

**National Park Service
U.S. Department of the Interior**

**Lake Clark National Park and Preserve
Alaska**



Finding of No Significant Impact

**Management of Off-Road Vehicles near Port Alsworth
Environmental Assessment**

July 2008

Recommended:


Superintendent, Lake Clark National Park and Preserve


Date

Approved:


Regional Director, Alaska


Date

FINDING OF NO SIGNIFICANT IMPACT

Management of Off-Road Vehicles near Port Alsworth Lake Clark National Preserve, Alaska July 2008

The National Park Service (NPS) prepared an environmental assessment (EA) to evaluate a proposal to designate existing trails for off-road vehicle use in the woodlots near Port Alsworth, Alaska in Lake Clark National Preserve.

The NPS has selected Alternative 3 (NPS Preferred Alternative) to designate trails in the Port Alsworth area of Lake Clark National Preserve for ORV use that provide primary and secondary access to tree harvest areas in the woodlot.

An appendix to the FONSI provides the NPS's responses to substantive comments received during the comment period. An errata sheet found at the end of this document details changes made to the EA.

ALTERNATIVES

Three alternatives were evaluated in the EA.

Alternative 1, No Action Alternative

Under the no-action alternative 3.51 miles of existing trails in the Port Alsworth area of Lake Clark National Preserve would continue to be used by off-road vehicles to support firewood collection and other activities.

Management of the existing trails would remain unchanged. Trail maintenance and marking would not be undertaken.

Alternative 2

Alternative 2 would designate trails in the Port Alsworth area of Lake Clark National Preserve for ORV use that provide primary access to tree harvest areas in the woodlot. This alternative would authorize ORV use on 1.54 miles of existing trails. ORV use off designated trails would be prohibited. Designated trails would be open to ORV use for any purpose. The designation of ORV trails would be authorized through special regulations in accordance with 36 CFR 4.10.

The NPS would delineate open trails on the ground and would post those trails not opened with obvious markings identifying them as closed to ORV use.

Generally each designated trail would be inspected and receive some basic annual maintenance. Existing trails are in good to fair condition so maintenance would be expected to be minimal. Closed trails would be allowed to revegetate naturally.

Alternative 3, NPS Preferred Alternative

Alternative 3 would designate trails in the Port Alsworth area of Lake Clark National Preserve for ORV use that provide primary and secondary access to tree harvest areas in the woodlot. This alternative would authorize ORV use on 2.22 miles of existing trails. ORV use off designated trails would be prohibited. Designated trails would be open to ORV use for any purpose. The designation of ORV trails would be authorized through special regulations in accordance with 36 CFR 4.10.

As a condition of the woodcutting permit, the NPS would establish a 25-foot buffer on each side of all primary (main) trails where cutting standing timber would not be allowed (timber gathering and other subsistence activities could still occur within the buffer).

The NPS would delineate open trails on the ground and would post those trails not opened with obvious markings identifying them as closed to ORV use.

Generally each designated trail would be inspected and receive some basic annual maintenance. Existing trails are in good to fair condition so maintenance would be expected to be minimal. Closed trails would be allowed to revegetate naturally.

PUBLIC INVOLVEMENT

To initiate this EA process, notice of the project was published on the NPS Planning, Environment and Public Comment (PEPC) website. During the scoping period, NPS consulted with the State of Alaska, the Subsistence Resource Commission in Port Alsworth, and the Port Alsworth Improvement Corporation regarding the project's purpose and need, potential alternatives, and the EA schedule.

The EA was issued for public review and comment from May 13, 2008 to June 13, 2008. The EA was sent to 18 government agencies, tribal entities, interest groups and individuals. The EA was posted on PEPC. The park issued a press release about the availability of the EA and the open comment period on May 15, 2008. Three written comments were received on the EA.

The public comments did not change the conclusions in the EA about the environmental effects of the preferred action

DECISION

The NPS decision is to select Alternative 3 (NPS Preferred Alternative) and mitigating measures along with the following alternative clarification. As a condition of the woodcutting permit issued pursuant to 36 CFR 13.485 (a)(1), the NPS would establish a 25-foot buffer on each side of all primary (main) trails where cutting standing timber of a diameter greater than 3 inches at ground height would not be allowed timber gathering. Noncommercial gathering of dead or downed timber and other plant materials, cutting timber of a diameter less than 3 inches at ground height, and other subsistence activities could still occur within the buffer.

Mitigating Measures

Cultural Resources. The project area will be surveyed for cultural resources. If any are identified they will be evaluated for eligibility to the National Register of Historic Places and if necessary trails would be rerouted to assure that no historic properties are adversely affected.

If cultural resources are discovered during trail maintenance activities, work would be halted at the discovery site, the discovery would be protected and the Lake Clark Superintendent or Chief of Cultural Resources would be notified. The site would be evaluated for eligibility for the National Register of Historic Places. Appropriate action would be taken to avoid adverse effects to any eligible cultural properties.

Rationale for the Decision

The selected alternative will satisfy the purpose and need of the project better than other alternatives because it provides the best balance of protecting park resources and values and providing reasonable access to the woodlots. The selected alternative provides an additional 0.68 mile of ORV access over Alternative 2 with minimal additional impacts since the existing trails are in good or fair condition.

Alternative 1 (No Action Alternative) would not minimize adverse impacts to protect park resources and values, and Alternative 2 would create a burden to local residents accessing timber resources because they would have to walk farther to harvest timber.

Significance Criteria

The preferred alternative will not have a significant effect on the human environment. This conclusion is based on the following examination of the significance criteria defined in 40 CFR Section 1508.27.

(1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

The selected action will create minor adverse impacts to subsistence firewood harvest; vegetation and soils; and natural, aesthetic, and scenic values. None of these impacts are significant.

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

The selected action will not affect public health or safety.

(3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetland, wild and scenic rivers, or ecologically critical areas.

The selected action will not significantly affect any unique characteristics of the Preserve.

(4) The degree to which effects on the quality of the human environment are likely to be highly controversial.

The effects on the quality of the human environment would not be highly controversial. Neither the number of comments received on the EA during the public comment period, nor their content, indicate that a high level of controversy exists regarding the proposed action.

(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The effects of the selected alternative do not involve unique or unknown risks. Residents of Port Alsworth have been operating ORVs on these trails since before the Preserve was established.

(6) The degree to which the action may establish a precedent of future actions with significant effects or represents a decision in principle about a future consideration.

The selected alternative would not set a precedent of future actions.

(7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

The action is not related to other actions that will amount to cumulatively significant impacts on the environment.

(8) Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

The degree or possibility that the action may cause loss or destruction of known scientific, cultural, or historic resources is low enough that cultural resources were dismissed as an impact topic in the EA.

(9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

No federally designated or candidate threatened or endangered animal or bird species are known to occur within Lake Clark National Preserve, and none are anticipated to be affected by the proposed project. No species proposed for listing occur in the Preserve, nor is there critical habitat.

(10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The action will not cause a violation of any Federal, State, or local law or requirements for environmental protection.

FINDINGS

The levels of adverse impacts to park resources anticipated from the selected alternative will not result in an impairment of park resources that fulfill specific purposes identified in the establishing legislation or that are key to the natural or cultural integrity of the park.

The selected alternative complies with ANILCA and 2006 NPS Management Policies. There will be no significant restriction to subsistence resources or activities as documented by the Alaska National Interest Lands Conservation Act, Title VIII, Section 810(a) Summary Evaluation and Findings.

The National Park Service has determined that the selected alternative does not constitute a major federal action significantly affecting the quality of the human environment. Therefore, in accordance with the National Environmental Policy Act of 1969 and regulations of the Council on Environmental Quality (40 CFR 1508.9), an environmental impact statement is not needed and will not be prepared for this project.

ATTACHMENT A

NPS RESPONSES TO PUBLIC COMMENTS AND ERRATA
for the
Management of Off-Road Vehicles near Port Alsworth
Lake Clark National Preserve, Alaska

This attachment amends the subject environmental assessment (EA) and provides NPS responses to public comments.

PUBLIC COMMENTS

The NPS received three public comments: one from an agency and two from organizations.

Described below are the substantive comments and the NPS response. 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 1503.4).

State of Alaska

Comment 1. While we understand the Service intends to promulgate regulations at the end of the planning process to formally designate trails and restrict off-trail ORV use in the Woodlot area, consistent with the approach taken for the Cantwell Traditional Use Area at Denali National Park and Preserve, this intent is not explicit in the EA. Because this type of restriction constitutes a closure to subsistence access under ANILCA Section 811(b), we request the FONSI both confirm this intent and explain that the notice and hearing requirements pursuant to 36 CFR 13.460 will be incorporated into the regulation process.

NPS Response: The NPS does intend to implement the trail designations through a rulemaking process as has been done in several park areas, among them Denali National Park and Glacier Bay National Preserve. In addition to the opportunity for public comment during the NEPA process, the rulemaking process will also include an opportunity for additional public notice and comment.

Comment 2. The EA indicates that cutting standing timber within the 25-foot buffer on each side of all primary trails would not be allowed. It also states this restriction would not apply to timber gathering and other subsistence activities within the buffer. While we understand the Service only intends to apply this restriction to timber resources subject to a woodcutting permit, as currently worded, it appears the restriction for cutting applies to *all* standing timber within the buffer zone. We request the FONSI make that distinction and clarify that existing Service regulation at 36 CFR 13.485 will still apply in the buffer as elsewhere; and that cutting standing timber of a diameter less than 3 inches at ground height, will still be allowed without a permit.

To illustrate our understanding of how 36 CFR 13.485 would apply to the buffer, we offer the following revision for page 7 of the EA: As a condition of the woodcutting permit issued pursuant to 36 CFR 13.485 (a)(1), the NPS would establish a 25 foot buffer on each side of all primary (main) trails where cutting standing timber of a diameter greater than 3 inches at ground height would not be allowed (Noncommercial gathering of dead or downed timber and other plant materials, cutting timber of a diameter less than 3 inches at ground height, and other subsistence activities could still occur within the buffer).

NPS Response: The NPS has added a paragraph to clarify the conditions of the woodcutting permit (see the Errata section).

Comment 3 (Page 19, Introduction, second paragraph, second to last sentence). To be more consistent with the cited regulation and not give the impression that all firewood cutting requires a permit, we request a correction to the following sentence in the FONSI: Subsistence firewood gathering is allowed and certain firewood cutting requires a permit is permitted under NPS regulations (36 CFR 13.485)

NPS Response: The requested language has been included in the FONSI to clarify Alternative 3 (also see the Errata section).

Comment 4 (Page 2, Park Purposes and Significance, last paragraph, third sentence). The only form of “commercial hunting” allowed in the State of Alaska is commercially guided hunting. We request a correction to the following sentence in the FONSI: Subsistence hunting, general hunting, and commercially guided hunting occur throughout the park and preserve depending on eligibility.

NPS Response: This clarification is reflected in the ERRATA.

Organizations

Comment 5 (Sierra Club, National Parks Conservation Association). Incorporate forest management. Under Alternatives 2 and 3, ORV trails are designated, others are closed, and then the park takes a hands-off approach, leaving woodcutting and gathering completely unrestricted. While prior to the establishment of the former monument and subsequent preserve the area was considered to be a “woodlot,” the area is now national preserve forest, and has to be managed in accordance with the guidelines standards set forth by Congress in ANILCA.

Under forest management, preservation of forest diversity to the maximum extent practicable would be the standard. In cooperation with subsistence users, selective logging would replace the opportunity for clear cutting at the user’s option, an option available under the EA’s three alternatives. If the logging is for house logs or other construction, logging during times of adequate snow cover would be encouraged, in order to reduce damage to the forest under story and the OVR designated trails.

There could be other use such as recreational riding. This needs to be recognized in the EA and discussed. We agree that use by only 15 families does not put a huge burden on the trail system,

but as population grows, the possibility that the trail system could be seen by some as a place to recreationally race around on an ORV needs to be fully and adequately addressed. Carrying this concern further, we would like NPS to address additional parameters to managing the trails other than just location on the ground. Time of day (sunset to sunrise doesn't limit much), speed limits, and weight of vehicle are all parameters that we would encourage NPS to consider as a way to ensure this trail system remains primarily access to firewood and house log harvest rather than a place to send a teenager with nothing else to do. This is especially important given the recognition in the EA that this trail system is used by visitors to access the park beyond the woodlot. The potential impacts to park visitors from meeting an ORV on this trail could be mitigated through time of day and speed restrictions.

NPS Response: The purpose of this EA is to designate existing trails for ORV use. The NPS believes that existing regulations and permit conditions address the concerns raised in these comments. The woodlot is effectively managed through stipulations associated with the woodcutting permit. Stipulations include a harvest limit and size requirement. NPS is committed to protecting park resource values and preventing impairment of the same.

Since it is stated in the EA that designated trails would be open to ORV use for any purpose, the analysis in the EA assumes that ORV use for recreation could occur. Existing regulations on motor vehicle operation, including speed limits, would continue to apply. 36 CFR 4.10 (2) and (3) also address these concerns by prohibiting operation of a motor vehicle in a manner that causes unreasonable damage to the surface of a park route, and by prohibiting use ½ hour after sunset to ½ hour before sunrise without activated lights.

Comment 6 (National Parks Conservation Association). The two alternatives suggest that closed trails would be allowed to revegetate naturally. How long will that take? Is there the possibility of doing a rehabilitation project with the local school? Is this a project RTCA could participate in? This could be developed into both an educational opportunity for the school and community as well as speeding up the rehabilitation of closed trails. We request that the EA more fully consider aspects pertaining to the revegetation of closed trails, as well as alternative approaches for the rehabilitation project including those identified above.

NPS Response: As described in the EA, closed trails would be allowed to revegetate naturally. The NPS agrees that involving the local school could provide a valuable educational opportunity.

ERRATA

This errata section provides clarifications, modifications or additional information to the EA and to the selected alternative, Alternative 3. These amendments do not significantly change the analysis of the EA and, therefore a new or revised EA is not needed and will not be produced.

1. Page 7, Alternative 3, NPS Preferred Alternative: The following paragraph has been added to the text.

As a condition of the woodcutting permit issued pursuant to 36 CFR 13.485 (a)(1), the NPS would establish a 25 foot buffer on each side of all primary (main) trails where cutting standing timber of a diameter greater than 3 inches at ground height would not be allowed (timber gathering. Noncommercial gathering of dead or downed timber and other plant materials, cutting timber of a diameter less than 3 inches at ground height, and other subsistence activities could still occur within the buffer). [clarification]

2. Page 19, Introduction, second paragraph, second to last sentence: The following sentence has been added to the text.

Subsistence firewood gathering is allowed and certain firewood cutting requires a permit is permitted under NPS regulations (36 CFR 13.485). [clarification]

3. Page 2, Park Purposes and Significance, last paragraph, third sentence: The following sentence has been added to the text.

Subsistence hunting, general hunting, and commercially guided hunting occur throughout the park and preserve depending on eligibility. [clarification]

Figure 3. Project Area, Alternative 3

Lake Clark National Preserve

Alaska Region
National Park Service
U. S. Department of the Interior



Legend

- Designated Trails with Buffer, Alt 3
- Designated Trails, Alt 3
- ORV Trails Non-NPS Lands
- Kontrashibuna Trail
- Private Lands
- Native Group, PAT/IC
- National Preserve



National Park Service
Lake Clark National Park
GIS Team

0 0.125 0.25
Miles

Alaska Albers Projection on the
North American Datum 1983

