



**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 CONCESSIONS AND LAND USE ASSIGNMENT**

Recommended:

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Susanne Green  
Superintendent, Lake Clark National Park and Preserve

Date

Approved:

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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 implement concession contracts and year-round boat storage at Crescent Lake 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 2023), 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 transition Crescent Lake sport fishing and bear viewing visitor services from being managed through commercial use authorizations (CUA) to concession contract; and 2) the Proposed Action Alternative, and NPS Preferred Alternative, where the NPS will issue up to eight 10-year concession contracts for guided sport fishing and bear-viewing with an associated land assignment for year-round boat storage and install anchors in the uplands for attaching one boat per contract. The boat storage area will be cleared to ground level, totaling 0.05 acres of vegetation.

This project is available on the NPS Planning, Environment, and Public Comment (PEPC) website at: [ParkPlanning - Prospectus - Guided Sportfishing, Bear Viewing and Other Services with Associated Boat Storage at Crescent Lake \(nps.gov\)](https://www.nps.gov/planning-prospectus-guided-sportfishing-bear-viewing-and-other-services-with-associated-boat-storage-at-crescent-lake).

## 2. Selected Alternative, Rationale for the Decision, and Mitigations

The Authorized Officer, Regional Director of the Alaska Region, Interior Region 11, NPS has decided to authorize the Proposed Action as described in the EA (NPS 2023, 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 and wildlife, and in consultation with tribes and Alaska Native Claims Settlement Act (ANSCA) Corporations, and the State Historic Preservation Office (SHPO).

The selected alternative will authorize up to eight concession contracts for guided sport fishing and bear-viewing at Crescent Lake. The concession contracts will be for a 10-year period. As part of the contracts, the NPS will issue a land assignment for year-round boat storage and install anchors in the uplands for attaching one boat per contract on NPS lands.

The area designated for boat storage will be approximately 0.05 acres in size and capable of accommodating up to eight boats that measure up to 20-feet in length and 95-inches in width each.

The boat storage area will be northeast of the public outhouse location, screened within the willow-alder shrub community. The vegetation will be cleared through brushing, trimming, and cutting to ground level, which will not require any soil disturbing tread work. Shrubs will be retained on the perimeter of the storage area to provide a natural screening to protect the viewshed. Annual brushing and trimming with hand tools during the summer will be required to maintain the open area. Boat anchors will be driven into the ground approximately two feet below the surface in the uplands along the eastern lake edge of storage area using a hammer and steel driving rod.

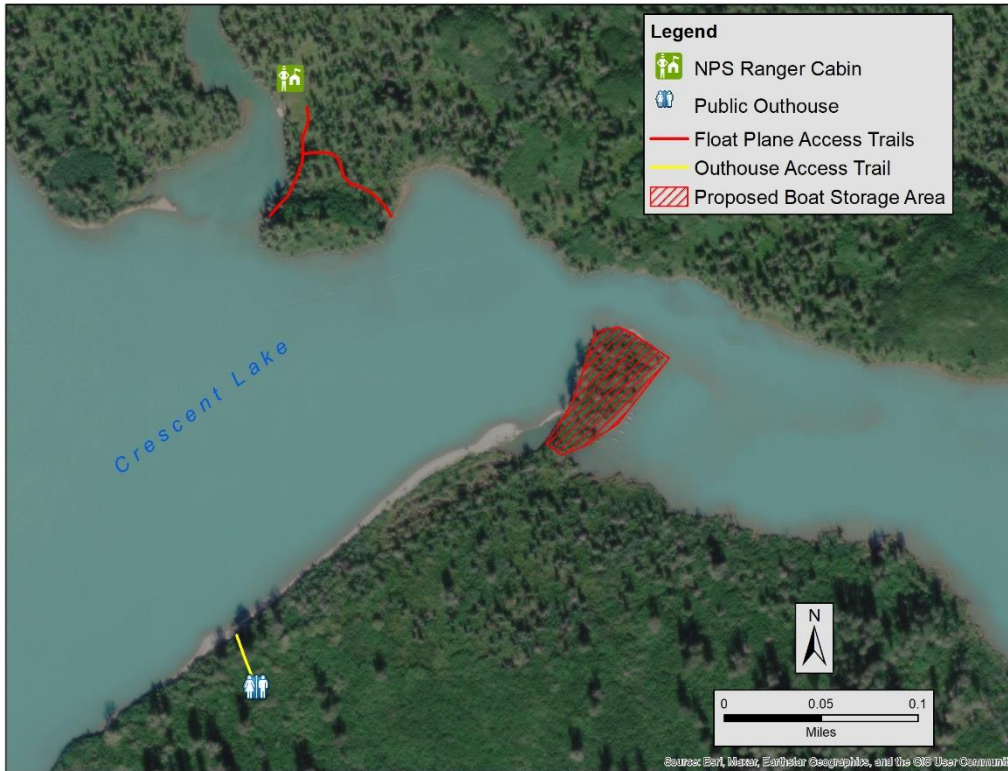
### **Rationale**

The selected alternative best meets the project purpose to apply the appropriate authorizing tool, concession contracts, to manage current and future visitor services and protect park resources (NPS 2023, p.7). Concession contracts will provide increased NPS control of commercial operations, allowing the NPS to address levels of visitation, visitor safety issues, and resource degradation concerns (NPS 2023, p.2). The land use assignment for year-round boat storage will reduce the operator burden of transporting boats to this remote site.

### **Mitigations**

The NPS prioritizes avoiding, minimizing, and mitigating potentially adverse environmental impacts. Therefore, LCNPP will implement multiple mitigation measures and best management practices to protect natural and cultural resources as well as the visitor experience. These measures and practices are described in detail in the EA and are incorporated by reference.

- During construction the area will be closed to the public. The park will send out notifications to CUA holders that the area is closed and place temporary signage or flagging to indicate the closed area.
- During project implementation, if cultural resources are exposed, construction will stop, the park archeologist will be notified immediately, and archeological testing will be conducted.
- Construction activities will be conducted in accordance with the requirements of the International Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act (NPS 2023, p. 14).



**Figure 1 Selected Alternative: Construct Boat Storage Land Use Assignment Area at Crescent Lake in Lake Clark National Park and Preserve.**

### **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 2023, Chapter 7).

#### **3.1 Potentially Affected Environment**

Crescent Lake is one of the most popular locations for visitation in LCNPP, with visitors primarily accessing the site via CUA operators that provide aviation services and guided recreation opportunities. One lodge, Redoubt Mountain Lodge, occupies an inholding near the lake outlet and provides lodging and guided recreational opportunities. The primary recreational activities at Crescent Lake are sport fishing and bear viewing. Visitation at Crescent Lake primarily occurs during the summer, between June and September, with the highest levels of visitation occurring most years in July and August. Most fishing and bear viewing activity occurs near the lake outlet where salmon are targeted by anglers and bears as they are moving into the lake and its headwaters to spawn. Boats and aircraft are needed to support visitation and the high use creates conflict and safety

concerns. The high visitation in conjunction with high seasonal bear density makes human-bear interactions common. Currently, there is no authorized boat storage on NPS lands at Crescent Lake. Park infrastructure is limited to a public outhouse and access trail and an administrative use only ranger cabin for park staff in support of operations that include visitor contacts and responding to safety incidents.

The proposed project area is composed primarily of open mixed forest and willow shrub, with open mixed forest crown closure between 25-60 percent. Primary tree species include paper birch (*Betula papyrifera*) and balsam poplar (*Populus balsamifera*). Willows (*Salix spp.*) and alder (*Alnus spp.*) are the primary shrub species in the area. Ground cover is comprised of sparse grass, forbs, rock, and leaf litter from the overstory. The physical geography of the area is classed as upland and riverine with an underlying rocky soil texture. There are no wetlands in the project area (NPS 2023, p. 9).

The forest and shrub communities in the project area support a variety of bird species. Brown and black bears are found throughout the Crescent Lake drainage, with high use of the area from mid-June through September when salmon are present in the river and lake. Other wildlife that may inhabit the project area include wolves, red fox, wolverine and various small mammals including porcupine, shrews, and voles (NPS 2023, p. 12).

Construction of the boat storage area will remove up to 0.05 acres of vegetation. The existing ground cover is sparse and predominantly rocky, but any ground cover present will remain in place. Shrubs trimmed will include primarily alder and willow resulting in loss understory and canopy species, thus altering vegetation communities. The rocky nature of the area will lessen the impact of installation of boat anchors. The vegetation is typical of the area and the removal of up to 0.05 acres of vegetation will not be expected to impact plant species at a population level as the disturbance will be localized to the construction site and the species affected are common throughout the Crescent Lake area. There could be permanent displacement of insects and small mammals, as well as temporary displacement of small and large animals during construction activities, but there will not be impacts to population levels (NPS 2023, p. 14-15).

### **3.2 Degree of Effects**

As described in the EA, (NPS 2023, p. 7-9), 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 2023, p. 9).

No significant impacts to resources that will require analysis in an environmental impact statement (EIS) 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 (September 18 to October 17, 2023). Comments were solicited from tribes, ANCSA corporations, and the public. The NPS received and responded to nine substantive comments (Appendix A). The NPS considered these comments when determining the FONSI, and one comment resulted in a change to the EA. The change clarified “wilderness” as “NPS wilderness” in Figure 2 (NPS 2023, p.4).

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.** The creation of up to eight concession contracts for guided sport fishing and bear-viewing at Crescent Lake will transition the management of visitor services from CUA operators. Concession contracts will be 10-years in length, providing a longer-term contract for the contract holders. Park oversight on operations will increase resulting in more rigorous operational planning, thorough risk management planning, environmental audits, annual inspections, and annual financial and operational reporting for the concession contract holders. These changes will lessen the potential for issues surrounding visitor safety, bears obtaining food from visitors, and commercial operators being near bears.

The land assignment associated with each contract will provide for year-round boat storage and provide anchors in the uplands for attaching one boat on NPS lands during the summer period of operation. The burden on operators to remove boats from the area during the winter will be alleviated and a safe and accessible way of securing a boat during the summer made available.

The construction of the boat storage area and installation of the anchors will take place in the late summer of 2024 over a one-month period. The boat storage area will be brushed and vegetation trimmed to ground level using both hand and power tools. Noise from equipment will be heard in the lake outlet area during vegetation clearing. This noise will add to the existing noise created by aircraft and boats used to support visitation to the area. The shrub understory will be retained around the boat storage area to limit potential impacts to the viewshed. Construction activities will not impact visitor access in the Crescent Lake area as visitor use of the proposed boat storage area is limited so visitors will not be displaced. However, the area will be closed to the public during construction activities. The park will send out notifications to CUA holders that the area is closed and place temporary signage or flagging to indicate the closed area.

**Vegetation and Soils.** Brushing and trimming approximately 0.05 acres of vegetative cover will likely result in long-term adverse impacts to the local plant community, although the impacts will

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 up to 0.05 acres of brushing and trimming will result in adverse effects to trees and shrubs from loss of understory species, and small trees, thus altering vegetation communities (NPS 2023, 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. Ground disturbance will be limited to the installation of the boat anchors and the rocky substrate; soils will not be disturbed (NPS 2023, p. 14).

**Wildlife.** The construction activities will adversely affect wildlife by impacting intact habitat, removing vegetation, impacting wildlife movement, and causing disturbance. These activities will therefore 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 up to 0.05 acres of vegetation loss will result in long-term adverse impacts to insects, small mammals, and birds through loss of habitat.

The loss of habitat will be up to 0.05 acres and the prevalence of this habitat type in the Crescent Lake basin will have a negligible impact on populations of these species.

Bear use of the area will not be expected to change dramatically with the construction of the boat storage area. Noise and activity during construction may temporarily displace bears and other wildlife from the immediate area but no long-term adverse impacts are anticipated from disturbance. Bear use is concentrated along the shoreline as it provides efficient travel and direct access to salmon and the boat storage area would open an area facilitating bear movement, so some limited bear use would be expected. The transition to concession contracts will improve NPS oversight and strengthen the operational and safety planning requirements of contract holders, leading to improvements in visitor safety, reductions in the potential of bears and other wildlife obtaining food from visitors, and adherence to best bear viewing practices.

### **3.3 Effects on Public Safety**

Public safety is not expected to be affected by the construction activities from this project. During construction the area will be closed to the public. The park will send out notifications to CUA holders that the area is closed and place temporary signage or flagging to indicate the closed area.

People visiting Crescent Lake may be able to hear noises associated with vegetation clearing activities. Noise associated with vegetation clearing for this project will be short-term, localized, and will cease after the boat storage area is cleared. (NPS 2023, p. 7)

The selected alternative will result in long-term positive impacts on public safety as the transition to concession contracts will improve NPS oversight and strengthen the operational and safety planning requirements of contract holders. Improved operational and safety planning will lead to

improvements in visitor safety, reduce the potential of bears and other wildlife obtaining food from visitors, and lessen visitor impacts on bears through adherence to best bear viewing practices.

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

LCNPP archeologists conducted Phase 1 archeological testing of the area 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, by letter on December 21, 2022. 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 creation of a boat storage area. 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 will be notified immediately, and archeological testing will be conducted (NPS 2023, p. 9).

The park initiated Tribal Consultation with letters and email correspondence sent to Cook Inlet Region Incorporated (CIRI), Native Village of Tyonek, Seldovia Village Tribe, Salamatof Tribal Council, and Kenaitze Indian Tribe on August 2, 2023. CIRI responded and indicated they did not want to consult at this time. No other responses were received from other tribes or Alaska Native Corporations. 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 PEPC site from September 18 – October 17, 2023. There were seven submissions or comments received through PEPC or park e-mail, that resulted in nine substantive comments (Appendix A). One comment resulted in a change to the EA and is incorporated in the final EA. The change clarified “wilderness” as “NPS wilderness” in Figure 2 (NPS 2023, p.4).

## **5. Conclusion**

As described above, the selected alternative will affect recreation and visitor use, vegetation and soils, and wildlife. The NPS found these effects will 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 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. 2023. Crescent Lake Concessions and Land Use Assignment Environmental Assessment. National Park Service. Anchorage, Alaska.

## Appendix A: Response to Public Comments

On September 18, 2023, the National Park Service (NPS) released the Crescent Lake Concessions and Land Use Assignment Environmental Assessment (EA) for public review and comment. The EA was available for public review until October 17, 2023. The NPS accepted comments through the NPS's online Planning, Environment, and Public Comment (PEPC) system and via email.

A total of seven submittals were received from the public during the public review period. All correspondences are maintained in the project decision file. The seven submittals resulted in nine substantive comments. A comment is a portion of text within a submittal that addresses a single subject or issue. Comments received focused on the need to convert Commercial Use Authorizations (CUAs) to concessions, the ability of concessions to address site issues, and clarification of land designation.

Comments received did not warrant any modifications to the alternatives, issues, or analysis in the EA. However, one change was made to Figure 2, clarifying NPS wilderness and this change is reflected in the final EA. Therefore, an errata is not included to inform a final decision. Some commenters raised concerns, questions, or other issues regarding the EA.

Responses to public comments address substantive comments that were received during the public review period. The NPS National Environmental Policy Act (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.

Nine comments were identified as substantive, and responses are provided below.

1. **Comment Summary:** Several commenters questioned the need to transition from CUAs to concessions and its restriction on services in places with little traffic.

**Response:** Given the number of CUAs that provide sport fishing and bear-viewing services, it is expected that a high level of interest in the concession contracts will exist. The improved level of NPS oversight that concession contracts require will strengthen the operational and safety planning requirements of concession contract holders, improving visitor safety and lessening impacts to natural resources. As the EA noted, the Crescent Lake area has seen a substantial increase in visitation over the last ten years with a particular increase in the last

five years. Given the small space where float planes and boats tend to land, take off, and take visitors this increased visitation and number of operators does cause visitor safety and resource impact concerns. With the increased interest in the area, the issues noted in the EA would be expected to continue and increase if a transition to a concession contract model is not adopted.

2. Comment Summary: A commenter questioned allowing commercial use in the park and the need for additional development with its requirement for long-term maintenance.

Response: With no road access, most visitors are dependent on commercial services to provide transportation to Lake Clark National Park and Preserve (LCNPP). Private companies are authorized to provide necessary and/or appropriate services to park visitors that the park does not provide directly, such as guided sportfishing and bear viewing services as well as air taxi services. The National Park Service Concessions Management Improvement Act of 1998 (title IV of Public Law 105-391, as amended and codified at 54 U.S.C 101911-101926) is the law that outlines the requirements under which commercial services may be authorized in a National Park unit. Guided sport fishing and bear viewing services have been determined to be both necessary and appropriate for the public use and enjoyment of Crescent Lake within LCNPP. The development of a year-round boat storage area does increase maintenance needs. This storage area is projected to be minimal in nature and by providing a year-round boat storage area for concessioners will minimize the transportation of boats by reducing the need for operators to biannually transport boats to this remote site, thereby reducing risk, air traffic, sound impacts, and visual impacts to the area.

3. Comment summary: A commenter stated that reducing fish and wildlife violations, user conflicts, and minimizing safety concerns are all appropriate goals. However, the EA does not document the extent of the violations, conflicts, and safety issues in the area. The commenter is concerned that, over time, limits on guide allocations through concession contracts could effectively curtail general public access to the park.

Response: Violations, conflicts, and safety issues at Crescent Lake have been consistently reported to park staff as well as observed directly by park staff over the last ten years with an increase in the number of these issues in the last three years. Disclosing violations, conflicts, and safety issues in detail in the EA would not change the proposed action, conclusions, or lead to more informed decision making, and therefore was not included. There are no limitations to the numbers of the public visiting Crescent Lake being proposed by the EA. The only restriction is the number of commercial operators authorized to provide guided visitors with sport fishing and bear-viewing services with associated boat storage.

4. Comment summary: A commenter stated the State of Alaska will continue to manage commercial uses on the State-owned submerged lands at Crescent Lake and the Crescent River and that that NPS's actions apply only to their uplands (NPS lands above the ordinary high-water mark).

Response: The concession contracts awarded will apply to the uplands that are within NPS jurisdiction. While the State of Alaska has asserted jurisdiction over Crescent Lake, a navigability determination has not been completed so ownership of the submerged lands underlying the lake is unresolved. Nonetheless, the NPS will continue to work cooperatively with the State of Alaska at this location to ensure visitor safety and protection of resources.

5. Comment summary: A commenter stated that the EA does not discuss Alaska National Interest Lands Conservation Act (ANILCA) Section 1307, which provides a preference for certain visitor service providers (local residents and Alaska Native corporations) and for some guided activities. The commenter stated that the preference in ANILCA Section 1307 would apply to bear viewing and other guided activities. The commenter recommends including the preference provisions of Section 1307 in the Errata Sheet and the forthcoming concession prospectus.

Response: As described in ANILCA Section 1307(b), preference shall be given to the Native Corporation which the Secretary determines is most directly affected by the establishment or expansion of that Conservation System Unit (CSU) and give preference to persons determined to be local residents for applicable activities within the prospectus and selection process. Preferred operators, Native Corporations, and local residents are defined in 36 CFR 13.305. 36 CFR 13.315-13.316 further delineates how this preference is determined and factored into the award process of concession contracts if the number of visitor services authorized is to be limited. Sport fishing and hunting guided activities are excluded as applicable activities by Section 1307(b).

6. Comment summary: A commenter stated the purpose and need statement only discusses the switch from managing Crescent Lake sport fishing and bear viewing visitor services through a CUA to concession contracts. There is currently no discussion of the construction of the boat storage area. The commenter requested the NPS revise the purpose and need, highlighting what need is being addressed by this project, alternative ways of meeting the need, the environmental impacts of alternatives, and the results of the analyses used to determine the preferred alternative. The commenter also requested the NPS provide additional data and analysis to support the perceived capacity issues at Crescent Lake and clarify how the NPS determined up to eight contracts is the appropriate number for the area.

Response: Temporary boat storage was previously authorized under the CUA model. The need for year-round boat storage was requested by commercial operators for the reasons stated in the EA. Year-round boat storage where boats are stored on the uplands around Crescent Lake under a land assignment can by law only be authorized by the NPS under a concession contract or lease. As the purpose and need section includes reference to land assignments and a further clarification that the land assignments include boat storage (NPS 2023, p. 6), there is no need to amend the purpose and need statement to reflect this. In addition, the NPS proposes to clear an area of up to 0.05 acres and install up to eight boat anchors but does not propose any boat storage construction facilities. Construction of the boat storage area in the EA (NPS 2023) refers to clearing of vegetation and installation of up to 8

boat anchors only. While the commenter suggested revising the purpose and need to find alternative ways to meet the need, no alternatives were suggested by the commenter.

The administrative workload required under a concession contract is not substantially different than under a CUA with similar preseason and post season requirements. Ten-year contracts have more stability and financial certainty rather than the two-year term authorized under a CUA. This reduces some of the administrative burden on both the commercial operators and NPS. Additionally, operators would only need to compete every ten years versus every one to two years due to the laws governing the term limits of the two authorizations (NPS 2023, p.2). Concession contracts would enable the park to have more stringent requirements on operations and make evaluations of services and certain verifications of safety mandatory, providing additional management of the visitor services.

Under the CUA authorization model, it is more challenging to manage the number of boats in the area (NPS 2023, p.2-3). Limiting the number of boats can only be achieved through a limited CUA process, which must be done every two years rather than the ten-year term of a concession contract prospectus. Moving to a concession contract model reduces the administrative burden for both operators and the park and provides more certainty for operators that they will be able to continue to provide those visitor services in the area (NPS 2023, p.13). The park determined the number of contracts to be awarded based on the size of the boat storage area and the size of boats being currently utilized for these visitor services. The park analyzed the area for locations that would meet the boat storage needs of operators and would be appropriate for the location. By providing an area that is sized appropriately for eight boats, this will reduce the park's visitor concerns as well as risks to commercial operators' property being damaged due to overcrowding at the boat storage area; therefore, up to eight contracts will be awarded for guided sport fishing and bear viewing visitor services at Crescent Lake.

7. Comment summary: A commenter stated that in many parks, the needs of sport anglers and wildlife photographers are often different and can conflict. The commenter requested the NPS identify what management actions will be taken to address the different and potentially conflicting needs.

Response: The park does not currently receive reports of conflicts between user groups in the area. Under a concession contract model, the park will have the opportunity to build a strong relationship with commercial operators as those services will be consistently provided by the same operators over a ten-year term. Additionally, the park will continue to improve staffing levels at the Crescent Lake Ranger Station so that park staff will be on-site through most of the season. The park has also re-established a relationship with the Alaska State Troopers to ensure state regulations are being followed in this remote area.

8. Comment summary: A commenter requested the EA discuss what fuel storage containers and quantities will be allowed on-site, and what spill prevention and control requirements will be included in the authorizations.

Response: Fuel storage is currently not allowed under the CUA, and the park does not intend to authorize fuel storage when these visitor services transition to a contract model.

9. Comment summary: A commenter requested the NPS change Figure 2 to: Identify Crescent Lake and Crescent River as a State-owned, navigable, water body on the document maps; Remove references to "eligible wilderness" and "ineligible wilderness;" identify the designated wilderness area as "Lake Clark NP Designated Wilderness" rather than "Alaska Parks Designated Wilderness," as this could be confused with Alaska State Park wilderness.

Response: As noted above, ownership of the submerged lands under Crescent Lake and Crescent River is unresolved. Nonetheless, this proposal only addresses commercial use management of the park uplands. The NPS understands only Congress can designate wilderness. However, areas within Lake Clark National Park have also been determined to be "eligible wilderness" through a Wilderness Eligibility Assessment. According to NPS policy, these areas are managed to preserve wilderness character. The NPS will change the language to clarify these are NPS classifications.

## **References**

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

NPS. 2023. Crescent Lake Concessions and Land Use Assignment Environmental Assessment. National Park Service. Anchorage, Alaska.

## Appendix B: Non-Impairment Determination

The National Park Service (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 Environmental Assessment (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 Concessions and Land Use Assignment EA (NPS, 2023) incorporates mitigation measures and best management practices, therefore reducing effects to several resources.

The NPS has determined the issuance of up to eight 10-year concession contracts for guided sport fishing and bear-viewing with an associated land assignment for year-round boat storage and installation of anchors in the uplands for attaching one boat per contract 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 Lake Clark National Park and Preserve's (LCNPP's) General Management Plan (GMP) as central to maintaining the park's significance. Up to 0.05 acres of vegetation will be directly impacted through removal during construction activities. 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, and this 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 removal of up to 0.05 acres of vegetation will permanently impact habitat for insects and small animals. The loss of 0.05 acres of relatively 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 vegetation clearing 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 and will be conducted in accordance with the requirements of the International Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. 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 issuance of up to eight 10-year concession contracts for guided sport fishing and bear-viewing with an associated land assignment for year-round boat storage and installation of anchors in the uplands for attaching one boat per contract will not constitute an impairment of the resources or values of LCNPP. As described above, the Crescent Lake Concessions and Land Use Assignment EA 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.

NPS. 2023. Crescent Lake Concessions and Land Use Assignment Environmental Assessment. National Park Service. Anchorage, Alaska.