



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

**Lake Clark National Park and Preserve
Interior Region 11 – Alaska**

FINDING OF NO SIGNIFICANT IMPACT CRESCENT LAKE VISITOR IMPROVEMENTS

Recommended:

Susanne Green
Superintendent, Lake Clark National Park and Preserve

Date

Approved:

M. Sarah Creachbaum
Regional Director, Interior Region 11 – 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 project to develop the Crescent Lake Visitor Improvements in Lake Clark National Park and Preserve (LCNPP, the park), Kenai Peninsula Borough, Alaska.

The statements and conclusions reached in this Finding of No Significant Impact (FONSI) are based on documentation and analysis provided in the EA (NPS 2023a), Response to Comments (Appendix A), Non-Impairment Determination (Appendix B), and associated decision file. To the extent necessary, relevant sections of the EA are incorporated by reference below.

Two alternatives were analyzed in the EA: 1) the No Action Alternative, where the NPS would not install the public outhouse and construct the 150-foot trail accessing it. The 650-foot of trail would not be constructed to provide alternative access routes to the Crescent Lake ranger cabin; and 2) the Proposed Action Alternative, and NPS Preferred Alternative to install a public outhouse and construct a 150-foot access trail from the Crescent Lake shoreline. The NPS would also construct a 650-foot trail providing 2 additional access routes to the Crescent Lake ranger cabin.

This project is available on the NPS Planning, Environment, and Public Comment (PEPC) website at: <https://parkplanning.nps.gov/CrescentLakeImprovements>.

2. Selected Alternative and Rationale for the Decision

The Authorized Officer, Regional Director of the Alaska Region, NPS has decided to authorize the Proposed Action as described in the EA (NPS 2023a, p. 7) and summarized below, because it best meets the purpose and need for action without causing significant impacts on park resources. The selected alternative is based on consideration of impacts to recreation and visitor use, vegetation and soils, wildlife, consultation with tribes and Alaska Native Claims Settlement Act (ANSCA) Corporations, the State Historic Preservation Office (SHPO), and public comments.

The selected alternative will install a public outhouse and construct a 150-foot access trail from the Crescent Lake shoreline. The NPS will also construct a 650-foot trail providing 2 additional access routes to the Crescent Lake ranger cabin.

The outhouse access trail will be a 5-foot-wide brushed path providing adequate visibility and walking space, while maintaining some vegetation screening to maintain the viewshed. The vegetation will be brushed and trimmed to ground level, but no soil disturbing tread work will occur. The outhouse will utilize an excavated pit approximately 3-foot by 3-foot and 5-foot-deep. The outhouse structure will be wooden with dimensions of 4-foot by 4-foot and approximately 8-foot-tall. Vegetation surrounding the outhouse will be cleared creating a buffer of similar width to the trail.

The 650-foot ranger cabin access trail will start from 2 locations where shoreline floatplane access and beaching are not limited by rocks or prevailing wind conditions. The trail will be 5-feet-wide with the vegetation brushed and trimmed to ground level. The trail tread will not be improved, and the existing soil and ground cover will remain in place with no soil disturbance occurring.

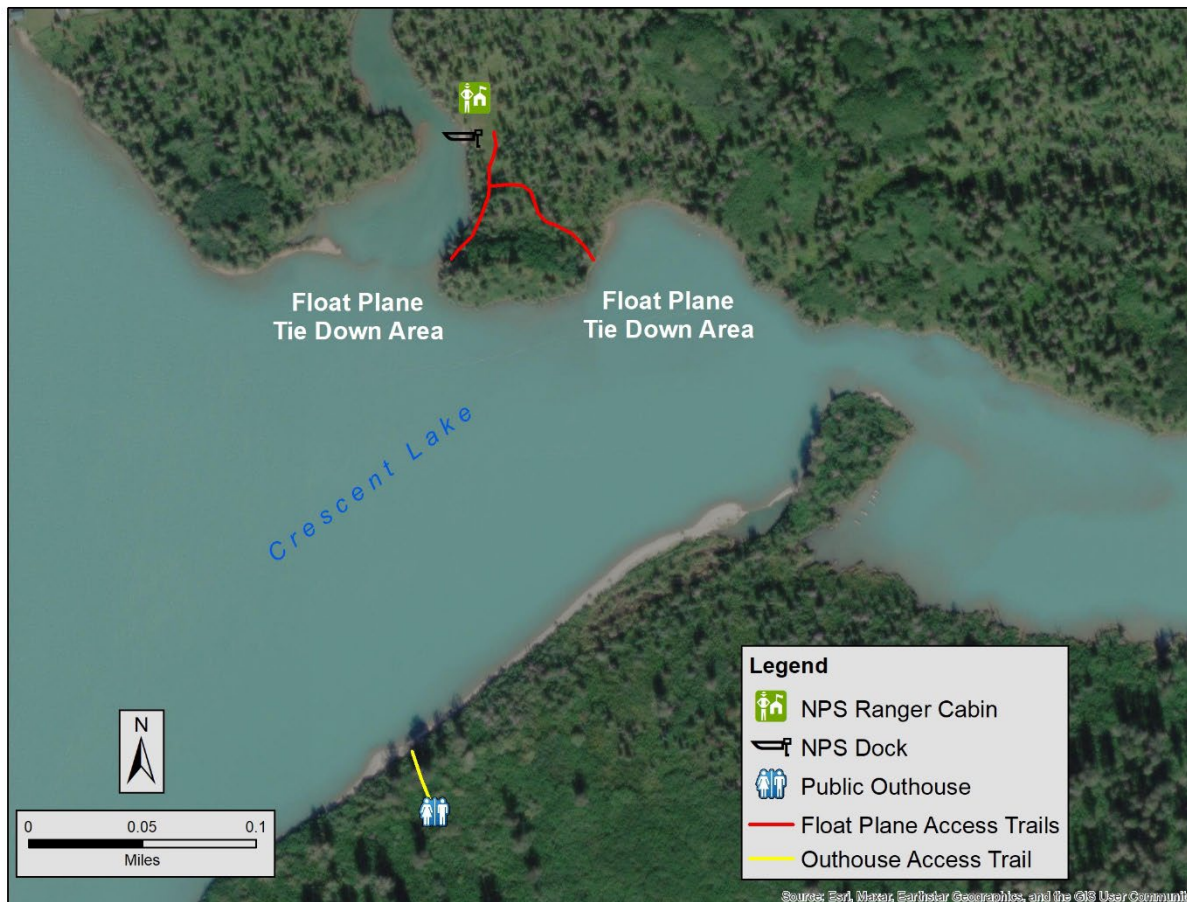
NPS staff will complete all work. The outhouse will be constructed offsite, disassembled, flown to the site, and reconstructed. The outhouse pit will be excavated by shovel and the outhouse structure reassembled with small battery powered tools. A combination of power and hand tools will be used for the brushing of all trails. Chainsaws may be used to complete the initial brushing of the trail route. Work will take place in late summer over a 1-month period and the total ground disturbance for all work will be approximately 0.1-acres to establish the trails and outhouse site. During project implementation, if excavating the outhouse pit exposes cultural resources, work will be stopped, the park archeologist will be notified immediately, and additional archeological testing will be conducted.

Rationale

The selected alternative best meets the project purpose to improve visitor amenities by improving sanitation and to provide safe access to the ranger cabin for park staff and aircraft operating at Crescent Lake (NPS 2023a, p. 7) (figure 1). Installation of the public outhouse and associated access trail will enhance visitor experience and lessen environmental impacts of human waste on the area. With the addition of an outhouse, CUA operators will no longer be required to transport all human waste from the field (NPS 2023a, p.13). Sanitation issues will be reduced in the lake outlet area with diminished human waste in the area (NPS 2023a, p 13). The need for visitors to navigate dense brush with poor visibility to find an appropriate spot to relieve themselves will be lessened with the public outhouse, reducing the possibility for negative bear-human interactions (NPS 2023a, p. 13). Safe access for the NPS floatplane and staff to the ranger cabin throughout the summer season will be established with 2 plane beaching locations and the trail accessing them from the ranger cabin (NPS 2023a, p. 14). Increasing LCNPP staff presence and ability to manage the area to respond to safety incidents and increase visitor contacts will result from the improved park access to the ranger cabin (NPS 2023a, p. 14).

The outhouse installation and all trail construction are expected to take 1-month in late summer of 2023 (NPS 2023a, p. 14). Noise from equipment will be heard in the lake outlet area during construction and vegetation clearing, adding to the existing noise created by aircraft and boats used to support visitation to the area. It is not expected that visitors will be displaced, or their access altered by the work near the ranger cabin and outhouse location (NPS 2023a, p. 14).

Figure 1. Selected Alternative: Install a Public Outhouse and Construct an Outhouse Access Trail and Ranger Cabin Access Trail



3. Potentially Affected Environment and Degree of the Effects

The selected alternative will not have a significant adverse impact on the human environment. This conclusion is based on the following examination of the relevant significance criteria defined in 40 CFR Section 1501.6. The NPS reviewed each of these criteria given the environmental impacts described in the EA (NPS 2023a, Chapter 3).

3.1 Potentially Affected Environment

The project area is composed primarily of open mixed forest, closed alder, and willow shrub (NPS 2023a, p. 11). These landcover types are among the most common in the Crescent Lake basin, comprising over 13,225 acres. The installation of the outhouse and all trail construction will remove 0.1-acres of vegetation, and have an inconsequential impact on the distribution, quantity, and persistence of these vegetative communities (NPS 2023a, p. 15).

In accordance with the Endangered Species Act of 1973, the NPS conducted informal consultation with the U.S. Fish and Wildlife Service (USFWS) through the Information for Planning and

Consultation Online System, which was initiated on May 2, 2023 to determine if threatened and endangered species occur within the proposed project area. No listed species were identified. Therefore, the selected alternative will not adversely affect any listed threatened or endangered species or critical habitat.

The LCNPP archeologists conducted Phase 1 archeological testing of the outhouse site and a pedestrian survey along the trail alignments in July 2022 and consulted with the SHPO, per 54 U.S.C. 306108 (formerly known as Section 106 of the National Historic Preservation Act) and its implementing regulation, 36 CFR 800. No evidence of cultural materials was uncovered during the excavation or the pedestrian reconnaissance. It is unlikely that cultural resources would be disturbed by the outhouse installation or trail-building activities. Concurrence of “No Historic Properties Affected” for this project was received from the SHPO on January 27, 2023. During project implementation, if work exposes cultural resources, work will be stopped, the park archeologist would be notified immediately, and archeological testing will be conducted (NPS 2023a, p. 9).

3.2 Degree of Effects

As described in the EA, (NPS 2023a, 8-9), the selected alternative has potential beneficial and adverse impacts—both short and long-term—associated with recreation and visitor use, vegetation and soils, and wildlife. There are no wild and scenic rivers, ecologically critical areas, wetlands, or floodplains in the project area (NPS 2023a, 8-9).

No significant impacts to resources that will require analysis in an environmental impact statement were identified.

The selected alternative does not establish a precedent for future actions with significant effects nor does it represent a decision in principle about a future consideration. All elements of the selected alternative are common management actions conducted in NPS units.

In the context of determining significance, “controversial” refers to circumstances where a substantial dispute exists as to the environmental consequences of the proposed action and does not refer to the existence of opposition to a proposed action, the effect of which is relatively undisputed (43 CFR Part 46.30). Throughout the EA process, no environmental impacts associated with the selected alternative have been identified as controversial. The NPS conducted internal and external outreach and provided a public comment period on the EA (June 22-July 19, 2023). Comments were solicited from tribes, Alaska Native Claims Settlement Act (ANCSA) corporations, and the public. The NPS received and responded to three substantive comments (Appendix A). The NPS considered these comments when finalizing the EA and determining the FONSI.

As analyzed in the EA, the anticipated impacts to the human environment are not highly uncertain or unique and do not involve unknown risks. Resource conditions in the project area are well known and the anticipated impacts from implementing the selected alternative are understood based on NPS experience with similar projects.

Recreation and Visitor Use. During the outhouse installation and trail construction activities, noise will be created by equipment and heard in the lake outlet area. As described in the EA, the impacts from noise will be short-term (it will occur across 1-month period) (NPS 2023a, p. 14) and will add little to the existing noise created by aircraft and boats used to support visitation to the area. Therefore, there will be no significant impacts caused by noise from project activities.

Long-term benefits include improved sanitation and reduced likelihood of surprising a bear and creating a negative bear-human interaction from the public outhouse and access trail. Increased park staffing presence will improve the response to safety incidents and increase visitor contacts.

Vegetation and Soils. Removal of approximately 0.1-acre of vegetative cover will likely result in long-term adverse impacts to the local plant community, although the impacts would have a negligible impact on overall species survival of affected vegetation and the vegetative communities in which they are found.

The short-term impact of 0.1-acre of vegetation removal will result in adverse effects to trees and shrubs (NPS 2023a, p. 14). This effect will not result in significant impacts because these vegetation communities are common across the landscape and there are no sensitive or listed vegetation species that will be adversely affected by this disturbance.

Wildlife. The installed outhouse and constructed trail will adversely affect wildlife by bisecting intact habitat, removing vegetation, impacting wildlife movement, and causing disturbance. This will cause both short- and long-term adverse impacts to some wildlife species, varying in impact depending on their ability to adapt to the habitat alteration. The removal of 0.1-acre of vegetation will result in long-term adverse impacts to small mammals and birds through loss of habitat. The loss of habitat will be small, 0.1-acre, and the prevalence of this habitat type in the Crescent Lake basin will have a negligible impact on populations of these species. The 1-month construction period will have the short-term adverse impacts, displacing wildlife in the immediate area that will be disturbed by the activity. This disturbance will include bears using the area. Displacement is not expected to last beyond the construction period, so no long-term adverse impacts are anticipated from disturbance. Long-term impacts of the new trails will be to open routes for travel, and some bear use of the trails is to be expected. The outhouse installation will improve waste management and will have the positive short- and long-term impacts through diminishing the likelihood of negative bear-human encounters by limiting bear exposure and access to human waste, which can be a bear attractant.

3.3 Effects on Public Safety

Public safety is not expected to be affected by the construction activities in the Crescent Lake area. Visitors typically do not frequent the area surrounding the NPS ranger cabin and work in the proposed outhouse location will not displace visitors. While work is occurring signage will be posted onsite notifying the public of the construction activity occurring as well as postings on the park website and social media outlets. During construction, there will be noise heard from equipment in the lake outlet area. The noise created during construction will not differ from the noises of boats and

aircraft used to support visitation in the area during summer. These impacts will be short-term and constrained in time and space to areas adjacent to the construction. The selected alternative will result in long-term positive impacts on public safety and visitor experience.

4. Public Involvement and Agency Consultation

The park initiated consultation with the SHPO regarding the proposed project following the Phase 1 archeological testing of the outhouse site and pedestrian survey along the trail alignments conducted in July 2022. The testing found no evidence of cultural remains during the excavation or pedestrian reconnaissance and determined it would be unlikely to disturb cultural resources during outhouse installation and trail-construction activities. The SHPO concurred with LCNPP's finding of "No Historic Properties Affected" for this project on January 27, 2023.

The park initiated Tribal Consultation with letters and email correspondence sent to Cook Inlet Region, Inc. (CIRI), the Native Village of Tyonek, the Seldovia Village Tribe, the Salamatof Tribal Council, and the Kenaitze Indian Tribe on January 4, 2023, with a second round of correspondence sent on March 13, 2023. CIRI responded and indicated they did not want to consult at this time. No other responses were received. The park will distribute the FONSI to these parties, and will continue to provide them with project updates.

The park provided a public comment period on the EA through the Planning, Environment, and Public Comment (PEPC) site from June 22 – July 19, 2023. Two submissions that resulted in three substantive comments were received through PEPC and the park e-mail (Appendix A). The NPS considered these comments when finalizing the EA and determining this FONSI. Through internal and public review, the NPS made minor improvements to the EA, which serves as the final EA documentation for this FONSI.

5. Conclusion

As described above, the selected alternative will affect recreation and visitor use, vegetation and soils, and wildlife. The NPS found these effects would not have the potential for significant impacts, as described above. Additionally, based on the Non-Impairment Determination, the NPS concluded the proposed action will not result in impacts to park resources and values that constitute impairment (Appendix B).

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.

As disclosed in the EA and this FONSI, the selected alternative does not violate any federal, state, or local environmental protection laws.

Based on the foregoing information, it has been determined that an EIS is not required for this project and, thus, will not be prepared.

6. References

National Park Service. 2023a. Crescent Lake Visitor Improvements Environmental Assessment.
National Park Service. Anchorage, Alaska.

Appendix A: Response to Public Comments

On June 22, 2023, the NPS released the Crescent Lake Visitor Improvements EA for public review and comment. The EA was available for public review until July 19, 2023. The NPS accepted comments through the NPS's online PEPC system and via email.

A total of two submittals were received from the public during the public review period. All correspondences are maintained in the project decision file. The two submittals resulted in three substantive comments. A comment is a portion of text within a submittal that addresses a single subject or issue. One comment focused on alternatives, while another focused on the capacity of the pit for the outhouse, and the other focused on the adequacy of the five-foot perimeter clearing.

Comments received did not warrant any modifications to the alternatives, issues, or analysis in the EA. Therefore, an errata is not included to inform a final decision. However, some commenters raised concerns, questions, or other issues regarding the EA. These comments and concerns are addressed below.

Responses to public comments address substantive comments that were received during the public review period. The NPS NEPA Handbook (2015) defines substantive comments as those that:

1) question, with reasonable basis, the accuracy of the information in the NEPA document; 2) question, with reasonable basis, the adequacy of the environmental analysis; 3) present reasonable alternatives other than those presented in the NEPA document; or 4) cause changes or revisions in the proposal.

Three comments were identified as substantive and responses are provided below.

1. **Comment Summary:** The State of Alaska comments that the EA action alternative proposes two float plane tie-down areas along the shore of Crescent Lake near existing Park facilities. The Alaska Department of Natural Resources (ADNR) asserts management authority for state lands (including the land, water, tidelands, and shorelands of navigable waters within the State). This authority includes management of navigable waters, tidelands, and shorelands within and adjacent to the boundaries of federal lands, including conservation system units created under the Alaska National Interest Lands Conservation Act (ANILCA). The State of Alaska considers Crescent Lake to be navigable for title purposes and state-owned. The EA does not discuss whether these tie-down areas will include new water-based infrastructure to facilitate access to the uplands. We remind the park that any infrastructure proposed below ordinary high water on Crescent Lake may require authorization from ADNR's Division of

Mining, Land, and Water (DMLW). The Park should contact DMLW to determine if authorization is necessary.

Response: The NPS does not intend to have any infrastructure below the ordinary high water line as part of the aircraft tie-down areas. Aircraft will be secured to vegetation or infrastructure on the uplands of the tie-down areas.

2. Comment summary: The commenter questioned if the size of the outhouse would be sufficient for the existing and expected increasing visitation of the area and how the outhouse would be associated with the proposed boat storage area.

Response: A 55-gallon drum will be placed in the pit below the outhouse. Based on experience with the same size drum in other areas of the park, it is expected to last 5-8 years before reaching capacity. Once the drum reaches capacity, a new drum will be installed and the same outhouse will continue to be used. The outhouse may be utilized by concessioners who have boat storage, but there is no direct link between the outhouse and proposed boat storage. The boat storage would be southwest of the outhouse location. The NPS has analyzed and addressed the cumulative impacts of the boat storage in relation to this project (NPS 2023a, p. 13).

3. Comment summary: The commenter questioned if a 5-foot perimeter clearing is adequate to eliminate surprise and potential negative human-bear interactions.

Response: Visitors should remain aware that there are bears in LCNPP and that they may encounter bears at any time. Visitors should practice bear safety, such as making noise and travelling in groups. The 5-foot perimeter will improve upon the current, non-existent buffer and the 5-foot perimeter is comparable to existing outhouse buffers in the park, such as at Silver Salmon Creek. The 5-foot perimeter will provide an adequate buffer, especially in conjunction with visitors practicing bear safety.

References

National Park Service. 2015. National Environmental Policy Act Handbook. U.S. Department of the Interior, National Park Service, Washington, D.C.

National Park Service. 2023a. Crescent Lake Visitor Improvements Environmental Assessment. National Park Service. Anchorage, Alaska.

Appendix B: Non-Impairment Determination

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

A determination of impairment is made for each of the resources carried forward and analyzed in the EA. Impairment is an impact that—in the professional judgement of the responsible NPS manager—will harm the integrity of park resources or values, including the opportunities that otherwise will be present for the enjoyment of those resources or values. An impact will be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is:

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park,
- key to the natural or cultural integrity of the park, or
- identified as a goal in the park’s general management plan or other relevant NPS planning documents.

An impact will be less likely to constitute an impairment if it is an unavoidable result of an action necessary to pursue or restore the integrity of park resources or values and cannot be further mitigated.

The Crescent Lake Visitor Improvements EA (NPS, 2023a) incorporates mitigation measures and Best Management Practices, therefore reducing or eliminating effects to several resources.

The NPS has determined that trail construction and improvement will not result in impairment of park resources and values. An impairment determination is made for the resource impact topics analyzed in detail for the selected alternative, except for recreation and visitor use. Recreation and visitor use are not considered park resources and therefore do not apply to impairment determinations. Non-resource topics are not assessed for impairment, and this determination applies only to NPS lands and resources and has been rendered solely by NPS management.

Vegetation and Soils. Vegetation and soils are not identified as a specific purpose in the establishing legislation of the park and are not specifically mentioned in LCNPP’s general management plan as central to maintaining the park’s significance. Up to 0.1-acre of vegetation will be directly impacted through removal during outhouse installation and trail construction. The vegetation in the affected

area is common and found throughout the park and does not include any endangered or protected species. The loss of vegetation will not impact the park's ecosystem. Through mitigation measures, the level of disturbance from the selected alternative will not result in impairment to vegetation and soils.

Wildlife. The selected alternative will have short- and long-term impacts to wildlife. The trails will divide habitat, limiting movement of some species. The relatively short trail segments through common habitat types within the Crescent Lake basin will not result in an impairment to wildlife populations. Wildlife will be disturbed by the noise and activity of construction causing displacement and resulting in short-term negative impacts. To mitigate disturbance to wildlife during sensitive periods, primarily bird nesting, the work will be conducted outside of this period. Brown bears are specifically mentioned in the enabling legislation of LCNPP and are common in the area. The work to install and construct the outhouse and trails will displace bears in the short-term. Long-term the improvements to human waste management will have positive impacts through diminishing the likelihood of negative bear-human encounters by limiting bear exposure and access to human waste. Through mitigation measures, the short duration of disturbance, and small loss of common habitat the project will not result in impairment to wildlife.

SUMMARY

The NPS has determined that the installation and construction to create the Crescent Lake Visitor Improvements will not constitute an impairment of the resources or values of LCNPP. As described above, the Crescent Lake Visitor Improvements is not anticipated to impair resources or values that are essential to the purposes identified in the enabling legislation of the park, key to the natural or cultural integrity of the park or identified as significant in the park's relevant planning documents. This conclusion is based on consideration of the park's purpose and significance, a thorough analysis of the environmental impacts described in the EA, the comments provided by the public and others, and the professional judgment of the decision-maker guided by the NPS Management Policies (NPS, 2006).

References

National Park Service. 2006. Management Policies 2006. U.S. Department of the Interior, National Park Service, Washington, D.C.