

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

**Haleakalā National Park  
Maui, Hawai`i**



## ***Finding of No Significant Impact***

### **Commercial Services Plan and Environmental Assessment**

**December 2013**

The Haleakalā National Park Commercial Services Plan and Environmental Assessment comprises two documents: (1) the 2012 Draft Commercial Services Plan / Environmental Assessment for Haleakalā National Park (CSP/EA), and (2) the Errata Sheets, which are to be attached to Environmental Assessment. Four alternatives were identified and analyzed in the CSP/EA.

### **PURPOSE AND NEED FOR FEDERAL ACTION**

The primary purpose of this commercial services plan is to provide direction for management of guided commercial services in non-wilderness portions of the park over the next 10 to 15 years. The plan provides details on how the park's commercial service program will be managed to achieve overall park goals and meet desired resource conditions and visitor experiences. The plan will (1) determine what levels and types of commercial tour services are necessary and/or appropriate, consistent with the Concessions Management Improvement Act of 1998 and National Park Service *Management Policies 2006*, (2) determine whether those services are compatible with the park's mission of preserving and protecting its natural and cultural resources, and (3) determine how visitors can be provided a high quality visitor experience.

### **SELECTED ACTION**

The selected action is alternative B, identified as agency-preferred in the CSP/EA (there are no changes from alternative B as described and analyzed in the Environmental Assessment). Under this alternative, the National Park Service will continue to provide opportunities for visitors to participate in a variety of commercial tours in the park that are currently occurring within the park (i.e., there will be no new commercial services provided), while reducing the number of commercial visitors in the park to ensure that park resources are protected and that safe, high-quality experiences are available to all visitors. The National Park Service will continue to prohibit commercial bicycle tours within the park. Commercial services will be limited by the number of commercial services providers, number of trips per day, and locations and number of parking stalls available to commercial services providers. In addition, several requirements will be placed on commercial services providers to improve the quality of the service they provide in the park.

The primary features of the selected action as described in the CSP/EA include the following:

- All commercial tours will be prohibited throughout the park three to five days per year. Closures will be publicized as early as possible so commercial service providers and their patrons can make alternate plans.
- Hiking, horseback riding, and astronomy tours will be managed under commercial use authorizations (CUAs), while road-based tours will be managed under concession contracts.
- The number of CUAs issued for each type of commercial service will not exceed 2009 levels.
- The number of commercial service providers able to offer horseback riding tours in Kīpahulu will be limited to one CUA. The number of commercial service providers able to offer astronomy tours will be limited to no more than four CUAs.
- The number of trips each commercial service provider could offer per day and the size of the group will be limited for hiking, horseback riding, and astronomy tours.
- CUAs will be issued on an annual or biennial basis—existing CUA holders may continue to apply for their authorization annually or biennially.
- In the event that more qualified applicants file for CUAs for a given activity than are available, a competitive process will be used to select the commercial service providers.
- Road-based tours will be managed through up to four concession contracts, with access to the summit and Kīpahulu districts.
- Road-based concessioners can use vans and minibuses, but motor coaches will be prohibited.
- Only road-based concessioners will be permitted to offer summit sunrise tours, and they can only park at the Haleakalā Visitor Center. All other commercial services start after designated sunrise hours.
- The National Park Service will assign which parking stall(s) each CUA provider or concessioner may use and at which times. When parking lots fill to capacity, no additional tour groups or other visitors will be allowed into the area.
- All commercial guides will be required to participate in training and be certified to operate in the park.
- Information pertaining to the park communicated by commercial service providers and their respective sales pathways will only include NPS-approved information and messaging.
- All commercial service providers will be required to provide their clients with an educational/interpretive Haleakalā booklet, which will be produced specifically for this audience by the National Park Service.
- The National Park Service will encourage commercial service providers to employ Native Hawaiian guides and interpreters who can demonstrate knowledge of Hawaiian natural and cultural history.
- The National Park Service will encourage commercial service providers to adopt sustainable practices and reduce the emission of greenhouse gases and carbon footprint of the park.

Commercial air tour services will be addressed in a separate air tour management plan, while the extent to which commercial services are necessary in the park's Wilderness will be addressed in a separate wilderness stewardship plan.

## **MITIGATION MEASURES**

As described in the CSP/EA, the following mitigation measures will be applied to the implementation of the selected action.

### **General**

- National Park Service staff will encourage commercial service providers to bring patrons into the park in multi-passenger vehicles.
- Commercial service providers will be required to train their employees to minimize their impacts on park resources.
- All commercial service providers will be required to attend a yearly park-sponsored educational session on strategies to minimize the spread of invasive species in the park. At this session commercial service provider vehicles may be inspected by park staff.
- Commercial service provider guides will be required to accompany tours at all times within the park to ensure that adverse impacts to park resources are avoided or minimized.

### **Natural and Cultural Resources**

All commercial service providers will be required to:

- ensure their patrons do not disturb or remove any natural or cultural items from the park, including rocks, flowers, or plants
- strictly adhere to "stay on the trail" rules and not travel off designated roads, trails, or public areas
- transport out all items brought into the park, including food, beverage containers, and trash (i.e., pack-in/pack-out waste); no park facilities or receptacles will be used for disposal of waste
- prohibit their patrons from feeding any wildlife within the park, as stated in park regulations
- comply with National Park Service water conservation guidelines
- clean boots and other equipment before hikers enter the park to minimize the potential to introduce invasive species
- ensure areas are left in the same condition that existed or cleaner than the condition that existed prior to the occurrence of the authorized activities
- maintain their vehicles to prevent exhaust that violates state and federal laws, and also limit idling times of their vehicles to reduce the potential for air pollution and to conserve fossil fuel resources

All commercial service providers leading horse trips within the Kīpahulu District will be required to:

- use hitching posts to tie up horses where they are available
- stay on established, designated trails as indicated on park maps and ride in single file
- remove manure from trailheads and parking areas on a daily basis
- use commercial seed-free feed in lieu of grazing if deemed necessary by the superintendent to reduce the potential for introduction of invasive plant species to the park
- have their vehicles and pastures inspected for invasive species at least twice a year by park staff

All astronomy tour operators must sign and carry a permit that details the ways they must minimize their impact on Hawaiian petrel. National Park Service biologists will continue to make presentations to the tour companies regarding the behavior of the bird in the park. National Park Service law enforcement staff will continue to regularly patrol the areas used by the astronomy tours to ensure that the tour groups cause no adverse impacts on the birds.

## **Public Safety**

All commercial service providers will be required to:

- operate all vehicles in a safe manner and maintain safe and reliable vehicles, stock, and equipment in accordance with applicable state, county, and federal regulations; vehicles will be inspected regularly by qualified staff, at least on a semiannual basis
- comply with posted traffic regulations and take every safe opportunity to use roadside turnouts to allow faster traffic to pass

In addition,

- horseback tour providers will be required to inspect horses and equipment prior to beginning each tour to ensure patron safety
- horseback tour providers will be required to restrict tour speed of their horses to a trot pace or less
- all astronomy tour providers will be required to limit their areas of use to paved areas

## **OTHER ALTERNATIVES CONSIDERED**

Three other alternatives besides Alternative B were considered for the CSP/EA. Alternative A, the no-action alternative, would continue to permit commercial services in Haleakalā National Park as it has been. No changes would occur to the existing types of commercial tours. In this alternative, CUAs would be limited by the park's capacity to handle vehicles and people, as required by the 1995 general management plan. At the summit, commercial services would be managed as they were prior to the adoption of the interim operations plan, with the exception that bicycle tours would continue to be prohibited within the park. This alternative provides a baseline against which to compare the action alternatives.

Alternative C, as with alternative B, would maintain the existing types of commercial services in the park to provide opportunities for visitors to participate in a variety of commercial tours of the park (i.e., there would be no new commercial services provided), while reducing the number of commercial visitors to ensure that park resources are protected and to ensure that safe, high-quality experiences are available to all visitors. This alternative would impose stricter limits than alternative B on the number of commercial service providers and on group size. As in alternative B, alternative C would limit the number of trips per day per commercial service provider and the locations and number of parking stalls for commercial service providers. However, alternative C would not restrict the days when commercial service providers could offer tours in the park. As in alternative B, alternative C would place several new requirements on commercial service providers to improve the quality of the service they provide in the park.

In alternative D, the National Park Service would expand the range of opportunities for visitors to participate in commercial tours in the park by providing a guided interpretive bicycle tour at the summit. The levels of commercial use would also be increased for most commercial activities, but there would be limits on the growth of the level of commercial visitation in the park to ensure that park resources are protected and to ensure that safe, high-quality experiences are available to all visitors. Commercial services would be limited by the number of commercial service providers, the number of trips per day, and the locations and number of parking stalls for commercial service providers. As in alternatives B and C, alternative D would place several new requirements on commercial service providers to improve the quality of the service they provide in the park.

## **THE ENVIRONMENTALLY PREFERABLE ALTERNATIVE**

The environmentally preferable alternative is the alternative that will best promote national environmental policy as expressed in the National Environmental Policy Act. Section 101(b) of the act identifies six criteria to help determine the environmentally preferable alternative. The act directs that federal plans should:

1. fulfill the responsibilities of each generation as trustee of the environment for succeeding generations
2. assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings
3. attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences
4. preserve important historical, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which 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
6. enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources

When considering these criteria, as documented in the EA the environmentally preferable alternative for the commercial services plan was alternative B (the NPS selected action). Two of the above criteria did not make a difference in determining the environmentally preferable alternative: criterion 1 was satisfied by all the alternatives and criterion 6 was determined to be not applicable to this plan.

The selected action best satisfies the national environmental goals embodied in goals 2, 3, 4, and 5—it protects most of the park’s natural and cultural resources while concurrently providing for a relatively wide range of neutral and beneficial uses of the environment.

Alternative B provides visitors with trips in a beautiful, diverse environment. It will help reduce congestion at the summit, and during commercial-free days, provide more opportunities for Native Hawaiians and other visitors to experience a sense of quiet and relative solitude. Additional guide training requirements and changes in management of commercial services will ensure that visitors have opportunities for high-quality and safe guided experiences in Haleakalā National Park.

## **WHY THE SELECTED ACTION WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT**

As defined in 40 Code of Federal Regulations (CFR) §1508.27, significance is determined by examining the following criteria.

### **Impacts that may be both beneficial and adverse: A significant effect may exist even if the agency believes that on balance the effect will be beneficial**

Implementing the selected action (alternative B) will have both long-term beneficial and adverse impacts on natural resources, cultural resources, visitor use and experience, public health and safety, and the socioeconomic environment. None of the actions for the selected action will result in more than a moderate level of impact. Therefore, no significant impacts that would require analysis in an environmental impact statement were identified.

### **Degree of effect on public health or safety**

Visitor safety will remain a priority under the selected action. The elements proposed in the selected action will not result in any additional risks to human health or safety not already inherent in the natural environment of Haleakalā National Park. The selected action will have a long-term negligible to minor, beneficial effect on public health and safety. The selected action will result in a slight reduction in crowding and improved safety messaging that benefit public health and safety.

### **Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas**

The selected action will result in a long-term negligible to moderate, adverse effect on natural resources, and there will be no other impacts within the proximity of these resources. The selected action will result in a long-term minor, adverse effect on cultural resources, and there will be no other impacts within the proximity of these resources. There are no wetlands identified in the project area. The project area has no prime farmlands. The Palikea Stream, including ‘Ohe‘o Gulch, has been identified by the Nationwide Rivers Inventory as having potential for inclusion in the National Wild and Scenic Rivers System. The selected action will not affect the flow, scenic nature, or function of this stream. The selected action would not affect any designated ecologically critical areas or other unique natural resources, as referenced in the Wild and Scenic Rivers Act (40 CFR 1508.27).

### **Degree to which effects on the quality of the human environment are likely to be highly controversial**

None of the elements proposed in the selected action have the potential to be highly controversial. It should be noted that some people may disagree with the elements of the selected action due to changes in how commercial services will be managed in the park. This may be particularly true of those businesses that are not awarded a concessions contract under the selected action. However, the elements proposed in the selected action are similar to those used to enhance experiences and protect resources in other parks.

### **Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks**

None of the elements proposed in the selected action pose uncertainty about the short- or long-term effects on the human environment, or involve unique or unknown risks. The actions are all straightforward, similar to actions taken in other parks, and are consistent with NPS management policies and with the park's purpose.

### **Degree to which the action may establish a precedent for future actions or represents a decision in principle about a future consideration with significant effects**

All of the actions proposed in the selected action are consistent with the NPS Organic Act, Haleakalā National Park's enabling legislation, and NPS management policies. There is no potential that the elements in the selected action will set any precedent for future actions or represent a decision in principle that will influence future considerations with significant effects.

### **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts**

The CSP/EA identifies past, present, and reasonably foreseeable future actions in and surrounding the project area that have the potential for cumulative effects. Implementing the selected action will have both short- and long-term, beneficial and adverse cumulative impacts. None of the elements in the selected action will result in more than a moderate level of cumulative impacts, except for soundscape. There are ongoing and reasonably foreseeable future actions not associated with the selected action of the CSP/EA that have the potential for short-term, moderate to major adverse cumulative impacts on the soundscape of the park in localized areas of the frontcountry. However, the selected action for the CSP/EA will not contribute an appreciable incremental impact to the cumulative impacts on the soundscape of the park. None of these cumulative impacts rise to the level of a significant impact.

### **Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources**

Compliance with the National Historic Preservation Act in accordance with the Advisory Council on Historic Preservation's regulations implementing section 106 (36 CFR Part 800) has been

completed in consultation with Native Hawaiian Organizations and the Hawai'i state historic preservation office. The National Park Service determined that the selected action will have no adverse effect on historic properties and notified the Hawai'i state historic preservation officer of the no adverse effect finding through a letter dated August 28, 2013. No response was received from the Hawai'i state historic preservation officer within 30 days from receipt of the letter. A follow-up email was sent by the park to the Hawai'i state historic preservation office on October 18 and a follow-up phone call with the Hawai'i state historic preservation office was conducted by the park staff at the end of October 2013. In accordance with 36 CFR Part 800.5(c)(1), no response from the Hawai'i state historic preservation officer within 30-days shall be considered agreement of the Hawai'i state historic preservation officer with the National Park Service finding of no adverse effect. Therefore, the National Park Service has completed section 106 compliance.

### **Degree to which the action may adversely affect an endangered or threatened species or its critical habitat**

After the National Park Service requested formal consultation on all operation and management activities in the park, including commercial services, the U.S. Fish and Wildlife Service issued a biological opinion on December 26, 2012. The biological opinion found that the level of anticipated take from all NPS actions, including commercial services as proposed in the selected action, is not likely to result in jeopardy to the Hawaiian petrel, Hawaiian goose, or the Haleakalā silversword. The U.S. Fish and Wildlife Service stated that the impacts of park activities are not likely to adversely affect the nohoanu and critical habitat. The National Park Service has concluded that the selected action will result in a long-term moderate, adverse effect on Special Status Species and no effect on designated critical habitat.

### **Whether the action threatens a violation of federal, state, or local environmental protection law**

The selected action violates no federal, state, or local environmental protection laws.

## **PUBLIC INVOLVEMENT AND AGENCY COORDINATION**

### **Scoping**

The public scoping process for this plan began on August 4, 2006, when the park staff issued a news release announcing the need and commencement of the commercial services planning process for Haleakalā National Park. A newsletter also kicked off the planning project, published in September 2006. One hundred and twelve copies of the newsletter were mailed and the public, agencies, and organizations were invited to participate in two meetings with the planning team on October 17 and 18, 2006, at Hāna and Pukalani on Maui, Hawai'i, respectively. Thirty-seven people attended the public meetings and provided comments. Fifty-four written comment letters were also received from individuals and organizations.

A "Notice of Scoping" for the Haleakalā National Park Commercial Services Plan dated August 31, 2006, was published in the November 30, 2006, *Federal Register* (pages 69216–69217).

Newsletter #2 was published in February 2007, summarizing the scoping comments from the public meetings and the first newsletter.

Newsletter #3 was published in May 2008 after the safety stand-down on guided bicycle tours was initiated, stating the commercial planning process had been delayed during the safety stand-down. This newsletter reinitiated the scoping process and the public, agencies, and organizations were again requested to provide feedback on commercial services in the park.

Newsletter #4 was published in March 2010 outlining four preliminary alternatives, including a no-action alternative, for managing commercial services at Haleakalā National Park. Ninety-five copies of the newsletter were mailed and the public, agencies, and organizations were asked to provide their views on the preliminary alternatives. In addition, the newsletter announced that two public meetings would be held to discuss the preliminary alternatives on March 17 and 18, 2010, at Pukalani and Hāna on Maui, Hawai'i, respectively. Seventeen people attended the public meetings and provided comments. Seven comment letters were also received from individuals and organizations.

## **Environmental Assessment Review**

The CSP/EA was made available for public review and comment during a 60-day period running from June 28 through August 31, 2012. Two hundred and thirteen copies of the document were mailed and the document was placed on park web site and the National Park Service Planning, Environment and Public Comment (PEPC) web site; in addition, printed copies were made available at local public libraries to enhance availability of the document.

Public meetings were held during the comment period on August 15, 16, and 17 in Pukalani, Hāna, and Kīpahulu on Maui, Hawai'i, respectively. Ninety people attended the public meetings and provided comments.

One hundred and eleven written comment letters were received from individuals, agencies (including federal, state, and county), and organizations. There were few substantive comments; some comments necessitated minor corrections to the EA. An Errata itemizing corrections and minor text edits has been prepared as a technical attachment to the CSP/EA.

The primary issues and concerns expressed in the letters and at the public meetings involved the socioeconomic effects of the plan: potential for loss of jobs and business due to implementation of the plan, and the resulting adverse impacts on lives and the Maui economy. Some commenters noted that bicycle tour companies may be impacted to a greater degree than other road-based tour companies. Concern was also expressed that tours may become more expensive for businesses and customers due to restrictions on bus size and educational requirements for tour guides. Thus, the majority of commenters expressed support for or opposition to the alternatives and elements of the alternatives presented in the CSP/EA, and/or suggested new management concepts for consideration or new elements that could be potentially included within an existing alternative. Some suggestions may be revisited in future park planning efforts.

Other issues and concerns expressed in the letters and at the public meetings involved the impact analysis of topics such as special status species and public health and safety. Concern was expressed that the CSP/EA understated the impact of commercial services on threatened and endangered species; some commenters proposed various measures to enhance the protection of special status species, in particular the Hawaiian petrel (as noted below, the U.S. Fish and Wildlife Service concurs with the mitigation strategies committed to in the selected

alternative). Concern was expressed about the analysis of safety data for motorcoaches at the Summit. Concern was also expressed about the amount and size of commercial vehicles on community roads to Kīpahulu. There were also some questions from commenters about why topics such as air quality and water and wastewater resources were dismissed from further analysis in the CSP/EA.

## **Consultation with the U.S. Fish and Wildlife Service**

In accordance with section 7(a)(2) of the Endangered Species Act, the National Park Service initiated programmatic consultation with the U.S. Fish and Wildlife Service for all NPS operation and management activities, including commercial services, in the park over the next 20 years on June 1, 2012. A copy of the CSP/EA was sent to the U.S. Fish and Wildlife Service on July 2, 2012.

The U.S. Fish and Wildlife Service responded on August 31, 2012 with comments on the CSP/EA. The U.S. Fish and Wildlife Service subsequently issued a biological opinion for all park operation and management activities, including commercial services, on December 26, 2012. The U.S. Fish and Wildlife Service found that the anticipated take of the Hawaiian petrel, Hawaiian goose, or Haleakalā silversword due to operation and management activities of the park, including commercial services, is not likely to result in jeopardy to these species.

As committed in the Mitigation Measures (see above), the National Park Service will comply with the terms and conditions of the Biological Opinion and Informal Consultation for the Operation and Management of Haleakalā National Park (pp.58-57) regarding protection of the Hawaiian petrel. The adaptive management process outlined in the CSP/EA (p.38) applies to limits on the number of astronomy tours and therefore, these numbers could be changed if determined necessary for protecting the Hawaiian petrel, with appropriate environmental compliance.

The biological opinion concluded all requisite section 7 consultations on park operation and management activities, including commercial services, covered in the CSP/EA.

## **National Historic Preservation Act Section 106 Consultation**

The National Park Service conducted multiple face-to-face meetings with the Hawai'i State Historic Preservation Office, Native Hawaiian organizations, and other interested parties throughout the commercial services planning process:

- August 2006—The National Park Service met with the park Summit and Kīpahulu kūpuna groups and the State Historic Preservation Office to initiate the commercial services planning process.
- January 2008—The National Park Service met with the park Summit and Kīpahulu kūpuna groups and the State Historic Preservation Office to provide a status update on the CSP/EA.
- January 2009—The National Park Service met with the park Summit and Kīpahulu kūpuna groups to provide a status update on the CSP/EA.
- November 2009—The National Park Service met with the park Summit and Kīpahulu kūpuna groups to consult on preliminary CSP/EA alternatives.

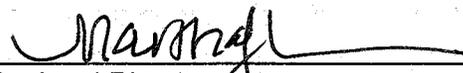
- October 2012—The National Park Service met with the park Summit and Kīpahulu kūpuna groups to consult on the CSP/EA. Kūpuna group members preferred alternative B, supported limits on the numbers of commercial use, the closing of the entire park to commercial use for three to five days, and expressed the importance of people being educated on use of the kūpuna-created park brochure. Kūpuna group members commented that it should be up to the kūpuna and families with ancestral ties to the land to determine when to close the park for the three to five days, and that these days may be different for the summit and Kīpahulu areas. They expressed concerns about the impacts of horse tours in Kīpahulu, in particular erosion on the road and impacts on park resources. They also stated they would like to see commercial vehicle sizes reduced to passenger vans (versus minibuses) for Kīpahulu because of traffic and road width concerns.
- August – December 2013—The National Park Service initiated formal written section 106 consultation with the State Historic Preservation Office and asked for concurrence with the Area of Potential Effects and the NPS determination of No Adverse Effect in a letter dated August 28, 2013. Written section 106 consultation letters were also sent to six consulting parties. In accordance with 36 CFR Part 800.5(c)(1), no response from the Hawai'i State Historic Preservation Officer within 30-days shall be considered agreement of the Hawai'i State Historic Preservation Officer with the park's finding of no adverse effect. Therefore, the NPS has completed the section 106 compliance process necessary for this plan.

**CONCLUSION**

Based on the environmental analysis documented in the CSP/EA, as well as the capability of the mitigation strategy as described above to avoid, eliminate, or reduce impacts, and with due consideration for public and agency comments, the NPS has determined that implementation of alternative B is not a major action which will significantly affect the quality of the human environment. All approved actions are appropriate activities in the park, and there are no unacceptable impacts. Accordingly, preparation of an environmental impact statement is not required. The approved Commercial Services Plan will begin to be implemented as soon as practicable.

Recommended:   
 Superintendent  
 Haleakalā National Park

12/13/2013  
 Date

Approved:   
*for* Regional Director  
 Pacific West Region

12/23/2013  
 Date

# ATTACHMENT 1

## DETERMINATION OF NO IMPAIRMENT

### HALEAKALĀ NATIONAL PARK COMMERCIAL SERVICES PLAN

The National Park Service *Management Policies 2006* require analysis of potential effects to determine whether or not actions would impair park resources or values. The fundamental purpose of the national park system, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, begins with a mandate to conserve park resources and values. National Park Service managers must always seek ways to avoid, or to minimize to the greatest degree practicable, adversely impacting park resources and values.

However, the laws do give the National Park Service the management discretion to allow impacts on park resources and values when necessary and appropriate to fulfill the purposes of a park. Although Congress has given the National Park Service the management discretion to allow certain impacts within parks, that discretion is limited by the statutory requirement that the National Park Service must leave park resources and values unimpaired, unless a particular law directly and specifically provides otherwise. The prohibited impairment is an impact that, in the professional judgment of the responsible National Park Service manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of these resources or values. An impact on any park resource or value may, but does not necessarily, constitute impairment. An impact would be more likely to constitute impairment when there is a major or severe adverse effect upon a resource or value whose conservation is:

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park
- identified as a goal in the park's general management plan or other relevant National Park Service planning documents as being of significance

An impact would be less likely to constitute impairment if it is an unavoidable result of an action necessary to pursue or restore the integrity of park resources or values and it cannot be further mitigated.

Impairment may result from National Park Service activities in managing the park, visitor activities, or activities undertaken by concessioners, contractors, and others operating in the park.

This determination of no impairment has been prepared for the selected action described in the Finding of No Significant Impact, for the applicable impact topics that were considered in the 2012 Draft Commercial Services Plan / Environmental Assessment. Impairment determinations are not necessary for visitor use and experience, socioeconomics, public health and safety, and park operations, because impairment findings relate back to park resources and values. These impact areas are not generally considered park resources or values according to the Organic Act, and cannot be impaired in the same way that an action

can impair park resources and values. After dismissal of the above topics, the remaining areas for evaluation for possible impairment include: soils; vegetation; Special Status Species; soundscape; archeological resources; cultural landscapes; historic structures; and ethnographic resources and cultural practices.

## **NATURAL RESOURCE TOPICS**

### **Soils**

The widely ranging climate zones of Haleakalā National Park have given rise to a variety of general soils types, depending primarily on amount of precipitation, topography, and drainage. At the summit and in the crater, soils are composed of relatively unweathered, bedded volcanic cinders, pumice, and ash associated with the cinder cones. The majority of the inner crater is covered with volcanic rocks and boulders covering the basalt and andesite lava flows. Soils along the Kīpahulu horse trail are loamy with some rocks.

The elements in the selected action will have some low-level impacts on soils at the summit, largely due to guided walking groups, changes to topsoil in localized areas, and some erosion and loss of topsoil. The selected action will have some low-level impacts on soils at Kīpahulu due to guided hiking groups using the Pīpīwai Trail, impacts of horse use on the horse trail, and at the bases of trees used to tie horses. New limits on commercial use, including initiating a few commercial tour-free days and increased training of guides, will help mitigate the impacts on soils, and the effects on soils at the park will largely be restricted to a few small areas. Additionally, the requirement that commercial service providers adhere to “stay on the trail” rules and not travel off designated roads, trails, or public areas will alleviate some of the impacts on soils. Because the impacts are expected to be localized in nature, long-term, negligible to minor and adverse, the selected action will not result in impairment of the park’s soils.

### **Vegetation**

The park supports a rich assemblage of native plant communities with a tremendous diversity of species. Surveys have documented 650 plant species growing in the park, of which 370 are native. With an elevation change from sea level to 10,023 feet within a distance of a few miles and a wide range of precipitation from less than 40 inches to more than 400 inches per year, the park has a diverse range of vegetation zones.

The effects on vegetation at the park from elements of the selected action will largely be restricted to a few small areas, at the summit overlooks and the Pīpīwai Trail. Along the Kīpahulu horse trail, there is potential for horses to introduce and spread nonnative vegetation, graze on vegetation, or trample vegetation where tied up at the bases of trees, though the expected impacts on vegetation would be slight. New limits on commercial use, including initiating a few commercial tour-free days and increased training of guides, will help mitigate the impacts on vegetation. Commercial service providers will also be required to adhere to “stay on the trail” rules, clean boots and equipment, use commercial seed-free feed for horses, and have their vehicles and pastures inspected for invasive species twice a year in order to minimize the potential to introduce invasive species. Because the impacts are expected to be localized in nature, long-term, negligible to minor and adverse, the selected action will not result in impairment of the park’s vegetation.

## Special Status Species

Four federally listed endangered and threatened species occur within the project area and potentially could be affected by the commercial services plan. The Haleakalā silversword ('ahinahina) is a primary attraction for many park visitors and is considered by many to be a symbol of the park. Designated critical habitat for the silversword includes portions of the summit and crater. The nohoanu is a flowering plant of the geranium family that is endemic to the upper elevations of Haleakalā Crater. Critical habitat was designated for this plant and includes portions of the summit. The Hawaiian goose (nēnē) were historically well established on Maui, but were extirpated by the late 1800s. A total of 511 nēnēs were reintroduced in the park between 1962 and 2002. The Hawaiian petrel ('ua'u) is a medium-sized seabird that nests in burrows on the cliffs at Haleakalā.

Under the selected action, the impacts are expected to be long-term, moderate and adverse for Special Status Species. Consultation with the U.S. Fish and Wildlife Service on all operation and management activities in the park, including commercial services, resulted in a Biological Opinion on December 26, 2012. The Biological Opinion found that the level of anticipated take from all National Park Service actions, including commercial services as proposed in the selected action, is not likely to result in jeopardy to the Hawaiian petrel, Hawaiian goose, or the Haleakalā silversword. The U.S. Fish and Wildlife Service also stated that the impacts of park activities are not likely to adversely affect the nohoanu and critical habitat. The selected action will not result in impairment of the park's special status species.

## Soundscape

In developed zones of the park, natural processes and the landscape have been altered to accommodate visitors and support park operations. Human-caused sounds dominate the soundscape (e.g., vehicles, helicopters, construction and maintenance equipment, voices, cell phones, and radios). However, excessive noise and inappropriate sound sources are managed where possible (e.g., using quiet technologies and running vehicles and equipment for the minimum time necessary to perform a function). Natural zones of the park are managed to perpetuate natural conditions and processes undisturbed by humans. Natural sounds, including the absence of those sounds, dominate the soundscape. Although human-caused sounds are evident along the margins of these zones adjacent to roads and visitor use areas, these sounds are managed in a manner designed to minimize their impacts on natural sounds and visitor experience of natural sounds. Due to the extremely low ambient sound levels in the natural zones, even relatively low-level human-caused sound can be heard at great distances.

The selected action will continue to generate noise above the natural ambient sound level in only a few areas within the park, including the summit and Kīpahulu developed areas and the road to the summit. New limits on commercial use, including initiating a few commercial tour-free days and increased training of guides, will help reduce the impacts on the soundscape. Because the impacts are expected to be long-term, adverse, minor and localized in nature and contribute nominally to the short-term, moderate to major adverse cumulative impacts in localized areas of the park, the selected action will not result in impairment of the park's soundscape.

## **CULTURAL RESOURCE TOPICS**

### **Archeological Resources**

In the summit area, 13 archeological sites are known to be near areas used by commercial service providers (the park road, visitor use areas, and trails). In the Kīpahulu area, 9 archeological sites are known to be near areas used by commercial service providers (visitor use areas and trails). These sites have been determined eligible for listing in the National Register of Historic Places through consultation with the Hawai'i state historic preservation officer.

Under the selected action, archeological resources adjacent to or easily accessible from trails and developed areas will be vulnerable to surface disturbance, inadvertent damage, and vandalism. These impacts are expected to be long-term, negligible to minor and adverse. New limits on commercial use, including initiating a few commercial tour-free days and increased training of guides, as well as adherence to “stay on the trail” rules will help mitigate the impacts on archeological resources. After applying the Advisory Council on Historic Preservation criteria of adverse effect (36 CFR Park 800.5, Assessment of Adverse Effects), the National Park Service concludes the selected action will result in a no adverse effect determination. The selected action will not result in impairment of the park's archeological resources.

### **Cultural Landscapes**

The 10.6-mile park road is a cultural landscape, with contributing structures. This landscape has been determined eligible for listing in the National Register of Historic Places through consultation with the Hawai'i state historic preservation officer.

Under the selected action, this cultural landscape and contributing structures will be subjected to regular wear and tear caused by use as well as vandalism and graffiti. These impacts are expected to be long-term, negligible to minor and adverse and contribute nominally to the short-term and long-term, minor to moderate adverse cumulative impacts in localized areas of the park. New limits on commercial use, including initiating a few commercial tour-free days and increased training of guides, as well as prohibiting road-based tours from using motor coaches will help mitigate the impacts. After applying the Advisory Council on Historic Preservation criteria of adverse effect (36 CFR Park 800.5, Assessment of Adverse Effects), the National Park Service concludes the selected action will result in a no adverse effect determination. The selected action will not result in impairment of the park's cultural landscapes.

### **Historic Structures**

There are 10 historic structures located in summit areas and 3 historic structures located in Kīpahulu areas used by commercial service providers. These structures have been determined eligible for listing in the National Register of Historic Places through consultation with the Hawai'i state historic preservation officer. These structures are listed in the National Park Service List of Classified Structures.

Under the selected action, historic structures will be subjected to regular wear and tear caused by use as well as vandalism and graffiti. These impacts are expected to be short- and long-term, minor and adverse. New limits on commercial use, including initiating a few commercial

tour-free days and increased training of guides, as well as prohibiting road-based tours from using motor coaches will help mitigate the impacts on historic structures. After applying the Advisory Council on Historic Preservation criteria of adverse effect (36 CFR Park 800.5, Assessment of Adverse Effects), the National Park Service concludes the selected action will result in a no adverse effect determination. The selected action will not result in impairment of the park's historic structures.

## **Ethnographic Resources and Cultural Practices**

The areas comprising Haleakalā National Park have cultural and spiritual value to Native Hawaiians who have used these areas for a broad range of activities from ancient times up to the present. There are several types of traditional cultural practices that have and continue to take place within areas of the park used by commercial service providers. The summit of Haleakalā (including Haleakalā Crater, Kīpahulu Valley and Kaupō Gap) has been determined eligible for listing in the National Register of Historic Places through consultation with the Hawai'i state historic preservation officer as a traditional cultural property, because of its association with cultural practices or beliefs of a living community that: (1) are rooted in that community's history; and (2) are important in maintaining the continuing cultural identity of the community.

Under the selected action, impacts on ethnographic resources and cultural practices include visitor noise and the presence of non-Hawaiians during traditional practices, which are disruptive to the quiet and solitude required for most of these practices. These impacts are expected to be long-term, minor and adverse and contribute nominally to the short-term and long-term, minor to moderate adverse cumulative impacts in localized areas of the park. New limits on commercial use, including initiating a few commercial tour-free days and increased training of guides, will help mitigate the impacts on ethnographic resources and cultural practices. After applying the Advisory Council on Historic Preservation criteria of adverse effect (36 CFR Park 800.5, Assessment of Adverse Effects), the National Park Service concludes the selected action will result in a no adverse effect determination. The selected action will not result in impairment of the park's ethnographic resources and cultural practices.

## **SUMMARY**

In conclusion, as guided by the expected outcomes noted above, implementing the selected action does not constitute impairment on any natural or cultural resource or park value whose conservation is: (1) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park; (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (3) identified as a goal in the park's general management plan or other relevant National Park Service planning documents as being of significance.