes that the activities authorized by the SUP will have an effect on the soundscape. In addition to the soundscape monitoring that occurs throughout the park on an annual basis, the NPS will conduct three site visits to the Ruth Glacier every year that an SUP is issued. Sound monitoring equipment will also be installed in the area in 2020 to provide site-specific data about soundscape impacts from the permitted activities.

Because these activities are authorized via an SUP, the NPS will be able to review, modify or deny permits in the future based on observed impacts and to manage these special park uses adaptively. When the permit is up for annual renewal, the terms and conditions of the permit will be reviewed and modified as necessary to ensure protection of the park soundscape and other resources.

Overall impacts to soundscape in this area include noise from commercial aircraft, private aircraft, and the activities authorized in the SUP. Levels of commercial and private aircraft use existing in the area

prior to issuance of the SUP have exceeded soundscape standards established in the Denali National Park 2006 Backcountry Management Plan. Authorizing sling load activities via an SUP will further impact the soundscape of the area, but to a lesser degree than alternative means of cargo transport that the applicant might pursue. Allowing sling loads under an SUP therefore better protects the soundscape of the area than not authorizing such use.

Bringing the entire area into compliance with soundscape standards is outside of the scope of this EA given the impacts to soundscape from existing levels of commercial and private aircraft use. Management of the overall soundscape is a complex issue and may be accomplished by alterations to commercial aircraft contracts, management of private aircraft use, modifying NPS aircraft use of the area, modifying this SUP, or a reexamination of soundscape standards. It is likely that an issue as complicated as soundscape management would require a combination of these and other methods, and denying this SUP or attempting to manage soundscape solely through this SUP would not be sufficient, and is not attempted with this EA and FONSI. The NPS intends to holistically address soundscape management of this area within the next decade.

Precedence

Commenters expressed concern that the SUP for private use of NPS lands creates a precedent for issuing SUPs for the purpose of ensuring a viable business on an inholding.

NPS Response:

A special park use is an activity that takes place on park land and provides a benefit to an individual, group or organization, rather than the public at large and requires written authorization and NPS management to protect park resources and the public interest. The purpose of issuing an SUP for Mountain House LLC is not to ensure the viability of a business. The EA did not find that the activities authorized in the SUP (sling loading from NPS lands and storage on NPS lands) were necessary for the operation of the business. If these activities were necessary for the viability of the business, they would have been recognized as such by a RWCA under ANILCA 1110(b).

Issuance of the SUP is not to ensure the viability of the business on the inholding, but to manage the potential visitor and resource impacts of business-related activity when there are multiple means to conduct that activity. These means have differing levels of resource, safety, and visitor experience impacts. For example, use of NPS lands for sling load operations requires short flights with minimal movement of cargo via helicopter whereas sling loading from non-NPS lands would require long flights over many miles of NPS lands with suspended cargo. The EA found that issuing an SUP for business-related activities minimizes these impacts.

The NPS frequently authorizes special park uses under SUPs across the national park system that accrue benefit to private individuals, including businesses, rather than the public at large. SUPs are also a flexible means of authorizing use of NPS lands that are subject to renewal. Authorizing these uses with an SUP does not commit the NPS to continue authorizing such uses, and allows the NPS to modify the permit if needed to better preserve safety and park resources.

Authorizing sling load operations and storage on NPS lands with an SUP meets the needs of the applicant, minimizes potential resource impacts, preserves safety, maintains the ability of the NPS to manage such uses adaptively, and does not set a precedent.

Safety

Commenters stated that the EA did not address impacts of increased helicopter use permitted by the SUP to aviation safety in the Ruth Major Landing Area.

NPS Response:

Glaciers are dynamic environments, where conditions change both rapidly and over long timeframes. Authorizing helicopter sling load operations and storage to occur on glaciated NPS land may have an impact on the safety of the surrounding area. Potential safety risks include an increase in air traffic in the Ruth Major Landing Area and conflicts with other users, the jettisoning of cargo loads over an active area, the loss of cargo material on the glacier, and storage of fuel and other hazardous materials. Authorizing activities with an SUP provides the NPS flexibility in managing these activities and the ability to adapt the authorized activities to longer-term changes in glacial conditions, preserving safety for the business operator and other users of the area.

Cargo storage and sling load operations, as authorized with an SUP on NPS land, decrease the safety hazard that would otherwise be posed by long-distance sling load operations across many miles of NPS lands. Long distance sling loading, as opposed to authorizing sling loading from the glacier, would increase the acreage of park land exposed to the possibility of an unintended cargo jettison and the geographic extent of soundscape impacts. Authorizing sling loading from NPS lands near the private property minimizes these safety and resource impacts.

The SUP will describe the extent of helicopter operations on NPS land that will be allowed and the timing of those operations, as well as the location and extent of storage areas and the materials prohibited from being stored on NPS land. Each of these SUP stipulations is intended to reduce the potential hazards posed by these activities, and to minimize the potential conflict between these uses and other uses in the area. The additional amount of aircraft activity authorized in this SUP falls within safety standards accepted across the alpine aviation industry, and is not anticipated to substantially impact the safety of the Ruth Glacier area.

Fuel and Waste Storage

Some commenters questioned the necessity and safety of storing fuel and human waste on NPS lands.

NPS Response:

The SUP allows for storage of materials on NPS land, but includes stipulations that manage the type and amount of materials that can be stored and the manner in which they are stored. NPS will allow storage of fuels that support Sheldon Chalet and Mountain House operations, but not other business opportunities originating from the inholding. Human waste, aviation gas, and Jet A fuel are prohibited from being stored on NPS land for any length of time, and remaining fuels and trash must be stored in accordance

with all state and federal laws including the National Fuel Protection Association Gas Code (NFPA 54) and 36 CFR Part 6.

The SUP permitting storage on NPS land incorporates specific stipulations controlling the storage of fuel and waste. These stipulations include:

- Aviation gas and Jet A fuel are prohibited from being stored for any length of time on NPS land.
- Diesel, propane, motor oil, and glycol must all be in labeled, OSHA-approved containers with a spill containment system (e.g., spill containment berm or overpack salvage drum) with spill response materials (absorbent pads and shovels with overpack drums) at the storage area.
- Propane tanks must be stored in compliance with NFPA 54: propane tanks must be secured upright with the cap that they were supplied with on the tank and intact. Propane tanks must be kept at least 25 feet away from flammable liquids.
- All spills must be reported to the park superintendent within 48 hours of the occurrence. Additionally, notification must be made to the Alaska Department of Environmental Conservation in accordance with their reporting requirements.
- Transferring fuel between containers and equipment fueling operations are prohibited on NPS land.
- Cargo that does not fit in storage totes must be bundled immediately and in a manner such that it can be retrieved with a sling load operation or snow machine without additional packaging or preparation. Parking of snow machines is not allowed in storage areas.
- Human waste solids are prohibited from being stored for any length of time on NPS land.
- All trash must be stored in wildlife-safe containers or be immediately transferred to aircraft for removal from the glacier.
- All cargo areas and storage totes must be excavated within 72 hours following each snow accumulation greater than 12 inches to ensure that spill containment is maintained and items are not lost in snowpack.

The NPS will regularly monitor and evaluate storage area locations, functionality, and impacts and the adherence to SUP conditions, and will investigate any reported concerns.

Lack of Notification

Some commenters said that the NPS did not provide sufficient notice of the EA for comment.

NPS Response:

As described in the FONSI, Section 5, Public Involvement / Agency Consultation, the notice alerting the public to the comment period was sent to media networks and outlets throughout Alaska. The comment period was extended from three weeks to a total of six weeks at the formal request of the applicant and members of the public. Notice of extension of the comment period was also sent to media networks and park stakeholders throughout Alaska.

Impacts to Wilderness Character

Commenters expressed concern that the activities authorized via SUP and RWCA would impact the wilderness character of the area.

NPS Response:

ANILCA guarantees access to private property owners on federal lands in Alaska and requires the NPS to provide adequate and feasible access with reasonable regulation to inholders. The MRA (Minimum Requirements Analysis) associated with this EA and FONSI provides for the construction of a staircase to meet access guaranteed by ANILCA. Although the No Action Alternative in the MRA would create the least impact to wilderness character, the NPS determined that the No Action Alternative would not meet the landowner's access needs which are guaranteed under ANILCA 1110(b). Therefore, MRA Alternative 3 (staircase only) is the MRA selected alternative because it meets the landowner's access needs while creating the least impact to wilderness character.

While Alternative 3 (staircase only) is the MRA selected alternative, the NPS determined that it is in the interest of park natural resources to authorize sling loading and storage of materials on the glacier with an SUP. Doing so limits the impact from helicopter operations to the natural soundscape of the park and allows the park to manage such uses adaptively based on observed effects.

Furthermore, the Ruth Glacier and Don Sheldon Amphitheater are not within designated wilderness; the area is recognized by NPS as eligible wilderness. NPS policies state that eligible wilderness is to be managed in a manner that does not impair its eligibility for wilderness designation. Although the uses authorized by RWCA and SUP in this FONSI may have temporary impacts to some aspects of wilderness character, they do not impair the eligibility of the area for wilderness designation.

Appendix B:

Errata on the Environmental Assessment for Access and Use Request, Ruth Glacier, Mountain House LLC

This errata section provides clarifications, modifications, or additional information to the EA and to the selected alternative, Alternative 2: Issuance of RWCA and Special Use Permit. This appendix documents the following amendments to the existing EA and a revised EA will not be released.

Page 1, Background. Add another sentence from ANILCA and add background information:

ANILCA Section 1110(b):

“... Such rights shall be subject to reasonable regulations issued by the Secretary to protect the natural and other values of such lands”

The NPS is required by this section of ANILCA to recognize the rights of inholders to access their private property, and a Right of Way Certificate of Access (RWCA) formally acknowledges this. The NPS does not regulate the use of private property. This EA analyzes requested access as well as regulation of access that would protect NPS lands.

Uses of NPS land that are not determined to be necessary for adequate access to private property may be authorized at the discretion of the superintendent under the authority of the 1916 Organic Act. Although such uses may take place in association with activities on private property, they are not necessary for access to private property and are therefore not covered by Section 1110(b) of ANILCA or recognized in a RWCA.

Page 7, Alternative 2: Issuance of RWCA and Special Use Permit (NPS Selected). Replace the 8th sentence of the 2nd full paragraph to say:

No storage would be allowed on the glacier without a permit from the superintendent (36 CFR 13.906).

Page 8, Alternative 3: Issuance of RWCA only (staircase). Replace the first full sentence to read:

No storage would be allowed on the glacier without a permit from the superintendent (36 CFR 13.906).

Page 8, Table 1: Summary of Alternatives and Direct and Indirect Impacts. Modify the language of the first bullet for Alternative 2 under Direct and Indirect Impacts to Visitor Experience & Scenic Resources to:

Up to 40 additional sling load round-trip flights above park land per week at approximately four minutes each.

Page 9, Table 1: Summary of Alternatives and Direct and Indirect Impacts. Remove the following language from the 2nd bullet points for Alternative 1 and Alternative 3 under Direct and Indirect Impacts to Visitor Experience & Scenic Resources:

(temporary storage up to 24 hours as generally permitted to public still possible)

Appendix C:

Non-Impairment Determination

A determination of non-impairment is made for each of the park resource-related impact topics carried forward and analyzed in the environmental assessment for the preferred alternative. The park's Foundation Statement 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, or
- Key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or
- Identified in the park's general management plan or other relevant NPS planning documents as being of significance.

Wilderness

Wilderness is among the park's fundamental resources and values as identified in Denali's Foundation Statement. The construction of a removable 3 X 35-foot linear staircase extension on NPS land will affect wilderness character by allowing new development in an eligible wilderness area. However, the staircase will also provide adequate and feasible access as required under ANILCA to structures on private property. The storage areas and sling load activities will be adaptively managed under authorization through an SUP on an annual basis. The activities within NPS management control will not result in impairment to wilderness values and will not impair the eligibility of the area for wilderness designation.

Soundscape

The park's natural soundscape, and its contribution to visitor enjoyment and wilderness character, was formally documented in the 2006 Denali National Park and Preserve Backcountry Management Plan. The current aviation activity at the Ruth Major Landing Area exceeds management standards for the desired condition of this portal. An increase of aviation activity to the private parcel is likely to occur regardless of the NPS authorization of sling load operations. However, the SUP conditions and concession contract operating plans will allow the NPS to actively manage the new and existing soundscape impacts to the area caused by aviation. The activities within NPS management control will not result in impairment of the soundscape resource in the Ruth Major Landing Area.

Scenic Resources and Visitor Experience

Scenic resources and their contribution to visitor experience are also one of the park's fundamental resources and values. The SUP will allow the presence of the storage areas, totes, and cargo, which will be visible signs of human presence on the landscape. Visitors will also witness localized activity from sling load operations. These localized, reversible activities will not result in impairment of the scenic resource or visitor experience.

Conclusion

In conclusion, as guided by the analysis presented in the EA, 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 the proposed action, conducted with the mitigation measures identified as part of Alternative 2, will not result in impacts to park resources and values that constitute impairment.