

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

Alaska Regional Office



Finding of No Significant Impact

**Tanalian Inc. and NPS Land Exchange in the Port Alsworth Area of
Lake Clark National Park and Preserve, Alaska, May 2010**

Approved: _____

Alex E. Mancini
Regional Director, Alaska

6/4/2010
Date

Recommended: _____

[Signature]
Superintendent, Lake Clark National Park and Preserve

5/10/2010

FINDING OF NO SIGNIFICANT IMPACT

Tanalian Incorporated and National Park Service Land Exchange Port Alsworth Area of Lake Clark National Park and Preserve, Alaska Environmental Assessment May 2010

The National Park Service (NPS) prepared an environmental assessment (EA) to consider the environmental consequences of a land exchange with Tanalian, Inc. in the Port Alsworth area of Lake Clark National Park and Preserve. Tanalian, Inc. requested subsurface rights from NPS for two 15-acre parcels; Tanalian, Inc. owns the surface rights to these parcels. In exchange, Tanalian, Inc. proposes to convey to NPS the surface rights of a 16-acre parcel abutting the south shore of Hardenburg Bay. The subsurface of the 16-acre parcel has never been conveyed out of federal ownership. The amount of subsurface acreage in exchange may be adjusted following appraisal of the parcels to equalize the value. None of the subject properties for the proposed land exchange lies within existing or proposed wilderness areas.

The purpose of this land exchange is to protect park land with important watershed and fish habitat along the south shore of Hardenburg Bay of Lake Clark. The exchange would also fulfill the Tanalian, Inc. request for access to subsurface estate for sand and gravel extraction and the opportunity to request a permit to operate a solid waste disposal site.

The NPS has selected Alternative 2 (NPS Preferred Alternative), which provides for the proposed land exchange.

The EA was provided to key stakeholders, publicly announced via a press release and notice of realty action (NORA) of October 16, 2009, and posted on the NPS Planning Environment and Public Comment (PEPC) web page for a 45-day public review. One comment letter and one phone inquiry were received by the time the comment period ended on November 30, 2009.

ALTERNATIVES

Two alternatives were evaluated in the EA.

Alternative A - No Action (*Status Quo*)

Under the No-Action alternative, the NPS and Tanalian, Inc. would not complete a land exchange. The NPS would retain its subsurface rights on two 15-acre parcels near Port Alsworth, and Tanalian, Inc. would retain surface rights to its 16-acre parcel abutting the south shore of Hardenburg Bay at Port Alsworth. This alternative provides a baseline against which to measure the impacts of the Proposed Action.

Under the current land ownership, Tanalian, Inc. retains the ability to develop, subdivide, and sell its land. Tanalian, Inc. has posted advertisements online to sell some of its existing waterfront property (<http://alaskalakefrontproperty.com/landforsale.html>). The minimum lot size is 3 acres, pursuant to an earlier land settlement with the NPS that resolved the Tanalian Inc.,

Alaska Native Claims Settlement claim, but the range of development potential is broad. The maximum potential impact to the surface estate could entail clearing of the entire 16 acre parcel, but a likely scenario would be a 50 percent clearing to accommodate lodging, support facilities and vehicles associated with private residence or vacation property.

Alternative B – Authorize a Land Exchange with Tanalian, Inc. in the Port Alsworth area of Lake Clark National Park and Preserve (*NPS Preferred Alternative*)

The NPS would convey the subsurface estate to two parcels, approximately 15 acres each, near Port Alsworth (in the northeast quarter of Section 9 and the southeast quarter of Section 16) for use by Tanalian, Inc. In exchange, Tanalian, Inc. would convey to NPS the surface rights to a 16-acre tract, located near Port Alsworth along the south shore of Hardenburg Bay (the southwest quarter of Section 3). All three parcels are located within LACL (Figure 1). The land exchange agreement will contain the following provisions.

Tanalian, Inc. would provide a survey of the land to be conveyed to NPS as part of the exchange. NPS would arrange for appraisals of all the land parcels and if necessary adjust boundaries of the NPS subsurface estate to be conveyed to Tanalian Inc. to achieve an equal value basis. NPS would arrange for survey and conveyance of the subsurface to Tanalian, Inc.

The deed from NPS to Tanalian, Inc. would convey the subsurface estate but reserve to the United States coal, oil, gas, metaliferous minerals, and geothermal resources.

PUBLIC INVOLVEMENT

The EA was issued for public review and comment from October 16, 2009 to November 30, 2009 (45 days). The EA was sent by mail to about 50 agencies, organizations, and individuals and was posted on the NPS PEPC website. The press release was posted at the Port Alsworth Post Office, and copies of the EA were available at the NPS Port Alsworth office during the comment period.

Comments on the EA were received from the State of Alaska ANILCA Implementation Program. The State supports land exchanges that benefit both parties and appreciated the EA noting State certifications and permits may be needed for development projects after the land exchange is completed.

DECISION

The NPS decision is to select Alternative B – Authorize a land exchange with Tanalian, Inc. as described in alternative 2 and depicted in (Figure 1) – with mitigating measures.

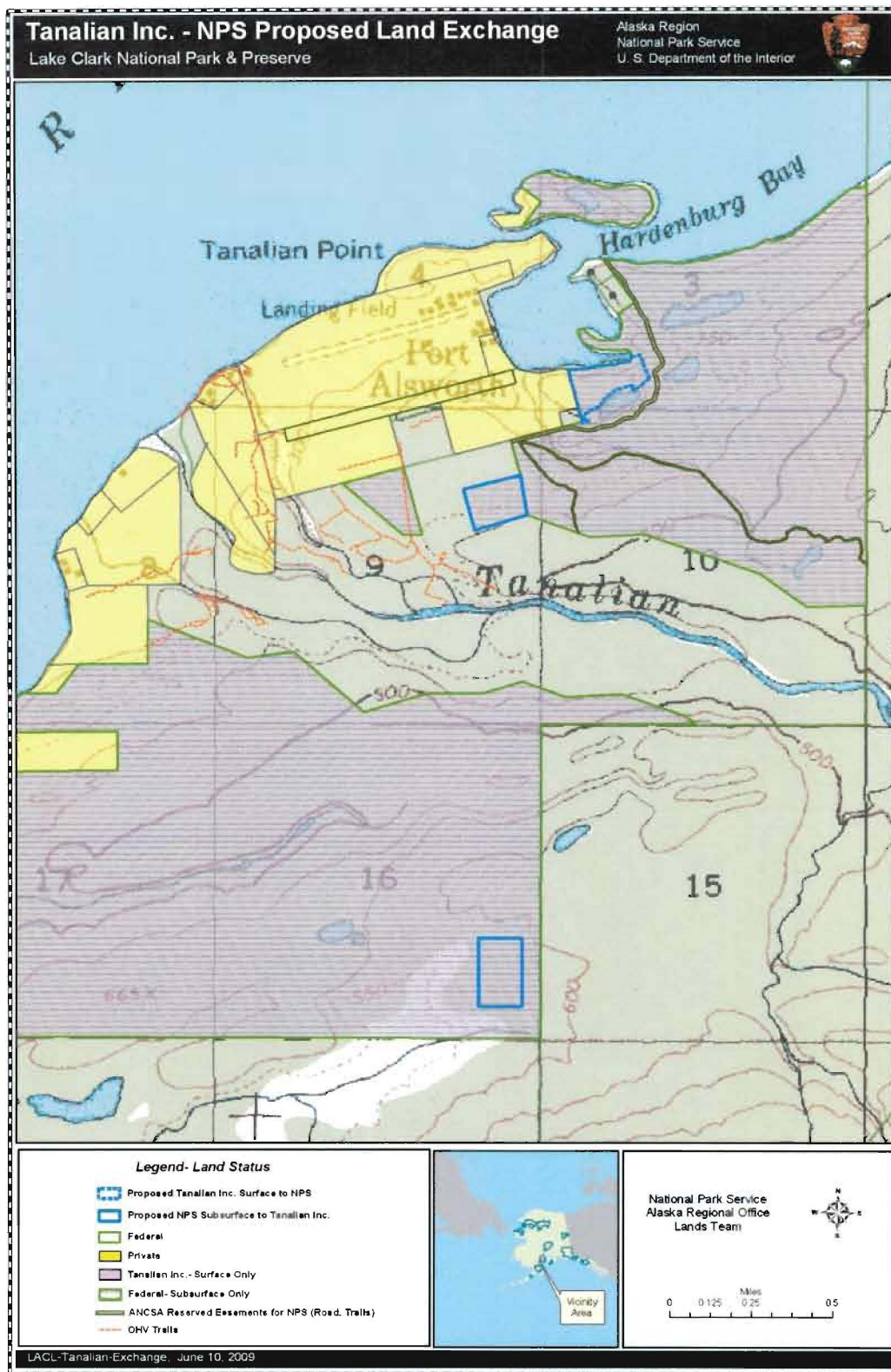


Figure 1. Land Exchange Parcel Locations and Area Land Status.

MITIGATING MEASURES

1. Land Use

Should Tanalian, Inc. elect to request a permit to operate a solid waste disposal site in the future at either of the exchange sites where they receive subsurface rights, the NPS would process the application pursuant to 36 CFR Part 6 including appropriate NEPA compliance.

2. Cultural Resources

The NPS conducted an archeological survey of the Section 9 parcel because a reasonably foreseeable result of the land exchange will be gravel extraction that could impact eligible cultural resources. Future development of the Section 16 parcel south of Tanalian River would require further cultural resource surveys prior to permitting access across LACL to remote parcels. LACL will offer advice and expertise in protecting, evaluating, and preserving archeological, paleontological, or geological resources that may be inadvertently discovered during development in the Port Alsworth area whether on private, federal, or split estate lands.

RATIONALE for the DECISION

Alternative B (Authorize the proposed land exchange between the NPS and Tanalian, Inc.) will satisfy the purpose and need for the project better than the no-action alternative.

ANILCA provides that the park and preserve are to be managed to protect the watershed necessary for perpetuation of the red salmon fishery in Bristol Bay among other purposes. Land acquisition priorities have long emphasized the Lake Clark shoreline as the most critical for the park to acquire, when possible, for enhanced protection. This alternative would further the management goals of the NPS by protecting additional Lake Clark watershed, spawning habitat for sockeye salmon, and a portion of the shoreline of Hardenburg Bay. Moreover, NPS management of the Hardenburg Bay parcel would maintain the unimpaired visual resources and aesthetics of the parcel, as well as allow visitor use of an area previously in private ownership.

Acquiring the Hardenburg Bay parcel would protect the area from possible future private development and add about 16 acres of wildlife habitat and shoreline to Lake Clark National Preserve. Water quality and fish resources and habitat would be maintained by acquisition of the Hardenburg Bay shoreline and the Lake Clark watershed, which provides habitat for one of the most economically important salmon runs in Bristol Bay. While no development currently exists on the Hardenburg Bay parcel, the private inholding could be developed at any time.

As a result of this exchange, subsurface sand and gravel may be available to the Port Alsworth community for maintenance of existing roads and airstrips, potential future road and airport construction and maintenance, and for a possible development of a solid waste disposal site. This would reduce the need to fly out waste materials, which also would cost less and be more energy efficient.

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 EA evaluated the effects of Alternative B on cultural resources, land status and use, soils, vegetation, wetlands and floodplains, fish and wildlife habitat, visual resources (scenery), and visitor use and recreation. As documented in the EA the effects of the proposed action would range from negligible to minor depending on the resource or value, and the effects will be beneficial in some cases. There will be no significant restriction of subsistence uses as documented in the ANILCA 810 evaluation and findings in appendix A of the EA.

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

The selected alternative will have no adverse effect on public health or safety. In the long term the possibility of the use of sand and gravel from the subsurface estate would lead to better maintenance of road and airstrip surfaces, which may improve safety conditions in the community.

(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 proposed land exchange and cultural resource protection mitigating measures will mitigate the removal of historically important features, and impacts to cultural sites will be minimized through NPS consultation for actions in the project area. There is no wilderness or wild and scenic rivers in the land exchange areas. Wetland areas have been avoided to the extent possible for the land exchange, but important lakeshore habitat and scenery will be added to the park.

(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 will not be controversial. The NPS distributed the EA to 50 agencies, organizations, and individuals for public review. One comment letters was received from the State of Alaska. The environmental analysis concluded that the Tanalian, Inc. and NPS Land Exchange will have negligible to minor impacts on park resources or visitors to the Port Alsworth area of Lake Clark National Park and Preserve, Alaska.

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

The proposed land exchange will not result in highly uncertain or unique risks to park resources and visitors to the area.

(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.

This land exchange will be the second land exchange to benefit park purposes and values within the last few years. The proposed land exchange implements the park GMP objectives to acquire lake shore and watershed property to protect water quality and the Bristol Bay red salmon fishery.

(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 proposed land exchange will result in a small gain in lakeshore and adjacent property to further park purposes of protecting the Bristol Bay watershed for water quality and the red salmon fishery. Though cumulative with a preceding land exchange, the overall effect is small and beneficial.

(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 will not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places.

(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 will 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 will not violate any Federal, State, or local law or requirements to protect the environment.

FINDINGS

The levels of adverse impacts to park resources anticipated from the selected alternative will not result in an impairment of Lake Clark National Park and Preserve resources that fulfill specific purposes identified in the establishing legislation or that are essential to the natural or cultural integrity of these park units.

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.