

National Park Service
U.S. Department of the Interior

Denali National Park and Preserve
Alaska

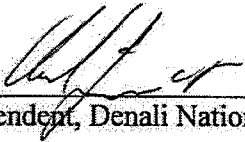


Finding of No Significant Impact

For Inholder Access to the Stampede Creek Area of Denali National Park

December 2009

Recommended:

Acty 

Superintendent, Denali National Park and Preserve

12/7/09
Date

Approved:


Regional Director, Alaska

12/18/09
Date

FINDING OF NO SIGNIFICANT IMPACT

Inholder Access to the Stampede Creek Area Denali National Park and Preserve, Alaska December 2009

The National Park Service (NPS) prepared an environmental assessment (EA) to evaluate access alternatives for two inholders with property on Stampede Creek in Denali National Park

The NPS has selected Alternative 2, the preferred alternative, Certify Inholder Access to the Stampede Area, with the mitigation measures. Under this alternative, the NPS would issue a Right of Way Certificate of Access (RWCA) to each owner of private land in the Stampede Creek area and these RWCAs would authorize use and maintenance of the Stampede Airstrip and use and maintenance of the former mining route between the airstrip and the Stampede Mine area. Mitigation measures have been integrated into the proposal.

Responses to public comments are found in Appendix A.

ALTERNATIVES

Two alternatives were evaluated in the EA. Both alternatives would likely include use of power wheelbarrows to take supplies from the airstrip to their cabins.

Alternative 1, No Action

Under Alternative 1, the two inholders at Stampede Creek would continue to fly to the Stampede Airstrip and ski or walk to their land 2 1/2 miles upstream on the old mining road that leads to the Stampede Mine area. They would likely trim and cut vegetation to maintain the Stampede Airstrip at its present cleared length of 1,900 feet.

Alternative 2, Certify Inholder Access to the Stampede Area (Preferred Alternative)

Under Alternative 2, the NPS would issue a RWCA to each owner of private land in the Stampede Creek area. These RWCAs would authorize on park lands the following activities requested by the inholders:

- The Stampede Airstrip could be maintained for a usable length of 1,800 feet and 75 feet of width. This usable length would require clearing of tall vegetation for an additional 300 feet at either end for approximately 2,400 feet of cleared vegetation to maintain obstacle-free approach and take-off areas.
- Power tools such as power mowers, small chainsaws or brush cutters could be used to remove vegetation from the surface of the Stampede Airstrip and from vegetation overhanging the access road.
- Small motorized equipment such as 4-wheelers and power wheelbarrows could be used to transport the inholders, their guests, and supplies on the 2 ½ mile long former mining route between the landing strip and the Stampede Mine area. This use should be not

create ruts or cause erosion. Minor maintenance with a shovel could be used to repair natural erosion damage.

PUBLIC INVOLVEMENT

The EA was issued for public review and comment from July 10, 2009 to August 10, 2009. The EA, or notices of the EA's availability, were sent by mail or email to over 200 government agencies, interest groups, and individuals. The EA was posted on the national NPS web page for public review NEPA documents – Planning, Environment, and Public Comment (PEPC) – and on the park's webpage. The park issued a press release about the availability of the EA and the open comment period on July 10, 2009. Six written comments were received. Five comments were in favor of the preferred alternative and one comment suggested a technical correction. NPS decided to delete a provision in the preferred alternative that would permit certain levels of helicopter use and to replace that with a case-by-case permit.

The public comments received did not change the conclusions in the EA about the environmental effects of the action. The NPS responses to substantive public comments are found in the Appendix A.

DECISION

The NPS decision is to select Alternative 2, Certify Inholder Access to the Stampede Area, along with the mitigating measures.

Mitigating Measures

The following mitigation measures apply to the selected Alternative 2, Certify access to Stampede area inholders:

Vegetation: Vegetation will only be cut in the fall so that ground-nesting or other nesting birds would not be disturbed.

Soils: The inholders will be required to contact the superintendent to make any repairs to the mine road that could not be fixed with a hand tool.

Wildlife and Habitat: Food, garbage, and other bear attractants will be stored in the airstrip building or other approved bear-resistant containers until those materials can be transported to the inholdings or flown out.

Cultural Resources: Because many historic sites in the mine area are potentially eligible for the National Register of Historic Places, these sites are protected under federal law and collecting or otherwise disturbing these features is strictly prohibited.

Visitor Use and Recreation: Power equipment will have mufflers suitable to reduce noise impacts. The inholders will notify the superintendent when and where vegetation removal activities on the airstrip would occur so that NPS could issue warnings to area aviators.

Park Management: The airstrip will be designated by the Superintendent as open to general public access and use. This will allow public users to land at this site for emergency and recreational purposes and to use non-motorized tools to maintain the airstrip. Public users other than the inholders will need a permit from the Superintendent to use motorized equipment to maintain the airstrip.

Rationale for the Decision

The selected action (Alternative 2) will satisfy the purpose and need of the project better than other alternative because it will give certainty to the inholders about their Section 1110b access rights. Their need to maintain the airstrip and access route on park land would be documented and authorized, and there would be a full understanding between the inholders and park management about their access rights and limits.

Alternative 1 (No Action) would not accomplish the purpose and need of the project. It would not give certainty to the inholders about their Section 1110b access rights and would not specify limits on their allowed activities.

Significance Criteria

The preferred alternative (Alternative 2) will not have a significant effect on the human environment. This conclusion is based on the following examination 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 EA evaluated the effects of Alternative 2 on vegetation, soils and wetlands, wildlife habitat, cultural resources, aquatic resources, cultural resources, inholder property, public access and recreational use, and park management. As documented in the EA the effects of the proposed action would range from negligible to minor depending on the resource. There would be no significant restriction of subsistence uses.

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

The selected alternative would have a minor beneficial effect on public safety from clearing and lengthening a small airstrip, which would be available for general use.

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

The motor vehicle use of and maintenance on the Stampede airstrip and former mining road would be located in a national park, adjacent to wetlands, and near the historic Stampede Mine. The EA evaluated the effects of airplane and small motorized equipment use and concluded that the impacts would be negligible to minor.

(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 controversial. The NPS sent the EA to over 200 agencies, organizations, and individuals for public review. Only 6 comment letters were received. The environmental analysis concluded that the proposed Right of Way Certificates of Access to the two inholders would have from negligible to minor impacts on park resources. The commenters did not question these findings.

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

The environmental effects of the selected alternative (Alternative 2) do not involve unique or unknown risks.

(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 certification of ANILCA Section 1110b access rights to the two inholders in the Stampede area represents a site-specific use of the NPS Alaska Region policy on providing inholder access (<http://www.nps.gov/akso/finalguideJuly2007.doc>).

(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 EA for the Certification of Access for Inholders in the Stampede Area evaluated impacts from proposed access use and maintenance of facilities for that use. Access requests by inholders in other sections of the park and preserve will be evaluated as they are received. An evaluation of inholder access in the Kantishna area is planned for 2010. The conceptual outline for this work was evaluated in "An Interim User's Guide to Accessing Inholdings in National Park System Units in Alaska, July 2007." Most access requests would be for existing uses and maintenance, and the permitting of those requests would not be a major federal action. If a request is received that would create significant impacts, an Environmental Impact Statement will be prepared.

(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 selected alternative would not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. The Stampede Mine is adjacent to the access route and is potentially eligible for the National Register, but the actions approved here will not have an adverse impact on historic properties.

(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.

The selected alternative would not adversely affect an endangered or threatened species or its habitat.

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

The selected alternative (Alternative 2) would not violate any Federal, State, or local law.

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 the Endangered Species Act, the National Historic Preservation Act, and Executive Orders 11988 and 11990. There will be no restriction of subsistence 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 Denali National Park and Preserve EA for FOR INHOLDER ACCESS TO THE STAMPEDE CREEK AREA OF DENALI NATIONAL PARK

In response to the environmental assessment, the NPS received six comment letters. Described below are the substantive comments and the NPS responses.

1. Comment #1. Individual: The permitting authority for the SHPO needs to be re-worded.

NPS Response #1: We agree. See ERRATA for replacement wording.

2. Comment #2. Individual: Any burning of felled branches and trees would need to be restricted to times of appropriate fire hazard levels.

NPS Response #2: We agree. The RWCA will require concurrence by the park superintendent for burning brush.

3. Comment #3. Environmental Group [Denali Citizens Council (DCC)]: The permit should contain limits on vehicle size for travel on the former mining road.

NPS Response #3: We agree. A standard 4-wheeler will be the vehicle size limit for these permits.

4. Comment #4. DCC: There should be a daily limit on the number of motorized trips on the former mining road between the airstrip and the homesites.

NPS Response #4: We agree, in part. Prior use has been very low key, but there could be times when one or more airplane loads of family members and supplies need to be carried to the home site in one day, with less activity on most days. The RWCA's will include a condition that the NPS will institute daily limits if monitoring shows that the motorized use is creating unacceptable impacts to park resources.

5. Comment #5. DCC: NPS should state that lengthening the airstrip to 2,400 feet is not intended to accommodate landings for commercial tourism or flightseeing.

NPS Response #5: The NPS does not presently have any proposals to use the Stampede Airstrip for commercial purposes. If such a proposal is received, it will be reviewed for consistency with the park's General Management Plan and agency policy at that time.

ERRATA

This errata section provides clarifications, modifications or additional information to the EA and to the selected alternative, Alternative 2. This modification does not significantly change the analysis of the EA and, therefore a new or revised EA is not needed and will not be produced.

1. **Modification. Change the language on page 12 from:**

“Alaska SHPO Approval

The State Historic Preservation Office (SHPO) must be given an opportunity to comment on and approve/deny the issuance of any RWCA that could adversely affect historic or archeological resources.”

to:

Alaska SHPO Review

For any federal project the Park needs to consider the potential for adverse effects under Section 106 of the National Historic Preservation Act.

2. **Modification. Change the language on page 12 from:**

“Use of a helicopter that involves sling-loading supplies onto park land would be permitted. The superintendent must be notified at least 3 days ahead of each occurrence. Brushing the vegetation would be allowed in front of the mine bunkhouse at a location formerly used for helicopter landings and sling loading.”

to:

Any use of a helicopter by the inholders that involves sling-loading supplies onto park land would be permitted on a case-by-case basis.

