FINDING OF NO SIGNIFICANT IMPACT

Vacation Cabin Environmental Assessment
Lake Roosevelt National Recreation Area
July 2011

This Finding of No Significant Impact (FONSI) documents the decision of the National Park Service (NPS) to adopt with modifications the Vacation Cabin Environmental Assessment preferred alternative and the NPS determination that neither significant impacts on the quality of the human environment, nor impairment of park values, will occur from implementing this course of action. This EA analyzed the impacts of cabin use and occupancy on:

- Natural, cultural, and scenic resources, and
- The quality of the visitor experience at Lake Roosevelt National Recreation Area.

Project Background

In the early 1950s, the NPS established a goal of encouraging recreational use of Lake Roosevelt National Recreation Area (NRA or recreation area) by authorizing leases for summer cabin sites. The NPS systematically reviewed possible vacation cabin sites throughout the NRA and screened them for eligibility according to the following criteria: landslide potential, topography, access roads, and ability to cluster vacation cabins on ½-acre lots (McKay et al. 2002). By 1953, Rickey Point and Sherman Creek were identified as the preferred locations for vacation cabins, and 20-year leases at $35/year were issued for each vacation cabin constructed (ibid.).

In the 1980s, the NPS developed more comprehensive approaches to managing special uses of public lands in conjunction with the 1986 publication entitled *Special Park Uses, NPS-53*. This set of policies provided clear guidance regarding private use of federal lands: *"A special park use must not be granted unless the authority for allowing the action can be clearly cited, its need or value is confirmed, and its occurrence has been judged to cause no derogation of the values or purposes for which the park was established, except as directly provided by law"* (NPS 1986).

The Lake Roosevelt NRA Special Park Use Management Plan, finalized in 1990, provided policy guidance regarding the recreation area's management of private uses of public land to ensure that those private uses were compatible with public uses while also conserving resources to *"leave them unimpaired for future generations"* (NPS 1990). The Special Park Use Management Plan states that "It is the policy of the National Park Service to clear, and keep clear, all federal lands of private uses not compatible with public uses of federal lands or uses not in the best public interest." Following the release

of the Special Park Use Management Plan (SPUMP), the NPS did not find that the use of vacation cabins at Lake Roosevelt NRA conflicted with public use (SPUMP Appendix 7), and continued to issue permits following its release in 1990. In 2001, a supplement was added to the 1990 plan specifically addressing vacation cabin use at the NRA. This supplement has been attached as an addendum to the existing terms and conditions to all vacation cabin Special Use Permits issued since its release in 2001. In addition to providing for more comprehensive management for private uses of public lands, the Special Park Use Management Plan also included provisions required by national policy for increased fees associated with vacation cabin Special Use Permits: $1,050 annual fees for Sherman Creek sites and $850 annual fees for Rickey Point sites (McKay et al. 2002). Subsequently, following an October 2006 appraisal at these cabin sites, annual fees were increased to $4,500 annually for all waterfront lots at Sherman Creek and Rickey Point, with the non-waterfront lots at Rickey Point being increased to $2,250. Today the NPS maintains permits for 25 private cabins on 26 vacation cabin lots.

A 2007 report from the United States Department of the Interior Office of the Inspector General (OIG) on Private Use of Public Lands, submitted to the Directors of the NPS and Bureau of Land Management (BLM), reinforced the need to complete an appropriate level of compliance in support of issuing special use permits. This report directed the NPS and BLM to:

- Determine the extent to which special use permits limit long-term public access to public lands.
- Not renew special use permits that limit long-term public access to public lands.
- Determine the appropriate legal instrument if use does not limit public use.
- Perform appropriate NEPA review prior to issuance of special use permits or other legal means.

In response to the OIG report, the Director of the NPS stated that "The National Park Service will ensure that the problems identified in this report are addressed properly and expeditiously." It was under this direction that Lake Roosevelt National Recreation Area began its review of the vacation cabins as a special park use and undertook this NEPA analysis.

Purpose and Need for Federal Action

Purpose

The NPS is examining the effects of issuing another five-year term special use permits for 26 private vacation cabin sites located in **Rickey Point** and **Sherman Creek**, two General Management Plan-defined Special Use Management zones in the North District of Lake Roosevelt National Recreation Area. The EA analyzed whether the use of private vacation cabins at Rickey Point and Sherman Creek is compatible with the

NPS mission of protecting park resources and providing for the enjoyment of the general public.

Need

The Rickey Point and Sherman Creek vacation cabins were constructed prior to the enactment of many environmental protection laws, including the Clean Water Act and the National Environmental Policy Act. Current NPS policies which govern special park uses, such as NPS-53, did not exist in the mid-Twentieth Century when private vacation cabin use was authorized and the cabins were constructed.

Each private vacation cabin is located on a NPS-designated lot averaging ¾ acres. There are 11 permitted vacation cabin sites at Sherman Creek, totaling 8+ acres along approximately 2,600 feet of shoreline. There are 15 permitted vacation cabin sites at Rickey Point, totaling 12+ acres, adjacent to approximately 3,000 feet of shoreline. Over time, the vacation cabins and lots within Sherman Creek and Rickey Point have developed a more "privatized" look as compared to other publically owned and managed developed areas along the shoreline of the NRA. Each lot is authorized to contain one privately held vacation cabin structure. The majority of the vacation cabin lots also contain parking areas, outbuildings, sheds, recreational vehicles, and/or various items of private property. In some cases, these private items are located outside of the boundaries of the designated vacation cabin lots along the shoreline and beaches.

Today, the Sherman Creek and Rickey Point vacation cabins are managed in accordance with the many laws, policies, regulations, executive orders, and NPS Director's Orders/handbooks that guide the management of special park uses within units of the National Park System. These SUPs expired in October 2008. The Superintendent has authorized extensions of the permits until the appropriate regulatory review and compliance with the National Environmental Policy Act (NEPA) is completed.

Alternatives Analyzed

Three alternatives were analyzed in the Vacation Cabin Environmental Assessment based on the purpose and need for federal action: Alternative A No Action (Continue Current Management); Alternative B (Expanded Level of Management); and Alternative C (NRA would not issue an SUP).

Each alternative included strategies to address the major planning issues identified as part of the environmental assessment process, including: public access to the shoreline, water quality, public safety, natural resources, and cultural resources.

The alternatives were structured based on the project purpose and need and were formulated to be consistent with NPS policies as well as the NRA's General Management Plan, Special Park Use Management Plan, and other policy documents. The range of alternatives analyzed considered more active management of vacation

cabin sites through the Special Use Permit process as well as not issuing Special Use Permits in advance of removal of vacation cabins from Rickey Point and Sherman Creek.

Selected Alternative

Alternative B, (presented as the agency-preferred alternative in the EA) is selected for implementation, with several modifications incorporated as noted below. There is no change in the determinations of any of the environmental consequences as a result of these modifications. The NPS will issue new 5-year Special Use Permits for the use of the cabin lots for short term vacation use (i.e., not permanent residential occupancy). The terms and conditions of the permits reflect best management practices designed to protect and improve the existing environment, habitat, and visitor experience for all visitors to the NRA. Under the selected alternative, compliance with all laws, ordinances and regulations of the federal, state, and county governments for the protection of public health and safety would continue. For the permit period, public access to the shoreline is expected to remain at current levels, however the NPS will periodically review whether continued private use of the vacation cabin areas conflicts with needs of the general public.

Permittees would be able to transfer Special Use Permits only with prior written approval of the Superintendent and only if all components of the SUP are in compliance with the current terms and conditions of the permit. The parties involved in the transaction will work with the NPS to ensure that the potential permittee is aware of all terms and conditions related to the permit.

The NPS will not permit structures that are destroyed, irreparably damaged, or declared uninhabitable to be rebuilt. If a structure is declared uninhabitable, the NPS will work with permittees to identify conditions for salvage of personal property and restoration of the site to minimize resource impacts.

Privatized Appearance of Shoreline

Visitor access to the public shoreline will be improved under the selected alternative by reducing the privatized appearance of the shoreline, in the vicinity of the cabin lots. Where cabin sites intersect with the shoreline environment, the NPS will work with vacation cabin permittees to restore and rehabilitate the shoreline using native vegetation and other bioengineered naturalized bank protection, retention, or armoring methods. New landscape plantings or ground-disturbing improvements and garden sites will continue to require advance approval by the Superintendent. The NPS may allow non-native, non-invasive plants only if these are kept in pots. The NPS will not allow invasive plants.

Improve Water Quality

Under the selected alternative, water quality for public health and natural resources will be protected by ensuring that all vacation cabin septic systems are fully functioning and in compliance with current state regulations that govern rural domestic septic systems.

Permittees will be required to demonstrate, consistent with Washington State law, proof of a septic inspection once in every three year period. Permittees would also need to demonstrate that the system has been evaluated to be "fully functioning" prior to being issued a new special use permit.

Septic system upgrades will be required to comply with all health district requirements and be submitted to the NPS for approval of the design and location by the Superintendent. Final approval by the NPS will be required before construction is initiated. "Gray water" systems will continue to be prohibited per Washington State regulations.

Improve Public Safety

Under the selected alternative, vacation cabin sites and associated resources within vacation cabin lot boundaries will be managed to achieve the park's public safety goals. Vacation cabin permittees will be required to make use of a licensed/bonded tree-removal company to treat hazard trees identified by NPS trained staff, as part of annual vacation cabin site inspections by NPS. Permittees will be responsible for stewarding the site consistent with Washington Department of Natural Resources Firewise defensible space guidelines within the designated vacation cabin lot boundary.

The NPS will work with permittees and Avista power (or assignee) to address low-hanging power lines, within vacation cabin lot boundaries, before they become a hazard.

Protect Natural Resources

Under the selected alternative, natural resources will be managed to minimize direct and indirect human impacts to wildlife, trees, plant communities, and soils. Permittees will be offered the opportunity to work with the NPS to prepare a habitat enhancement plan which will guide stewardship and management of individual vacation cabin sites. The objective of these plans would be to provide site-specific recommendations to achieve a variety of natural resource management outcomes, including but not limited to: actions to address parking and landscaped areas, wildlife habitat enhancement, improvements to riparian buffers, and specific actions needed to ensure that the vacation cabin lot landscaping is in accordance with Firewise guidelines.

To improve the protection of trees and their root structures from vehicular access and parking impacts, vacation cabin permittees will be required to comply with NPS guidance for vehicle parking to protect trees from root damage, compaction, and fluid leaks, as a condition of their permit.

The selected alternative also provides for the provision of an enhanced level of educational materials and technical information regarding the use of native plants for

landscaping. The NPS will notify permittees if NPS inspections find non-native landscaping plants that were listed as invasive weeds by county, state, or federal agencies. The NPS will notify permittees specifying the requirements for removal of the plant(s) as well as suggestions for in-kind replacement with native plants, shrubs and/or trees consistent with service-wide Integrated Pest Management requirements.

The NPS will require permittees to store garbage and food or food scraps, including pet foods, in a manner that does not attract or allow access by wildlife and which is consistent with other park developed areas.

Protect Cultural Resources

Prior to considering any action that may have an effect on historic properties; the NPS will work closely with the Washington State Historic Preservation Officer (SHPO) to determine whether the action will have an effect on properties eligible for inclusion on the National Register of Historic Places (NRHP). If the proposed action would have *no effect* or *no adverse effect* on historic properties, it may be considered for implementation. Should the four vacation cabins that are considered of potential historical interest be formally determined to be eligible to the NRHP, mitigations will be developed in consultation with the Advisory Council and SHPO to develop alternatives for mitigating any adverse effects. Only through the development of a Memorandum of Agreement(MOA) between the permittee, NPS, SHPO and Advisory Council, could any adverse effects to historic structures be allowed.

Modifications Incorporated into the Selected Alternative

(1.) Use of herbicides may occur, consistent with current park management, as follows: Limited use of herbicides available from retail sources can be approved on an individual basis when:

- The permittee requests in writing by March of each year the use of specific general use herbicides. This request must include the herbicide(s) to be used (including brand name, EPA number, and the concentration percentage of the purchased product), the weeds (common name) to be treated, and general map of the area within each cabin lot which will be treated during the summer. This includes fertilizer products including herbicides for lawn weeds. Permittees may not apply herbicides prior to receiving approval from the Superintendent.
- The permittee records the dates and amount of herbicide(s) used and provides these to the NPS by October 31st of each year. Further details will be included in the Terms and Conditions of each permit.

(2.) Issuance of Final Permit Upon Determination of Greater Public Need. As noted above, the NPS will periodically review whether continued private use of the vacation cabin areas conflicts with needs of the general public. At such time as general public needs are found to be likely to be obstructed or restricted, these findings will be made public. The NRA will issue one final 5 year permit, as permitted by 43 CFR 21.4. This additional permit period would allow the NPS to develop a site restoration plan, request any project funding needed which is currently available 3 to 5 years in the future, and to ensure that all NEPA and NHPA compliance would be completed.

Summary of Other Alternatives Considered

Two other alternatives were fully considered in the Vacation Cabin Environmental Assessment.

Alternative A: Under Alternative A, the No Action Alternative, there would be no change from ongoing park management and the NRA would have issued a new 5-year-term Special Use Permit to current permittees for the use of their private vacation cabins, according to NPS policies which guide the management of special park uses within units of the National Park System. Compliance with all laws, ordinances, and regulations of the state and county for the protection of public health and safety would also have continued. Levels of public access to the shoreline would have remained at current levels. The NPS would have continued to periodically review whether private use of the areas conflicted with the needs of the general public.

Alternative C: Under Alternative C, the park would not have issued Special Use Permits for private vacation cabins and would have required the removal of all existing vacation cabins and restoration of cabin sites as outlined in the permit's current terms and conditions. The NPS would have worked with each vacation cabin permittee to minimize resource impacts associated with individual cabin and associated improvements removal.

Preliminary Alternatives Considered But Dismissed

Under NEPA and NPS policy, an alternative may be eliminated from detailed study for the following reasons [40 CFR 1502.14(a)]:

- *Technical or economic infeasibility;*
- *Inability to meet project objectives or resolve need for the project;*
- *Duplication of other less environmentally damaging alternatives;*

- *Conflicts with an up-to-date valid plan, statement of purpose and significance, or other policy; and therefore, would require a major change in that plan or policy to implement and*
- *Environmental impacts would be too great.*

The following alternatives or options were considered as part of the alternatives scoping of the project, but were ultimately rejected and not studied in detail as part of the environmental assessment.

Explore an Expanded Use and Occupancy Contract for Vacation Cabins

Initially, four preliminary alternatives were presented as part of Alternatives Scoping, three of which were eventually carried forward by the NPS to be evaluated as part of this EA. Alternatives Scoping included another alternative, "Alternative C," which proposed exploring the use of a longer-term, legal instrument titled "use and occupancy contract." This preliminary alternative concept stated, "Explore the possibility of using a Use and Occupancy contract for up to 25 years, or the lifetime of the permittee of record." This contract would not have been transferable, nor would it have been renewable. The contract would reflect a new set of terms and conditions, similar to those outlined within "Alternative B." The NRA evaluated the legality of having the NPS issue a "use and occupancy contract" for this length of time. The NRA determined that there is no legal authority for this alternative, and it would be contrary to policy. Accordingly, after consideration, the park rejected this alternative.

Length of Term of the Special Use Permit

The NPS received a number of comments, primarily from current vacation cabin permittees asking for an alternative to be considered that would allow for a longer "lease" term than the current 5-year permit. The NPS currently has no permitting instrument to permit private vacation cabins within a unit of the NPS other than the Special Use Permit. The NPS has no leasing authority appropriate for the permitting of private vacation cabins on public land. The authority to issue special use permits derives from the Organic Act and other authorities and regulations at 36 CFR Parts 1 through 7. According to 43 C.F.R. sec. 21.4 Special Use Permits must be reviewed every 5 years. Accordingly, after consideration, the NPS rejected this alternative.

Full-time Residency in a Vacation Cabin

The NPS received comments primarily from current vacation cabin permittees, urging that the NPS consider allowing the vacation cabins to be used as full-time residences. The NPS and the permits it issues have specified that each cabin is to be a "vacation cabin" or "private recreational dwelling." The 2001 Supplement to the approved Lake Roosevelt Special Park Use Management Plan states that, "As the name implies, these sites are intended to be vacation cabins, not substantial year-round homes."

In addition, the NRA has no authority to allow long term, year round private use of public lands. Long periods of occupancy and the associated improvements include large

areas of maintained lawn and manicured landscaping which disrupt the natural appearance and environment of the publicly owned shoreline.

Environmentally Preferred Alternative

In accordance with Director's Order-12, Conservation Planning, Environmental Impact Analysis, and Decision-making and the Council on Environmental Quality (CEQ) requirements, the NPS is required to identify the "environmentally preferable alternative" in all environmental documents, including EAs. The environmentally preferred alternative is determined by applying the criteria suggested in NEPA, which is guided by the CEQ. The CEQ (46 FR 18026–46 FR 18038) provides direction that the "*environmentally preferable alternative is the alternative that would promote the national environmental policy as expressed in NEPA's Section 101,*" including:

1. *Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;*
2. *Assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;*
3. *Attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences;*
4. *Preserve important historic, cultural, and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice;*
5. *Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and*
6. *Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.* (NEPA Section 101(b))

Generally, these criteria mean the environmentally preferable alternative is the alternative that causes the least damage to the biological and physical environment and that best protects, preserves, and enhances historic, cultural, and natural resources (46 FR 18026–46 FR 18038).

Under Alternatives A and B in the EA, No Action Alternative/Continue Current Management and Preferred Alternative/Expanded Management respectively, natural and cultural resources would continue to be protected and preserved according to current policies and regulations. Alternatives A and B satisfy CEQ criterion 1, 4 and 6.

Alternative C would best allow for the NPS to meet a majority of the above stated criteria and is therefore designated the Environmentally Preferred Alternative. In

addition to meeting CEQ criterion 1, 4 and 6, Alternative C would also have met criterion 2, 3, and 5.

While Alternative C would cause the least harm to natural and cultural resources and the physical environment over time, it fails to consider the long tradition of vacation cabin at the NRA. The NPS has concluded that an expanded management of the use of the vacation cabins through the terms and conditions of the permit will adequately mitigate the impacts from vacation cabins over their 5 year permit life and therefore did not select Alternative C for implementation

Why the Selected Alternative Will Not Have a Significant Effect

The NPS has determined that the Selected Alternative can be implemented with no significant adverse effects to land use, soils, vegetation, water resources (water quality), wildlife, cultural resources, visitor experience, socioeconomics or park operations. As defined in 40 Code of Federal regulations (CFR) Section 1508.27, significance is determined by examining the following criteria:

- The selected alternative has a wide range of beneficial and adverse effects (see *Measures to Avoid Minimize, or Mitigate Impacts* below).
- The selected alternative will not adversely affect public health or safety.
- The selected alternative will not significantly impact the unique characteristics of the area, including prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas.
- The effects on the human environment are known, and controversial aspects of the proposed project that surfaced during the environmental analysis process were initially examined as part of the General Management Plan.
- The selected alternative neither establishes a NPS precedent for future actions with significant effects, nor represents a decision in principle about a future consideration.
- The selected alternative will have no effect or no adverse effect on contributing features to those historic properties.
- The proposed project would have no effect on species listed or proposed for listing under the Endangered Species Act.
- No significant cumulative effects and no highly uncertain, unique or unknown risks were identified during preparation of the EA or during the public review period.
- The selected alternative will not violate any federal, state or local environmental protection laws.

Measures to Avoid, Minimize or Mitigate Impacts

The following summary table (Table 1) identifies the impacts and mitigation required for satisfactory implementation of the selected alternative. This summary assigns responsibility for implementation to ensure that the measures that minimize, eliminate or avoid these impacts are achieved. All mitigation measures described in this section will be implemented. Further mitigation measures may be developed as an adaptive management response to ongoing formal and informal consultation on this project and may also augment the measures described below. The measures identified are designed to ensure that impacts to park natural and cultural resources, visitor use/experience and park operations are avoided, minimized or mitigated.

This space intentionally left blank

Table 1. Selected Alternative: Measures to Minimize Environmental Harm

Resource	Effect	Measures to Avoid, Minimize or Mitigate Impacts	Responsibility
Land Use	The selected alternative will have localized, negligible to minor beneficial effects from the incorporation of native landscape plant species, rehabilitated shoreline stabilization structures, and potential conversion of some impervious surfaces to naturalized vegetated landscapes. There is a potential for minor, localized beneficial changes in land use, as part of the requirement to improve the compliance of individual septic systems with Washington State regulations.	• Development footprints will continue to be concentrated, rather than spread out. • Construction limits for improvements will be clearly delineated to prevent expansion of impacts into undisturbed areas. .	Integrated Resource Management
Soils and Vegetation	Implementation of site-scale habitat enhancement plans, as part of the selected alternative, will result in less impervious surface, fewer non-native invasive plant species and increased use of native plant species. Rehabilitation of shoreline structures in a manner which integrates vegetation (bio-engineering) will improve the biotic health of the shoreline in vicinity of the vacation cabin lots. Though negligible short-term adverse effects to soils and vegetation will occur during site restoration/rehabilitation activities, longer term beneficial effects would accrue to soils and vegetation.	Soils: • Construction staging areas will be located where they will minimize new disturbance of area soils and vegetation. • Ground disturbance will be minimized to the extent possible. • No construction activities will occur when soils are wet. • Parking areas and other actions which contribute to soil compaction will be minimized in areas with trees or shrubs. Promoting the use of mats or plywood to minimize soil compaction impacts will occur in sensitive areas during restoration activities. • Topsoil will be salvaged from excavated areas for use in re-covering source area or other project areas. • Piling of excavated soils will be avoided alongside remaining trees, and carefully using heavy equipment will minimize damage to these trees. • Windrowing topsoil at a height that will help to preserve soil microorganisms (less than three feet). • Excavated materials from the project area will be reused (rather than removed).	Integrated Resource Management

Resource	Effect	Measures to Avoid, Minimize or Mitigate Impacts	Responsibility
		• Project areas will be re-vegetated through native seeding and/or planting. Use of erosion blankets, hydroseeding, or bio-engineering practices on steeper slopes will be used to minimize erosion prior to plant establishment. • Weed-free clean fill and topsoil will be imported where needed. • Clearing limits will be delineated to minimize the amount of vegetation loss. • Silt fencing or other erosion control methods will be installed to prevent loss of native soil. <u>Vegetation:</u> • Driving will only take place on established roads and the amount of parking at each cabin site would be minimized. • Cleaning vehicles, to ensure that invasive weeds are not brought in from previous work sites by construction vehicles and equipment will occur. • Removal of non-native landscaping trees and shrubs that have been found to naturalize and spread will occur. • Eurasian water milfoil spread will be prevented by removing plant fragments from boat props, trailers, fishing lines, etc., prior to using or beaching the boats in the vicinity of the cabin sites. • Following removal of impervious surfaces and/or structures and prior to site restoration activities using heavy equipment, native plant material will be salvaged and replanted.	
Water Resources	The selected alternative will require that permittees demonstrate compliance and consistency with Washington State regulations governing rural domestic septic systems as part of SUP issuance, therefore implementation of this alternative will result in short-term negligible to minor localized adverse effects and long-term minor to moderate beneficial effects to water quality.	• Water quality monitoring data will be collected and used to inform development of mitigation actions • Soil disturbance will be minimized and disturbed areas would be re-seeded or re-vegetated as soon as practical. • The creation of additional impervious surfaces will be minimized.	Integrated Resource Management

Resource	Effect	Measures to Avoid, Minimize or Mitigate Impacts	Responsibility
	Reduction in impervious surface and associated surface water flow, relocation of vehicles will decrease potential petroleum and fluid leaks, increased vegetative buffers and other site stewardship actions will contribute to long-term beneficial impacts to water quality and resources.		
Wildlife	The selected alternative will have long-term, localized beneficial effects to wildlife, from improved containment of food waste, containment of domestic pets, and implementation of voluntary habitat enhancement plans. Those permittees who did not choose to implement a voluntary habitat enhancement plan will continue to contribute negligible to minor localized adverse effects to wildlife.	• Residents will be encouraged to limit the effects of light and noise on wildlife habitat by directing lighting inward and downward and by minimizing noise. • Regulations that prohibit the feeding of wildlife will be enforced. • Residents will be encouraged to maintain proper food storage, disposing of all food waste and food-related waste promptly, in a bear-proof receptacle, if available. • Residents will be required to keep all domesticated animals and pets restrained or on leash. • Sites will be restored to native vegetation, including with plants that will provide food and shelter.	Integrated Resource Management
Cultural Resources	Implementation of the selected alternative will contribute negligible to minor adverse effects to cultural resources from ongoing use and management of vacation cabins. Archeological surveys will be completed prior to NPS granting approval for proposed modifications to cabins or ground disturbance activities. There will be no adverse effect to archeological resources. Should the four vacation cabins that are considered of potential historical interest be formally determined to be eligible to the NRHP, mitigations will be developed in consultation with the (continue)	• Residents will be required to notify the park of proposals for ground disturbance outside existing footprints of development. • Archeological and historic property studies will be conducted to determine the significance of sites and structures or buildings. • Mitigation measures will be developed in consultation with the State Historic Preservation Office and the Tribes prior to initiating any project that has a potential effect on cultural resources. • Ground-disturbing actions will be monitored as appropriate during construction to ascertain presence/absence of archeological materials within the proposed construction zone. If archeological resources were suspected or identified, permittees will be required to stop work in the area as directed by the recreation area until (continue)	Integrated Resource Management

Resource	Effect	Measures to Avoid, Minimize or Mitigate Impacts	Responsibility
	Advisory Council and SHPO to develop alternatives for mitigating any adverse effects. Following development of a MOA with the SHPO and Advisory Council, there could be moderate adverse effects to historic structures.	the find could be evaluated and action taken to avoid or mitigate the impact. • If this is not possible, as much information as possible will be collected about the site in accordance with applicable laws and regulations and additional consultation with applicable agencies and tribes will occur as specified in the implementing regulations for Section 106 of the NHPA. • NPS will follow procedures outlined in the Native American Graves Protection and Repatriation Act in the event that human remains or any objects protected under NAGPRA are exposed. This will include the potential need to stop work for a minimum of 30 calendar days. During that time, work may resume in non-sensitive areas. • In consultation with the SHPO, NPS will evaluate the four cabins considered potentially eligible to the NRHP and develop an MOA with the SHPO and Advisory Council for Historic Preservation (ACHP) prior to taking actions that will adversely affect the buildings and/or related structures or site.	
Visitor Experience	The selected alternative will ultimately result in vacation cabins blending into a more naturalized landscape. In the near-term, there will be continued localized adverse effects to non-cabin owning visitors due to privatized appearance of vacation cabin lots and adjacent shoreline areas. More systematic management by NPS of encroachments of private property and structures built on or near the shoreline, in conjunction with habitat enhancement plans, will result in localized beneficial effects to non-vacation cabin dependent visitors and minor localized adverse effects on cabin dependent visitors. As the permittees will continue the (continue)	• Disturbed soil areas will be re-vegetated as soon as practical following construction.	Integrated Resource Management and Visitor and Resource Protection

Resource	Effect	Measures to Avoid, Minimize or Mitigate Impacts	Responsibility
	use of their vacation cabins, impacts to this small subset of the visitor population will be localized, and minor. They will experience positive impacts of being able to continue to receive permits for the same 5-year duration they received previously.		
Socio-economic	The selected alternative will contribute continued minor to moderate short-term beneficial effects from ongoing purchases of gas, supplies and other services, from nearby communities. Additional short-term beneficial effects would likely occur from consumer activities related to meeting current and upgraded terms and conditions associated with permit issuance.	• No mitigation measures were identified in the EA	
Park Operations	The selected alternative will produce minor to moderate short-term adverse effects to park operations from expanded management programs and responsibilities associated with vacation cabin special use management areas.	• Park funds will be used to supplement program areas needing additional staffing and resources to address the short-term negative impacts to operations. This could include maintenance and construction staff, natural resource staff for habitat planning and site restoration, and management level assistance.	Integrated Resource Management and Maintenance

Public Involvement

Public Scoping

The NPS held a public scoping period for the Vacation Cabin Environmental Assessment from May 20, 2008, to June 27, 2008. The NRA placed a public scoping announcement on the park's website and published it in the following newspapers: *The Star* (Grand Coulee), *Davenport Times, Republic News Miner, Statesman Examiner* (Colville), *Spokesman Review* (Spokane), *Omak Chronicle, Seattle Times,* and the *Seattle Post-Intelligencer*. The park conducted both internal and external scoping with appropriate NPS staff, agencies, tribes, and the public to determine the range of issues to be analyzed in the EA.

In addition, county commissioners from Ferry and Stevens counties and representatives from the Confederated Tribes of the Colville Reservation and the Spokane Tribe of Indians were part of the planning team. Based on scoping comments received and federal laws, regulations, and executive orders, the NPS determined that an EA was the appropriate level of compliance for issuance of special use permits. The NRA used the scoping process to define the project purpose and need, identify issues and impact topics, outline reasonable and feasible alternative actions, and to describe and evaluate the relationship of the alternatives to other planning efforts in the park.

The NRA received a total of 127 public comment letters during Public Scoping. These comment letters were received via the NPS Planning, Environment, and Public Comment (PEPC) website, U.S. mail, email, or handed to staff at public meetings. The park conducted four public meetings (May 1, 20, 21, and 28, 2008) to provide the public with an opportunity to learn more about the project purpose, history, and related resource management issues. These initial scoping meetings were attended by 114 members of the public. The NRA analyzed comments submitted during public scoping to identify issues and concerns, and incorporated the input into the development of six primary planning issues and four preliminary alternatives. Park staff also continued to consider public and internal concerns as they arose throughout project planning, and to integrate these additional ideas where possible and appropriate. A second 45-day public scoping period to preview the preliminary alternatives was conducted between July 6, 2009, and August 19, 2009. This resulted in 96 comment letters received via U.S. mail, email, or the PEPC website. During this time the park also held two public open houses (July 6 and 7, 2009) to provide the public with an opportunity to learn more about the preliminary project alternatives being considered for the EA (33 attendees). Most comments did not substantively respond to the planning issues presented within the Alternatives Development Newsletter, but instead expressed support for implementation of a specific alternative or alternatives. Of the comments submitted during the Alternatives Development Scoping Period, 90 comments supported the No Action Alternative (Alternative A), two comments supported the Removal of Cabins Alternative (Alternative C), and four comments were not conclusive in their support of a specific alternative. Other than expressing preferences among the alternatives, the

respondents replicated previously expressed issues and concerns, and no new relevant information was received.

Summary of Public Comments on the Environmental Assessment

The NPS released the Vacation Cabin Environmental Assessment for a 45-day public review period on February 15, 2011 through April 8, 2011. On March 8, 2011 a correction notification clearly identifying Alternative B as the preferred Alternative was posted on the PEPC website and sent to all recipients of the EA. The NPS received requests for an extension of the comment period and extended the public comment period an additional 30 days, through May 8, 2011. A second request was received on May 4th 2011 requesting an additional 45-day extension. This request was denied due to the expanded length of the original review period (45 days rather than the standard 30-day comment period), the additionally granted extension, and the anticipated time needed for permittees to comply if SUPs were to be granted. During the enhanced 75-day opportunity for public review the NRA held one public open house meeting in Kettle Falls, Washington, on March 15, 2011 (13 attendees).

Approximately 42 copies of the EA were distributed, including copies to individuals, agencies, non-profit organizations and government officials. The EA was also available for review at the following libraries: Grand Coulee Public Library, Kettle Falls Public Library, and the City of Colville Public Library. The NRA published a press release regarding the EA public review in The Star Newspaper (Grand Coulee Dam Area), The Wilbur Register, The Davenport Times, The Spokesman Review, The Statesman Examiner and posted the press release on the PEPC and park websites. The NRA sent or emailed copies of the press release to 14 media contacts.

During the public review period for the Environmental Assessment, approximately 454 comments were identified from 125 letters and emails from individuals, three groups (National Parks and Conservation Association, Lake Roosevelt Vacation Cabin Owner's Association, and National Forest Homeowners Association), one county (Stevens County Commissioners), State Representatives Short, Morton, and Kretz and one United States Congresswoman, Cathy McMorris Rodgers.

Of the 454 comments, there were 116 comments that recommended or opposed one of the alternatives, as summarized in the table below. (The total number of comment letters received was 125.)

Stated Alternative Preference	#	% (x=125)
Alt A	100	80%
Alt B	7	6%
Alt C	5	4%
Alts B or C	4	3%
Neither A, B or C specified	9	6%

A portion (53 or 42% of total) of the comment letters or emails submitted during this period was derived from a form letter that did not support the removal of cabins or expanded management of the cabins and lots to bring them into compliance. The majority of respondents submitting these form-letter derived comments were either directly or indirectly related to individuals or families with vacation cabins at Rickey Point or Sherman Creek. In general, these respondents expressed dissatisfaction with cabin owners having to comply with what they perceived as additional Special Use Permit terms and conditions. These respondents believe that current management and stewardship of the cabins and lots enhances visitor experience, does not affect public access, and improves the lake and its shoreline environment. Supporters of the No Action Alternative also questioned the data and information that contributed to a National Park Service justification for not issuing special use permits and removing the vacation cabins

Comments Submitted by Category and NPS Response

NPS identified the following categories of concerns within the 454 comments, each of which are within the scope of the project (all comments are fully documented in the project administrative record):

1. Establishment of Greater Public Need
2. Beneficial Effects of Vacation Cabins
3. Status of Septic Systems
4. Importance of Keeping Public Land Open and Available for Use by the General Public
5. Special Use Permit Terms, Conditions, and Enforcement
6. Use of a Vacation Cabin as a Primary Residence
7. Relationships between the Privatized Appearance of the Shoreline, Visitor Experience and Public Access
8. Adverse effects of Eliminating Permits and Vacation Cabins to Permittees and Community
9. Consistency of Vacation Cabins with the National Recreation Area
10. NPS Laws, Policies, Planning Documents, Studies and Agreements
11. Protection and Enhancement of Natural Resources
12. Wells and Potable Water
13. Cultural and Historic Resources
14. EA Analysis and Alternatives
15. Alternative B will Impose Unnecessary New Restrictions that will Curtail Use of the Cabins and Lead to their Removal
16. Tri-Party Agreement

A more detailed summary of comments and responses, organized by these categories, is provided in the *Lake Roosevelt Vacation Cabin Environmental Assessment Public Review and Comment Summary* (attached). A summary of the most salient comments and the NPS response, follows:

Establishment of Greater Public Need
At least 7 comment letters addressed greater public need. These contended that the Environmental Assessment did not demonstrate that there is a greater public need for the vacation cabin sites and advocated that special use permit issuance in support of private vacation cabins at Rickey Point and Sherman Creek should continue.

A fundamental purpose of the EA was to assess whether the continued use of the areas currently set aside for private vacation cabins is still consistent with the needs of the general public. Having analyzed whether a "greater public need" exists at this time will help the NRA assess when and whether there is a greater "greater public need" in the future. For the purposes of implementing the selected alternative (i.e. issuing another 5-year term permit), the NPS has determined that there is not currently a demonstrated need by the general public for the areas currently occupied by the private vacation cabins. This determination was derived from professional judgment based on staff observations, public comment, and visitation counts.

In order to better analyze the ongoing public need, the NPS and the Social Sciences Unit at the University of Idaho are working together to develop an assessment tool to address future status and trends associated with visitor use and demand for recreational opportunities at Lake Roosevelt in the general vicinity of the private vacation cabin communities. Since the first assessment of "greater public need" using the new methodology is not scheduled to be completed until 2012, this process was not applied to the subject action, which is guided by Director's Order 53, Special Park Uses. Director's Order 53 sets the policies and procedures for administering special park uses on National Park System lands. Whether a request to engage in a special park use is approved or denied, the Superintendent's decision must be based on all available consideration of relevant factors related to the request. In no case is a Superintendent "mandated" to automatically renew a request for a new permit, even though the activity may have been previously permitted.

Status of Septic Systems
At least ten comments addressed the status of the vacation cabin septic systems. Some comments questioned the accuracy of the sanitary survey and suggested that there is no evidence that older septic systems resulted in adverse environmental effects. Other comments supported the need to mandate septic system upgrades as a contingency of lease renewal.

In 2010, the NPS, in conjunction with the Okanogan County Public Health Department, completed a Sanitarian Survey to gather preliminary condition information on each of the 26 waste water treatment systems located at the Rickey Point and Sherman Creek vacation cabin areas. The primary purpose of this information gathering was to inform the NPS as to the condition of the waste water treatment systems at these two locations, and whether these systems had failed or had a likelihood of failure within a given timeframe (5-years or less). An inspection summary was developed for each property,

describing the observed conditions. Based on these findings the NPS requested that each cabin site be categorized as Fully Operational, Limited Functionality, or Failing/Failed. These categories assumed normal maintenance and use over the next five-years.

- **Fully Functional**: The system is functioning properly and effectively treating effluent
- **Limited Functionality**: The system may be treating effluent, but accessibility to the system limits the ability to easily maintain and inspect the system, or particular components of the system are damaged or missing limiting the effective treatment of effluent.
- **Failing/Failed**: The system is no longer properly treating effluent.

The results of the inspection showed that most of the systems were of limited functionality or were failing/failed.

The NPS is obligated to protect the public health and safety as well as the environment from all foreseeable risks. As such, in those instances where a system was deemed as functioning in a limited capacity or failing/failed, the NPS has the authority to ensure corrective actions are taken prior to any injurious event occurring. Prior to the issuance of a new Special Use Permit, current cabin permittees must provide documentation that their individual systems are fully operational and system upgrades comply with all health district permitting regulations. These protective measures are aligned with state and local laws that govern rural domestic septic systems and will remove the level of uncertainty regarding the functionality of existing systems.

Northeast Tri-County Health has delegated authority from the state and ultimately U.S. EPA to administer the state and federal regulations related to septic system operation and maintenance in order to protect the environment and public safety. Although located on U.S. Government lands, each of the private vacation cabins and their associated septic systems are private in nature. Rather than addressing septic issues at the vacation cabin sites with an arbitrary level of compliance developed by the NPS, the NPS will defer to Northeast Tri County Health and the current Washington Administrative Code 246 272A 0270 regarding rural septic systems.

Special Use Permit Terms, Conditions, and Enforcement

Approximately 70 comment letters addressed special use permit terms, conditions and enforcement. Over 30 comment letters did not support the preferred alternative's proposed permit terms associated with rebuilding, water systems, transfer of leases, and additional permit conditions. Other comment letters stated that violations of NPS lease terms/rules need to be corrected and encroachments onto public lands returned to their former state. Finally, some comment letters requested that the NPS take the economy

and permittees tight budgets into account when implementing the special use permit program for vacation cabins.

Through this Environmental Assessment the NPS has reviewed in detail the environmental and human impacts associated with the ongoing issuance of 5 year special use permits for vacation cabin occupancy and the selected alternative provides broad guidance for NPS staff as well as permittees regarding the future use and management of the vacation cabin areas. Changes to the permit terms and conditions, pursuant to general points which are outlined under the selected alternative are consistent with NPS policy and regulations for protecting the long-term health of the NRA, and reflect the management practices used throughout the NRA. Lake Roosevelt NRA provides for diverse recreational opportunities and that during the development of the recreation area, private vacation cabins were one of these uses. Since that time however, new regulations and interpretations of policy would not allow for this type of use within a unit of the National Park System. As such, if cabins are destroyed or irreplaceably damaged, the short-term nature of the permit does not allow adequate time for the amortization of the structure. The selected alternative, however, does allow for general damages that occur to the cabins to be repaired.

As noted in the EA, and discussed above, permits can be transferred with the written prior approval of the Superintendent. The NRA will address violations of the terms and conditions as appropriate to the severity of the violation.

Relationship Between the Privatized Appearance of the Shoreline, Visitor Experience and Public Access

Of the 127 comment letters received, 69 addressed the issue of the privatized appearance of the shoreline environment around the Sherman Creek and Rickey Point vacation cabin areas. The majority of these individual comments (50) were verbatim and derived from a form letter which expressed the opinion that there is no conflict between cabin use and public access.

The beaches and shoreline adjacent to the vacation cabins are not areas assigned to the permittees for their exclusive use, yet in some cases landscaping, beach furniture, and other improvements associated with the vacation cabins intrude beyond lot lines and onto areas reserved for use by the general public.

The recently completed approved Shoreline Management Plan and Environmental Assessment (2010) provided much more opportunities for a detailed evaluation and wide opportunity for public review input regarding visitor use and new areas throughout the NRA suitable for consideration for development. The selected version of modified Alternative B in this Vacation Cabin EA does not attempt to identify additional sites or to change the use of the two vacation cabin areas or otherwise amend the 2010 SMP.

Implementation of the selected alternative will allow a more naturalized shoreline with NPS staff managing the encroachments of private property from vacation cabin lots more systematically and effectively. The "privatized appearance of the shoreline" was identified as a concern in the Shoreline Management Plan/EA (2010), as well as the Vacation Cabins EA. While the cabin permittees may perceive this as an additional limiting condition, the current permits already restrict encroachment beyond the permitted footprint.

Use of a Vacation Cabin as a Primary Residence

Approximately 21 comment letters addressed the issue of full time residency for vacation cabin permittees. Many comments supported year-round residency for a subset of permittees and stated that these year-round residents provide a level of oversight, security, and a physical presence that deters crime and vandalism to vacation cabin sites during the off-seasons. Other comments requested that NPS enforce seasonal occupancy requirements for vacation cabin permittees.

The NPS disagrees that there has been any ambiguity that the areas set aside for the private vacation cabins are not to be converted to full time residences. Use of the cabin areas for anything other than recreational purposes has been expressly prohibited by the terms and conditions of the permits since the 1970's. A 2001 addendum to the 1990 SPUMP further reiterates this prohibition. These documents were provided to all permittees of record.

Use of any area set aside for the recreational needs of the public cannot be converted to full time exclusive use. In addition to regulations, and permit conditions, the short term nature of the permit itself – 5 years – makes it clear that the areas set aside for vacation cabins are not intended to be used for full time residential domicile. There is a direct connection between longer periods of occupancy and the trend towards larger, more substantial buildings and other improvements that contribute to the impression of private property and greatly increase the impacts to the natural environment. These greatly outweigh the unsubstantiated benefits noted in many of the comments.

No Superintendent may issue a permit for an activity that is contrary to the purposes for which a park area was established or would cause an unacceptable impact on park resources or values. The scenery, natural and cultural resources, and other intangible benefits of a unit of the National Park System are entrusted to the American public and were never intended to be used as private property.

Public Comments Outside the Scope of the Vacation Cabin Environmental Assessment

Various concerns were raised during public scoping or review of the EA but were eliminated from further consideration (and are not discussed or analyzed) in the EA because they are outside the scope of the project, propose options that are not reasonable and/or feasible, or were alternatives rejected during the planning process and/or do not meet the project purpose or need. Comments outside of the scope of the

EA are further documented in the *Lake Roosevelt Vacation Cabin Environmental Assessment Public Review and Comment Summary.*

Agency Consultation

U.S. Fish and Wildlife Service (USFWS)

Section 7 of the Endangered Species Act (1973) requires consultation with the U.S. Fish and Wildlife Service (USFWS) regarding any action authorized, funded, or carried out by a federal agency to ensure that it does not jeopardize any listed species or its critical habitat. During preliminary consultation under Section 7, the NPS was directed to the USFWS website for the most recent list of protected species in the project area. This list was used as the basis for the special status species analysis in this EA. Because there would be no effect on species listed or proposed as threatened or endangered from implementation of the alternatives in this EA, no additional consultation with the USFWS is necessary. As necessary, pending additional actions proposed for the vacation cabin sites additional consultation with the USFWS would occur.

American Indian Tribes

Lake Roosevelt National Recreation Area is consulting with American Indian Tribes having cultural association with areas affected by the Vacation Cabin Environmental Assessment, including the Confederated Tribes of the Colville Reservation and the Spokane Tribe of Indians. Representatives of these tribes were part of the Interdisciplinary Planning Team established by the recreation area for this project. Ongoing consultation with the tribes is continuing through the established government-to-government relationships. Additional information sharing and project planning would continue throughout the planning and implementation of the selected action.

Washington State Historic Preservation Officer (SHPO)

On March 29, 2010, pursuant to Section 106 of the NHPA, NPS staff sent a letter to the Washington State Department of Archaeology and Historic Preservation (DAHP) notifying them that Lake Roosevelt NRA was initiating an Environmental Assessment for a Vacation Cabin Management Plan. DAHP staff responded, requesting that Lake Roosevelt National Recreation Area complete a Historic Property Inventory of the cabins and evaluate them for their eligibility for inclusion in the National Register of Historic Places (NRHP). They also requested that the NPS consider whether the vacation cabin areas may warrant designation as a Historic District. NPS staff completed the inventory and presented the findings in a letter on September 9, 2010. In a letter dated October 15, 2010, the DAHP concurred with the NPS determination that 21 of the cabins were ineligible to the NRHP and the vacation cabin areas were also ineligible for the NRHP as Historic Districts. The DAHP requested additional information on four of the cabins because these were potentially eligible based on their integrity of design and construction.

The DAHP also requested NPS to provide more information on the context of the development of the cabins in Lake Roosevelt to determine whether the cabins are associated with any trend that is significant in the history of the United States. Ongoing consultation with the DAHP would continue to determine whether the potentially eligible vacation cabins are in fact eligible for the NRHP. If these cabins were later proposed for modifications by the cabin owners or removal following expiration of permits, the NPS would reinitiate consultation with the DAHP.

Non-Impairment of Park Resources

Pursuant to the 1916 Organic Act, the National Park Service has a management responsibility "to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of future generations." Therefore the National Park Service cannot take an action that would 'impair' park resources or values.

Based on the analysis provided in the *Vacation Cabin Environmental Assessment*, the National Park Service concludes that implementation of the selected alternative (Alternative B in the EA) would have no significant impacts to a resource or value whose conservation is (1) necessary to fulfill specific purpose and significance of Lake Roosevelt National Recreation Area (2) key to the natural or cultural integrity of Lake Roosevelt National Recreation Area or to opportunities for enjoyment of the recreation area; or (3) identified as a goal in the General Management Plan or other relevant National Park Service planning documents. Consequently, implementation of the proposed action will not violate the National Park Service Organic Act.

This space intentionally left blank

Finding

On the basis of the information contained within the Environmental Assessment as summarized above, it is the determination of the National Park Service that the selected project is not a major federal action significantly affecting the quality of the human environment. Nor is it an action without precedent or similar to an action that normally requires an Environmental Impact Statement. The conclusions of non-significance are supported by the conservation planning and environmental impact analysis completed and the capability of the listed mitigation measures to reduce or eliminate impacts. No adverse effects to cultural or historical resources will occur; there are no unacceptable impacts, nor will any impairment of cultural or natural resources or park values occur. This determination also included due consideration of the thoughtful nature of public comments, agency, tribal and county recommendations. Implementation of the selected alternative will help to ensure that no impairment of park values will occur in the future. As such, in compliance with the National Environmental Policy Act, an Environmental Impact Statement will not be prepared, and portions of the selected project may be implemented immediately, while others will be implemented as soon as is practicable pending other requirements, funding and staffing.

Recommended:

Debbie Bird 7/21/2011

Debbie Bird, Superintendent
Lake Roosevelt National Recreation Area

Date

Approved:

Christine Lehnertz, Regional Director
Pacific West Region

Date