

# **WINDY CORNER ENVIRONMENTAL ASSESSMENT**

## **APPENDIX F**

### **SECTION 6(F) CONSULTATION**

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# United States Department of the Interior

## NATIONAL PARK SERVICE

Alaska Region  
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Anchorage, Alaska 99501



**Seward Highway Mileposts 105-107, Windy Corner Improvements  
A Partial Conversion of Land Subject to Section 6(f)(3)  
of the Land and Water Conservation Fund Act, Public Law 108-198  
Chugach State Park, Anchorage, Alaska  
Environmental Assessment  
Finding of No Significant Impact**

**February 2019**

This Finding of No Significant Impact (FONSI) documents the decision of the National Park Service (NPS) to adopt the preferred alternative in the Windy Corner Environmental Assessment. Alternative 2, the Selected Alternative, includes partial conversion at Chugach State Park by transferring Land and Water Conservation Fund (LWCF) 6(f)(3) requirements from 39.56 acres of land that is currently in park use to 14.7 acres of land currently in transportation use that will be redeveloped for park use. There will remain at Chugach State Park more than 430,000 acres to be managed subject to LWCF requirements.

This alternative was evaluated against Alternative 1, No Action. Both alternatives were described and analyzed in the February 2019 "Seward Highway Mileposts 105-107, Windy Corner Improvements: A [Partial] Conversion of Land Subject to Section 6(f)(3) of the Land and Water Conservation Fund Act, Public Law 108-198 Environmental Assessment" (EA). This EA was prepared by the Alaska Department of Transportation (ADOT) on behalf of the Federal Highway Administration (FHWA) and in cooperation with the Alaska Department of Natural Resources (AKDNR) and NPS.

The LWCF Act is now codified at 54 U.S.C. Section 200305(f)(3). The request to adopt the preferred alternative is made to NPS by the AKDNR, who both administers the LWCF program in Alaska on behalf of NPS and owns and manages Chugach State Park. Chugach State Park is located east of Anchorage, Alaska. The replacement parcel is currently part of the Seward Highway right-of-way where it runs through Chugach State Park.

## **PURPOSE AND NEED**

In 1970, the U.S. Department of the Interior (DOI) Bureau of Outdoor Recreation (now the NPS LWCF AKDNR and Local Assistance Program) awarded grant #02-00057 for development of water wells at a number of AKDNR parks, including Chugach. Overall, there have been awarded fifteen LWCF grants for acquisition and development projects at Chugach. The AKDNR accepted the terms of the grant agreements with full knowledge that those terms include maintaining the park for public outdoor recreation purposes unless those responsibilities are otherwise transferred to an alternate location and approved by the Secretary of the DOI as delegated to the NPS. This LWCF program "conversion" process is described more fully in NPS regulations at 36 C.F.R. 59.3.

Seward Highway travels through Chugach State Park, connecting the City of Anchorage to important points of interest to the south, including the City of Soldotna and Kenai Fjords National Park. ADOT has determined that numerous design issues along Seward Highway contribute to significant public safety concerns and has concluded that reconfiguration of this section of road is needed in order to decrease the number of high-severity injury motor vehicle crashes and also to improve traffic flow. The realignment of the highway would be permanent. In order to complete these safety improvements, ADOT has also determined

the need to gather some construction materials onsite. Although the impact in that area of the park will be temporary, it will be in excess of how NPS currently defines "temporary" for the purposes of LWCF. For LWCF purposes, "temporary" is currently defined as 180 days. The impacts at the borrow site area may last up to two years before they are returned to park use.

While the transportation project itself is not subject to NPS review, NPS must approve the request to convert AKDNR LWCF responsibilities from one section of Chugach State Park to the portion of Seward Highway that will be added to Chugach State Park. The areas to be converted from recreation to transportation use are currently valued as open space, mostly mudflat accessible to the public at low tide. The two materials borrow sites are steeply sloping vegetated banks with bedrock outcroppings, also valued as open space but with no developed public access points. The replacement property will be developed with a new scenic overlook taking advantage of views that include Turnagain Arm and the Kenai Mountains. New recreation developments will include vehicle access, parking, and interpretive signage.

The scope of the NPS review is limited to: 1) assessing equivalency between the area proposed for removal from LWCF related public outdoor recreation use restrictions and the proposed replacement properties as further described in 36 C.F.R. 59.3; 2) determining whether the 430,000 acres at Chugach State Park that remain subject to Section 6(f)(3) requirements will constitute a viable outdoor recreation unit; and, 3) determining whether there are any potential significant environmental impacts associated with developing the replacement park for public outdoor recreation use.

## **ALTERNATIVES CONSIDERED**

### **1. No Action Alternative**

NPS does not approve the AKDNR's proposal to convert a portion of Chugach State Park pursuant to the LWCF conversion regulations. This would not prevent ADOT from moving forward with reconstruction of Seward Highway, but it could subject the AKDNR to penalties including freezing grant funding to other agencies within the state of Alaska. It would also prevent the old Seward Highway alignment from being added to the LWCF estate.

### **2. Proposed Action Alternative (Selected Alternative)**

NPS approves the AKDNR's request to convert LWCF requirements from 39.56 acres at Chugach State Park to 14.7 acres that will be added to Chugach State Park. This will result in a net loss of 24.86 acres from the LWCF estate but a net gain of 10.54 acres to the public recreation estate.

## **SELECTED ALTERNATIVE**

The NPS has selected for implementation the Proposed Action Alternative as described in the EA.

Under the selected alternative, 430,000 acres +/- will continue to be managed consistent with LWCF requirements and will continue to provide public outdoor recreation opportunities for park users. The slightly reduced Chugach State Park will continue to include camping, hiking, trails, and open space for the recreating public. A 39.56 acre section of Chugach State Park will be removed from LWCF requirements. This represents approximately 0.0092% of the LWCF acreage at Chugach State Park.

ADOT will develop a 14.7 acre property as a scenic overlook and trail head and then transfer it to AKDNR where it will become part of the acreage administered for LWCF purposes. The 35.4 acre temporary impact area will remain in AKDNR ownership and be restored for public outdoor recreation use, but will be permanently removed from the LWCF estate.

Based on the analysis provided in chapters three and five of the EA, along with a Biological Assessment and other appendices, NPS concludes the environmental impacts of the conversion are as follows:

**Land Use and Recreation:** The LWCF Act requires replacement property to be equivalent fair market value, location, and recreation usefulness. It does not require there to be no net loss in total LWCF acreage. While this conversion will result in a net loss of LWCF acreage, the net gain to public recreation infrastructure results in an equivalent exchange. The location is almost identical and the fair market equivalency has been established by appraisals that meet Uniform Appraisal Standards for Federal Land Acquisitions. The impact to land use and recreation as a whole (beyond LWCF) is both a net gain in recreation acreage and a net gain in recreation infrastructure.

**Circulation and Transportation:** Circulation and transportation through Chugach State Park should improve as a result of the ADOT project that is prompting this conversion request. While that project is outside the scope of the NPS NEPA action, approval of the conversion will result in a safe overlook and trailhead, reducing the potential for people to stop their vehicles in unsafe locations in pursuit of recreation purposes.

**Site Aesthetics:** For the two years that they are in use, the borrow pits have the potential to negatively impact site aesthetics. Given the slope of the terrain, the existing vegetation cover, and the distance between the borrow pits and the two closest trails, it is believed they will not be visible to trail users. If recreation users choose to hike off trail to a point where they can see the borrow pits, it is possible their experience of site aesthetics will be negatively impacted. As the impacts will be temporary in nature and not affecting a developed recreation amenity, adverse impacts are likely to be minor.

**Surface Waters, Floodplains, and Wetlands:** Although approval of the conversion and development of the replacement site for park purposes will have no effect on water resources (the conversion approval is administrative and the replacement site is currently in road use), the Seward Highway project itself may impact these resources. Although the referenced EA includes some analysis of those potential impacts, assessment of significance lies with FHWA and should be addressed in their decision document.

**Plants, Animals, and Federally Listed Species:** Although approval of the conversion and development of the replacement site for park purposes will have no effect on plants or animals, federally listed species, or sensitive habitat (the conversion approval is administrative and the replacement site is currently in road use), the Seward Highway project itself may impact these resources. Although this EA includes some analysis of those potential impacts, assessment of significance lies with FHWA and should be addressed in their decision document.

**Historic Properties:** Although approval of the conversion and development of the replacement site for park purposes will have no effect on properties listed on or eligible for listing on the National Register of Historic Properties (the conversion approval is administrative and the replacement site is currently in road use - the road itself is not an historic property), there is an historic property within the Area of Potential Effect for the Seward Highway Project and impacts have been assessed by ADOT on behalf of FHWA in consultation with the State Historic Preservation Officer (SHPO).

## **PRELIMINARY ALTERNATIVES AND ACTIONS CONSIDERED BUT DISMISSED**

NEPA allows for alternatives to be eliminated from detailed study based on criteria described in 40 CFR 1504.14 (a). In the case of LWCF conversions, NPS has only two options available: 1) approve the conversion if the criteria are met; or, 2) request additional materials of the AKDNR until the criteria for approval are met. This is also described as the no action alternative and the selected alternative as discussed above.

However, ADOT also considered a smaller conversion footprint alternative that would have required them to locate the materials borrow sites outside the park. Had NPS been forwarded the [Smaller] Conversion Alternative as the selected option instead, it could also have been approved. A choice between the Proposed

Action Alternative and the [Smaller] Conversion Alternative is not with the authority of NPS to select but lies solely with AKDNR and ADOT.

### **WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT**

After considering the environmental consequences described in the EA, the NPS has determined that the Selected Alternative and its associated actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. This finding is based on the following:

- The Selected Alternative will include both beneficial and adverse effects. The Selected Alternative will not have adverse impacts to geological resources, air quality, noise level, water quality/quantity, natural resources such as floodplains, wetlands, and species habitat; land use and planning, circulation such as transportation and accessibility, recreation, aesthetics, historical and cultural resource and socio economic resources, or economic justice for minority and low income populations. The finding of no significant environmental effects is not biased by the beneficial effects of the action.
- The Selected Alternative will not adversely affect public health or safety.
- The Selected Alternative will not result in significant adverse effects to the unique natural resource 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 there were no controversial impacts or aspects of the proposed project that surfaced during the environmental analysis process. There is no scientific controversy over the impacts of the project.
- The Selected Alternative will have no effect on historic properties. There will be no adverse effect to historic properties within the area of potential effect.
- The Selected Alternative would have no effect on species listed or proposed for listing as endangered or threatened or their critical habitat as determined under the Endangered Species Act of 1973. There are no relevant species or critical habitat in the project area.
- 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 was evaluated under the standard conversion process criteria in 36 C.F.R. 59.3. Thus, the Selected Alternative neither establishes a precedent for future actions with significant effects nor represents a decision in principle about a future consideration. Conversion proposals are evaluated independently on a case by case basis without reliance on prior decisions.
- The Selected Alternative will not violate federal, state, or local laws or requirements for the protection of the environment.

## **AGENCY COORDINATION**

The public outreach called for by Section 106 of the NHPA was integrated into the NEPA process. Consultation was delegated by FHWA as the lead federal agency to ADOT. The SHPO concurred with a finding of no adverse effect to historic properties in a letter dated February 6, 2015.

This proposal was developed by ADOT on behalf of FHWA in consultation with the AKDNR and the National Park Service, State and Local Assistance Programs.

## **PUBLIC INVOLVEMENT**


The public was invited to participate throughout the scoping process as documented in the "Public Involvement" appendix to the EA. The EA was released for a 30-day public comment period. Substantial comments were addressed by ADOT. Those relevant to NPS review include concerns raised about the potential for aesthetic impacts related to the borrow sites and the equivalency of the replacement land as compared with what is being proposed for conversion.



## FINDING

Based on the information provided in the EA and summarized above, the NPS has determined that implementation of the Selected Alternative is not a major federal action and does not require an Environmental Impact statement (EIS). The Selected Alternative will not have a significant effect on the human environment. There are no significant impacts on public health, public safety, or threatened or endangered species. The Selected Alternative will have minor adverse impacts to recreation, which will be mitigated through acquisition and development of the replacement site. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the Selected Alternative is also consistent with 36 C.F.R. 59.3. Therefore, in compliance with the National Environmental Policy Act, an EIS will not be prepared, and the selected project may be implemented immediately.

Recommended by:  
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Pacific West Region  
National Park Service

5/13/19  
Date

Approved:  
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Regional Director  
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30 May 2019  
Date