

**FINDING OF NO SIGNIFICANT IMPACT
FOR THE PROPOSED PERMANENT CLOSURE OF THE FORMER
MOUNT MCKINLEY NATIONAL PARK TO SNOWMACHINE USE**

**United States Department of the Interior
National Park Service
Denali National Park and Preserve**

June, 2000

FINDING OF NO SIGNIFICANT IMPACT
FOR THE PROPOSED PERMANENT CLOSURE OF THE FORMER
MOUNT MCKINLEY NATIONAL PARK TO SNOWMACHINE USE

Denali National Park and Preserve

The National Park Service (NPS) is proposing a regulation to permanently close to the use of snowmachines the part of Denali National Park and Preserve known as the former Mount McKinley National Park (Old Park) to prevent detriment to the resource values of this area. Section 1110(a) of the Alaska National Interest Lands Conservation Act (ANILCA) allowed on conservation system units in Alaska snowmachine use for "traditional activities." The NPS also proposes to define traditional activity.

On November 12, 1999, the NPS published a proposed rule (64 FR 61563) which, in part, addresses snowmachine use in Denali National Park and Preserve. On November 9, 1999, the NPS released an Environmental Assessment (EA) that describes and addresses the potential environmental impacts of the proposed action (the 1999 proposed rule) and three alternatives for managing snowmachine use in the park.

Background

Congress primary purpose in establishing Denali National Park and Preserve was to provide protection for wildlife and habitat and to provide for wilderness recreational activities. The park is managed to promote resource protection, including minimal disturbance of natural wildlife populations and wilderness values, while developing opportunities for wildlife viewing and other recreational activities for park visitors.

In 1980, ANILCA, Section 1110(a), opened all conservation system units in Alaska to snowmachine use for traditional activities and for travel to and from villages and homesites. Prior to the passage of ANILCA, the Old Park was closed to snowmachine use, and wintertime traditional activities, such as hunting, trapping, or fishing, either did not occur or could not lawfully occur. Sport and subsistence hunting, trapping, and other subsistence uses were historically prohibited in the Old Park. No villages or homesites or other non-federal patented land exist in the Old Park. Villages and homesites outside the Old Park boundary have reasonable alternate routes that have conventionally been used for snowmachine access.

Enactment of ANILCA left the general prohibition of snowmachine use in the Old Park area intact but authorized snowmachine use for the purpose of conducting a traditional activity. Snowmachine use unconnected with a traditional activity did not fall within the terms of Section 1110(a) and, thus, remained prohibited in the Old Park. The NPS's proposed rule included a definition for traditional activity, and this definition was assumed in the analysis of environmental effects for the proposed action in the EA. The proposed definition was as follows:

The term traditional activities means an activity that generally and lawfully occurred in a unit or geographically defined area of a unit prior to enactment of ANILCA and that was typically associated with that region as an integral and established part of a utilitarian Alaska lifestyle or cultural pattern.

Based on a review of public comment, the NPS revised the proposed definition of traditional activity for the final rule. The changes were made to clarify the meaning of the language, and to make the definition specifically applicable only to the Old Park. The revisions do not alter the meaning of the definition as it appeared in the proposed rule or the application of that meaning to the Old Park as evaluated in the EA. The final definition of traditional activity is:

An activity that generally and lawfully occurred in the Old Park contemporaneously with the enactment of ANILCA, and that was associated with the Old Park, or a discrete portion thereof, involving the consumptive use of one or more natural resources of the Old Park such as hunting, trapping, fishing, berry picking or similar activities.

Recreational use of snowmachines was not a traditional activity. If a traditional activity generally occurred only in a particular area of the Old Park, it would be considered a traditional activity only in the area where it had previously occurred. In addition, a traditional activity must be a legally permissible activity in the Old Park.

Advances in snowmachine technology have enabled snowmachiners to reach and enter a few drainages on the south side of the Alaska Range in the Old Park. Over the past 6 years, snowmachine use in the Old Park has occurred in these areas.

Proposed Action: In addition to the establishment of a definition of traditional activity in the NPS regulations, the proposed action will permanently close the Old Park to the use of snowmachines. The Old Park constitutes about one-third (2.2 million acres) of Denali National Park and Preserve. The closure will not affect the park and preserve's 1980 ANILCA additions (about 4 million acres), where snowmachine use is permitted for traditional activities, for travel to and from villages and homesites, and for subsistence uses, subject to reasonable regulations.

Alternatives: Three alternatives to the proposed action are evaluated in the EA. Under the proposed action, which includes adoption of a new definition of traditional activity, there are no traditional activities in the Old Park. The analysis for the other three alternatives presumes that there will be no definition of traditional activities. The lack of a definition of traditional activity would make it difficult, if not impossible, to separate out those uses of snowmachines which are not for traditional activities. Thus, all use of snowmachines, within the limits of safe operation, was presumed legal in analyzing these alternatives.

Alternative 1 (No Action) would allow snowmachine use for traditional activities in the Old Park. Alternative 2 would close all but 180,000 acres in the southeast part of the Old Park to snowmachine use for traditional activities due to detriment to park resource values. Alternative 3

would institute a series of temporary closures to the use of snowmachines in the Old Park by use of the procedures required in Section 1110(a) of ANILCA, including hearings in the vicinity and a published finding of detriment.

Public Review and Comment: The EA was issued for public review and comment on November 9, 1999, and the proposed rule was issued for public review and comment on November 12, 1999. The comment period for both the EA and the proposed rule was extended 14 days--to January 25, 2000--to ensure adequate opportunity for public comment.

The NPS held four public hearing/open houses in Alaska (McKinley Village, Talkeetna, Fairbanks, and Anchorage) during December 1999 to solicit comment on the EA and proposed rule. Each public hearing was preceded by an open house question and answer period. The NPS also established an Internet website that allowed the public to access information regarding the proposed rule and the EA and to provide public comment on the EA.

The NPS received over 6,000 responses during the public comment period. Written comments included surface mail, faxes, electronic mail, petitions and public hearing testimony. The NPS reviewed all written public comments and public hearing transcripts, and prepared a summary document of substantive comments.

About 96 percent of the comments supported closing the Old Park to snowmachine use. Native Alaskan groups requested assurance that this decision would not affect subsistence users. About 4 percent of the comments opposed the snowmachine closure.

Environmental Effects: The NPS has determined that the proposed action can be implemented with no significant adverse effects to natural and cultural resources, as documented by the EA.

The proposed action will provide environmental benefits by continuing management of the Old Park as a refuge from vehicle use (the park road is closed to vehicular activity for seven months a year). The benefits to resource values (air, water, vegetation, wildlife, wilderness, natural sound and solitude) and non-motorized recreation from this mode of management will continue.

The closure of the Old Park to snowmachine use is necessary to avoid detrimental effects on the Old Park's unique natural processes and natural resources that would result from any snowmachine use in this area. New sources of air and water pollution will not be introduced into the Old Park. Vegetation, soils, wetlands, and wildlife in the Old Park will not be adversely affected. No impacts will occur to threatened and endangered species, cultural resources, or floodplains. High-quality wilderness values (solitude, natural sounds, and non-motorized experiences) in the Old Park will be maintained.

The definition of traditional activity also included in this rule separately will result in avoidance of adverse impacts to park resource values because NPS has determined that no traditional activities accessed by snowmachines have occurred in the Old Park. In contrast, the absence of a

definition and closure would result in detriment to the resource values of the Old Park, as detailed in the EA. While there may be a minimal impact on the opportunity for recreational snowmachining, any possible impact is mitigated by the opportunity to operate a snowmachine in the two-thirds of Denali National Park and Preserve (about 4 million acres) that will remain open to snowmachine use for traditional activities, and other federal and state lands adjacent to the park that are open to snowmachine use for all legal activities.

This decision is of beneficial significance in preserving park resources and in providing for the continuation of non-motorized wilderness recreation opportunities. In fact, this action continues the management practice for decades at the Old Park of restraining motorized access modes in derogation of the park values. Significant impacts to many park resources, including wildlife, water quality, scientific research, and wilderness values, would accrue if one of the other alternatives were selected. The long-term productivity of the Old Park, in terms of the protection of unimpaired resources, would be adversely affected by choosing another alternative that emphasizes short-term use.

There are no significant adverse impacts to public health and safety from this action, no impacts to the unique characteristics of the geographic area, no uncertain risks and no irreversible commitment of resources. The action applies strictly to the Old Park and does not affect access for legal activities in the park additions or other ANILCA units. The action violates no applicable environmental protection laws. The action is in keeping with the Congressional mandate and the management goals to preserve a sanctuary for wildlife to evolve over long periods of time as nearly as possible without the changes that extensive human activities would cause.

The EA accompanying this decision has been revised slightly to correct errors and clarify language. None of the changes significantly alters the evaluation of impacts.

Public comment will be accepted on this decision for 30 days after the date of signature.

The proposed action complies with the Endangered Species Act, the National Historic Preservation Act, and Executive Orders 11988 (Floodplain Management), and 11990 (Protection of Wetlands).

There will be no significant restriction of subsistence activities as documented by the Alaska National Interest Lands Conservation Act, Title VIII, Section 810(a) Summary Evaluation and Findings.

I find that the proposed action 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 the regulations of the Council on Environmental Quality (40 CFR 1508.9), an environmental impact statement will not be prepared for this project.

Recommended:

Steve Martin
Superintendent, Denali National Park and Preserve

6/6/00
Date

Ap

Regional Director, Alaska Region

6/6/00
Date

Errata Sheet for the
FINDING OF NO SIGNIFICANT IMPACT for the
Permanent Closure of the former Mt. McKinley National Park to Snowmobile Use
March 31, 2000

Page numbers refer to Environmental Assessment on the Permanent Closure of the former Mt. McKinley National Park to Snowmobile Use, Denali National Park and Preserve, November 9, 1999. {found at www.nps.gov/dena/planning}

Add references to final definition of traditional activities: p.1 (first para); p.2 (top para, 5th para); p.11(3rd para); p.12 alternatives discussion for Alternatives 1, 2, 3; p.45 Alternative 2 introduction

- p.1 Delete word "special" in first line
- p.1 Substitute "allowed in" for "opens all" in line 4
- p.1 Delete word "to" in fifth line
- p.1 Delete third sentence
- p.1 Add phrase "and would prevent significant detriment to its resources and values" to fourth sentence
- p.1 Delete phrases "provide an enforceable mechanism to" and "in order" from fifth sentence.
- p.1 Substitute "establishing" for "established" and "redesignating" for "redesignated" in second and third lines of 3rd para.
- p.1 Substitute "had" for "has" in last sentence of 3rd para.
- p.2 Add phrase "and still are today" to third sentence of 2nd para.
- p.2 Substitute "NPS" for "park" and delete "and preserve" in third sentence of 3rd para.
- p.2 Substitute "follows a nearly 12-month" for "would follow a 12-month" in second sentence of 4th para.
- p.2 Add "In recent litigation brought by the Alaska State Snowmobile Association (ASSA), the Court voided the National Park Service's February 1999 temporary closure of most of the Old Park [Alaska State Snowmobile Association v. Babbitt, et al., (No. A99-59 CV (JWS)), Order dated November 18, 1999] because it found that it was unable to determine if the Service's detriment finding was not arbitrary in the absence of a definition of traditional activities. The Park Service published proposed regulations which defined the term "traditional activities" [64 F.R. 61563 (November 12, 1999)]. Public comment on the proposed definition closed on January 25, 2000." after 4th para.
- p.4 Substitute "are" for "is" in second sentence of 2nd para
- p.4 Add "in Alaska" to fourth sentence of 4th para.
- p.5 Substitute "types" for "examples" in second sentence of 4th para.
- p.6 Substitute "snowmobiling" for "this activity" in second sentence of 1st para.
- p.6 Substitute "the definition" for "these examples" and add "that occurred prior to the enactment of ANILCA" in first sentence of 2nd para.
- p.8 Substitute "for snowmobile use" for "to snowmobiles for non-traditional activities" in second sentence of 2nd para.
- p.8 Add "The Court's Order in Alaska State Snowmobile Association v. Babbitt, et al., [No. A99-59 CV (JWS), Order dated November 18, 1999] voided the National Park

Service's February 1999 temporary closure of most of the Old Park because it found that it was unable to determine if the Service's detriment finding was not arbitrary in the absence of a definition of traditional activities. The Park Service published proposed regulations which defined the term "traditional activities" (64 F.R. 61563 (November 12, 1999). Public comment on the proposed definition closed on January 25, 2000." after 3rd para.

p.9 Substitute "would" for "could" in last sentence.

p.10 Substitute "would" for "could" in second sentence.

p.10 substitute "would" for "could" in first sentence of Park Management section.

p.11 Delete "the small numbers of" and add "easily available large" areas "open to snowmobiling which are" in second sentence of 1st para.

p.11 Add "nationwide" to first sentence, last para.

p.12 Delete "after the temporary closure expires on February 3, 2000" from first sentence and add "No definition of traditional activities would be added to the NPS regulations." as second sentence to 1st para.

p.12 Add ", based on a finding of detriment to park resources (Figure 3). No definition of traditional activities would be added to the NPS regulations." at end of first sentence of 3rd para.

p.12 Delete ", as in the present temporary closure." from second sentence of 5th para and add "No definition of traditional activities would be added to the NPS regulations." as third sentence.

p.12 Add "Designated Route Along the Park Road" as title to first alternative considered and eliminated.

p.13 Add the following as a second alternative considered and eliminated:

"A Regulatory Approach to Snowmobile Use

The NPS also considered whether the old park could be managed as a multiple use area with snowmobile use at regulated levels and still be consistent with its management mandates for resource protection. An allied version of this approach could utilize schedules such as Monday-Thursday for non-motorized users and Friday-Sunday for motorized users.

It was determined that a multiple use approach would not meet NPS goals of establishing a reasonable allocation among visitors as well as guaranteeing the protection of the essential resource values of the old park. This approach was eliminated from further consideration because past public comment consistently indicated that conflicts between motorized and nonmotorized users in the old park could not be resolved unless there are some areas where snowmobiles use is completely excluded in order to prevent harm to resources. These resources include natural quiet, solitude, and the primeval character that are currently identified with the old park, and are critical components of many visitors ability to enjoy the area. Snowmobile use would also have to be limited to only a few trail corridors and extremely low use numbers to insure with the certainty required by the NPS's conservative protection mandate that there would not be impacts to other resource values such as wildlife and vegetation. This type of site specific and very restricted allocation would be impractical to implement and enforce over large areas. This

approach would equate to setting aside separate areas for the conflicting uses, which is the approach evaluated in Alternative 2."

p.27 Add "physical" to second sentence, 2nd para.

p.27 Add "and observations of increasing snowmobile use there in recent years" to first sentence, to 4th para.

p.29 Add "Snowmobile use would continue to increase in the open area and the absence of a definition of traditional activities would make it very difficult to limit it to specific uses." to second sentence, 1st para.

p.30 Add "In addition, these impacts would be contrary to the air quality management objective of non-degradation of pristine areas." to end of 3rd para.

p.30 Substitute "would" for "could" in Cumulative Effects para.

p.32 Add "only" to second sentence and delete "conclusively" from last sentence of 1st para.

p.32 Substitute "the old park area" for "an area" in the third sentence of the 2nd para.

p.32 Delete "may" from the first sentence of the 3rd para.

p.33 Add "increasing" to first sentence of 2nd para.

p.34 Substitute "1999" for "current" in second sentence of 2nd para.

p.35 Substitute "Adverse" for "Any" to start next to last sentence of the 2nd para.

p.35 Add "Snowmachine use around bear dens, while the bears are still in them, could also increase stress levels in bears." as last sentence of 1st para.

p.36 Substitute "would" for "could" in last sentence of next to last para.

p.40 Add "and" after "hares" in the second sentence and after "displacement" in the third sentence, both in the 1st para.

p.40 Add sentence "Local factors increase the risk that a detrimental effect would occur before sufficient corrective actions could be taken." at end of second para. Delete 4th para.

p.41 Substitute "would" for "could" in 2nd para.

p.43 Substitute "skijorers" for "skijors" in first sentence of 2nd para.

p.43 Substitute "However" for "Although" at beginning of fifth sentence, 2nd para.

p.43 Substitute "1999" for "current" in second sentence of 3rd para.

p.43 Delete "and non-motorized recreation" and substitute "would" for "could" in first sentence of last para.

p.44 Add Cumulative Effects evaluation under Subsistence para:

Cumulative Effects

Increased snowmobile and ATV traffic outside the park additions could generate more reliance on federal areas, such as the park additions, for subsistence opportunities. (see also Appendix A).

p.44 Add "likely" to second sentence, last para.

p.45 Add "Snowmobile use would continue to increase in the open area and the absence of a definition of traditional activities would make it very difficult to limit it to specific uses." to first para of Alt. 2.

p.45 Add "This diminishment would be contrary to the air quality non-degradation policy in parks." to end of last para.

- p.46 Substitute "would" for "could" in 1st para.
- p.46 Substitute "within the 180,000-acre area" for "in an area" and delete "within the 180,000-acre area" from the fourth sentence of the 2nd para.
- p.46 Substitute "frequently used" for "re-used" in third sentence of 4th para.
- p.47 Substitute "activities" for "things" in third sentence, 2nd para.
- p.48 Substitute "Adverse" for "any" in second sentence of 1st para.
- p.48 Add "Snowmachine use around bear dens, while the bears are still in them, could also increase stress levels in bears." to end of 1st para.
- p.48 Substitute "increased" for "increase" in second sentence of 3rd para.
- p.48 Add "and" after "hares" in second sentence of last para
- p.49 Delete "and non-motorized" and substitute "would" for "could" in last para.
- p.50 Substitute "1999" for "current" in second sentence of 4th para.
- p.51 Add Cumulative Effects evaluation to Subsistence para.

Cumulative Effects

Increased snowmobile and ATV traffic outside the park additions could generate more reliance on federal areas, such as the park additions, for subsistence opportunities. (see also Appendix A).

- p.52 Add "likely" to second sentence of 1st para.
- p.52 Add introductory section to Alternative 4 evaluation:

A permanent closure of the old park to snowmobile use, which assumes the proposed definition of traditional activities, generally would eliminate snowmobile use and associated impacts in the short term and over the long term. No mitigation measures are practical or necessary for the proposed action since impacts from snowmobiling are removed from the old park. Enforcement of the closure of snowmobile use within the old park could require staffing above existing levels, but not to the levels required by alternatives one and two.

- p.52 Substitute "is increasing" for "does not currently exist" in second sentence of 4th para.
- p.53 Substitute "This" for "This alternative does not separate out those uses of snowmobiles that are not for traditional activities. Therefore, this" at beginning of last para.

Appendix A

- p.1 Add "proposed" [permanent closure] and "and from alternatives to that proposal." to second sentence of 1st para.

- p.3 Add "Subsistence is an allowed use in the ANILCA additions to Denali National Park and Preserve (Section 202(3)(a))." before the 1st para.
- p.3 Add "The proposed action and alternatives are evaluated in the context of the Court's Order in Alaska State Snowmobile Association v. Babbitt, et al., [No. A99-59 CV (JWS), Order dated November 18, 1999] which voided the National Park Service's February

1999 temporary closure of most of the Old Park because it found that it was unable to determine if the Service's detriment finding was not arbitrary in the absence of a definition of traditional activities. The Park Service published proposed regulations which defined the term "traditional activities" (64 F.R. 61563 (November 12, 1999). Public comment on the proposed definition closed on January 25, 2000." in the introduction to Part III.

p.3 Add "define traditional activities and" to first sentence of 1st para under Part III.

p.3 For Alternative 1, substitute "Under this alternative, snowmobile use in the old park would continue. No definition of traditional activities would be added to the NPS regulations." for

"Under this alternative, no additional closures would be instituted in the old park until a course of action is decided in the GMP Amendment or the Backcountry EIS. The twelve-month temporary closure to the use of snowmobiles for traditional activities in the old park would expire on February 3, 2000. After that date, the use of snowmobiles for traditional activities would be allowed."

p.3 For Alternative 2, substitute "Under this alternative, the old park would be closed to the use of snowmobiles north of the crest of the Alaska Range and southwest of the drainage divide of the West Fork of the Chulitna River, based on a finding of detriment to park resources (Figure 3). No definition of traditional activities would be added to the NPS regulations. This action would leave about 180,000 acres of the approximately two million acre old park open to snowmobile use for traditional activities. The area left open to snowmobile use has experienced virtually all of the past snowmobile use in the old park.

Snowmobile use would be contingent on a determination by the superintendent of sufficient snow depth (generally 6-12 inches or more) to protect the underlying vegetation and terrain and on public notification of that determination [43 CFR 36.11(a)(2)]." for

"Under this alternative, the old park would be closed to the use of snowmobiles for traditional activities north of the crest of the Alaska Range and southwest of the drainage divide of the West Fork of the Chulitna River. This action would leave approximately 180,000 acres open to snowmobile use out of the 2,000,000-acre former Mt. McKinley National Park."

p.3 Add "No definition of traditional activities would be added to the NPS regulations." to Alternative 3.

p.9 Add "significant" to sentence under Habitat Loss.

