Finding of No Significant Impact
Akers Concessioner Land Assignment
Ozark National Scenic Riverways

Introduction and Background

BACKGROUND

The National Park Service (NPS) is proposing to delineate a dedicated land assignment for the Akers Concession operation within the Ozark National Scenic Riverways. Akers is near the north end of the Current River in south-central Missouri. The area is typical of much of Ozark National Scenic Riverways, with steep-sided dolomite knolls and convoluted, deeply eroded rivers and streams. The Current River and Gladden Creek are the primary drainages in Akers Ferry. These drainages can flood when heavy rains occur. Soils are shallow and very rocky on hills and ridges; the bottomlands have deeper and more fertile soils. Logging, cultivation, grazing, and other human activities and developments have altered most of Akers Ferry's biotic communities.

Akers Ferry serves as a major canoe launching site on the Current River. During weekends and holidays in the peak use season, hundreds of canoes are launched and taken out each day. The area also includes a group campground, concession store and canoe rental, picnic day use facilities, visitor contact/ranger station, and maintenance facilities. Access to the area is by way of Missouri highways KK and K and an NPS-owned, concession-operated ferry that crosses the Current River.

PURPOSE

The purpose of creating Ozark National Scenic Riverways (ONSR) as stated in the park's enabling legislation is for "...conserving and interpreting unique scenic and other natural values and objects of historic interest, including preservation of portions of the Current River and Jacks Fork River in Missouri as free-flowing streams, preservation of springs and caves, management of wildlife, and provisions for use and enjoyment of the outdoor recreation resources thereof by the people of the United States." (P.L. 88-492)

Using this legislation as guidance, the purposes that have been defined for this action are:

- Designation of a single land assignment sized and located appropriately to handle the operations for the Akers Canoe Rental as required for the concessions contract. A clearly delineated Land Assignment will empower NPS management to effectively manage the contract associated with the concessions activity.
- The land assignment site will be selected and designed to improve safety and the visitor experience around the Ranger Station, Day Use Area and Concessions Store. Reducing and managing congestion around the visitor use areas and the Ranger Station will promote a safe and pleasant environment for the visitor.

NEEDS

The following needs have been identified in association with river access within the Akers Creek project area and will be addressed to achieve the stated purpose of this project:

- No well defined area for concessioner to park vehicles and stage equipment. Divided or undefined areas complicate enforcement actions that may be needed for ensuring a quality visitor experience and preventing negative resource impacts.
- Areas currently under use compete for space adjacent to the Akers Store for public use and visitor parking.
- A specific land assignment is required for the new concession prospectus/contract. A lack of specificity in the contract language hinders efforts to evaluate contractor performance.

This Environmental Assessment has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, regulations of the Council on Environmental Quality (CEQ) (40 CFR 1508.9), and the National Park Service Director's Order (DO)-12 (Conservation Planning, Environmental Impact Analysis, and Decision-making).

As a result of the public and internal scoping process, the no-action alternative and two action alternatives for addressing the purpose and need were selected for analysis in this EA. Each of the alternatives has been analyzed independently. The alternatives that have been evaluated are:

Alternative A - No action

Alternative B - New land assignment constructed with access from Shannon County Road KK-373.

Alternative C - New land assignment constructed with access from Missouri State Highway KK.

Alternatives Considered But Dismissed

After extensive internal and public scoping, several alternatives were considered but were later dismissed because of issues that could not be resolved. The initial scoping considered any area up to one mile from the Akers Ranger Station/Visitor Contact Station. Because of the limited capacity of the Akers Ferry, any area on the right bank, descending, of the Current River across from the Akers Concession Store was dismissed. Other alternatives considered but eliminated by the planning team include:

- Old Amphitheater Site – This site is across the road west of the concession store and was once the amphitheater for the campground. The area available was too small and because of the slope of the ground would have required large amounts of cut and fill. There are also prehistoric archeological concerns with this location.
- Area behind Maintenance Buildings – This site is directly west behind the maintenance yard up the ridge. This area has poor access to the highways, and is relatively narrow which would require large amounts of fill. It is also covered in trees which would have to be removed.
- Lower Gladden Creek Field – Highway KK crosses the creek at this point, and it would lie in the field upstream of the highway. The highway takes a significant drop to descend to the creek and would present a serious safety hazard to traffic since the sight lines for vehicles would be very short.
- Existing Land Assignment at Highway KK – This site is on the last curve before Highway KK crosses Gladden Creek and stops at the junction with Highway K. It has been used by concessioners for parking vehicles for many years. This area is not level and lies on a sharp curve with poor site lines for vehicles driving north and east on Highway KK. The site would require significant amounts of cut and fill material to make it level. There are also archeological concerns with this location.

Selected Alternative

Alternative C- Construction of up to a 50,000 square foot gravel base lot with a 7,000 square foot driveway in the field next to Gladden Creek east west of Shannon County Road KK-373. The lot will be situated midway in the south portion of the field next to Highway KK. A ramp will be constructed to provide direct access to highway KK. The lot will be placed above the 100 year flood line of Gladden Creek. Construction would start with the removal of an estimated 1400 cubic yards of topsoil and 12-15 small to medium trees removed.

The lot and driveway construction would include the estimated placement of 6300 square yards of aggregate base course, 6300 square yards of aggregate top course, 32 lineal feet of culvert, 600 cubic yards of select fill, and 230 square yards of riprap. The top of the aggregate fill for the lot will match the existing field elevations, with the exception that some localized low spots will need to be filled to provide a uniform surface grade. The driveway access to Highway KK will be built up to match the road bed. The gravel lot will be delineated either with either a fence or wheel stops.

The 1300 cubic yards of removed soil will be stockpiled on site until it is removed for use or sold. If necessary, the stockpiled soil will be stabilized with a cover crop based on recommendations from the natural resource staff. The number and loiter time of concessioner vehicles and equipment will be limited in the Akers area using the concessions contract as the means of enforcement. The existing land assignment at the curve of Highway KK will no longer be maintained and allowed to re-vegetate.

Environmentally Preferable Alternative

The environmentally preferable alternative is determined by applying the criteria suggested in NEPA. The Council on Environmental Quality (CEQ) provides direction in its guidance 'Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations (1981)' that "...the environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA's Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources."

***Criterion 1** – Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations.*
***Criterion 2** – Assure for all generations safe, healthful, productive, and aesthetically and culturally pleasing surroundings.*
***Criterion 3** – Attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences.*
***Criterion 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.*
***Criterion 5** – Achieve a balance between population and resource use that will permit high standards of living and wide sharing of life's amenities.*
***Criterion 6** – Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.*

Using these criteria, it was determined that Alternative C, New land assignment constructed with access from Missouri State Highway KK, provides the greatest level of protection of resources of the alternatives evaluated in this EA.

The Selected Alternative and Significance Criteria

The intensity or severity of impacts resulting from implementation of the Selected Alternative is evaluated below using the ten (10) significance criteria as defined by the Council on Environmental Quality's regulations for implementing NEPA (40 CFR § 1508.27). Resource areas selected for analysis included: soils, soundscape, water quality, floodplain, federally threatened and endangered species, visitor use and experience, and cultural resources.

1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal Agency believes that on balance the effect will be beneficial.

It was determined that none of the adverse impacts will be significant under the selected alternative (Alternative C). There would be minor adverse impacts to the soils to construct the lot for the land assignment. Minor beneficial impact to the area around Akers would occur by moving activity away from the river. All other impacts were determined to be negligible.

2. The degree to which the proposed action affects public health and safety.

Alternative C would have a major beneficial impact to visitor safety in the Akers Area. Moving the commercial operations that park and store equipment in the day use area would separate this activity from visitor use. Visitors would be able to negotiate this area without fear of commercial vehicle impacts.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, wild and scenic rivers, ecologically critical areas, wetlands or floodplains, park lands, and so forth.

Both the Current River and Jacks Fork River are designated as Outstanding National Resource Waters (ONRW) under Missouri's water quality standards. They are Tier III waters (i.e. they are provided with the highest level of protection by prohibiting the lowering of water quality) with anti-degradation restrictions. The Akers Ferry area is listed in The National Register of Historic Places.

4. The degree to which the impacts on the quality of the human environment are likely to be highly controversial.

During the preparation of the environmental assessment, there has been involvement from other agencies and other interested individuals. The National Park Service received two public comments and several agency comments on the public scoping notice sent out on July 25, 2011 and open for comment until Aug 25, 2011.

The National Park Service received two public comments and several agency comments on the environmental assessment that was opened for public comment from March 20 – April 22, 2013. One of the public comments stated support for the project. The other public comment questioned some of the analysis, but the conclusions in the environmental assessment were backed up by the consultations. None of the agency comments challenged the analysis of impacts or suggested information that will result in changes to the analysis, or resulted in the recognition of significant impacts to resources.

5. Degree to which the potential impacts on the quality of the human environment are highly uncertain or involve unique or unknown risks.

The relocation and designation of the land assignment will result in improved parking and safety for visitors and concession operations. These activities already occur in this area and no other unique or unknown risks were found to impact the environment.

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

No precedent for future actions would occur for this project as it does not add any new activities in the Akers area. It is a moving an existing activity to a new location.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

This action is not related to any other actions or projects occurring within the park. The issues addressed in the environmental assessment are limited to this site.

8. The degree to which the action may adversely affect historic districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural, or historical resources.

All areas within the three locational alternatives have been subjected to pedestrian survey by professional archeologists. Archeologists from the NPS Midwest Archeological Center, the University of Missouri-Columbia, and Southwest Missouri State University (now Missouri State University) have conducted rather extensive archeological surveys encompassing the entire Akers area. Alternative A is on a major archeological site that is part of a district listed in The National Register of Historic Places and current activity and overflow parking on that location has the potential to produce adverse impacts to the archeological site. Findings from these assessments combined with Park Archeologist's knowledge were employed to estimate the effects of the actions on the vernacular landscape, including the Ozark Hamlet. The project as planned will have no adverse impact on any historic districts, sites, structures, or objects currently listed or eligible for listing on The National Register of Historic Places. In a letter date March 25, 2013 from the Missouri State Historical Preservation Officer concluded that the action alternatives would have no adverse effect on the Akers Ferry Archeological District.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the endangered Species Act of 1973.

The U.S. Fish and Wildlife Service (USFWS) sent a response to our public scoping letter to the Superintendent of ONSR dated August 9, 2011. In it the USFWS noted that there were no records of federally-listed threatened or endangered species or critical habitat within the potential areas for the proposed project (a one mile radius around Akers Ranger Station). However, Ozark Hellbenders *(Cryptobranchus alleganiensis bishopi),* have been captured at a site roughly 2.5 miles downstream from the Akers Ranger Station. In addition, the gray bat *(Myotis grisescens)* and Indiana bat *(Myotis sodalis),* both federally endangered, likely occur in the area.

A copy of the *Akers Concessioner Land Assignment Environmental Assessment* was sent to the USFWS Field Officer on March 20, 2013 with a request for any additional comments. A response was received by the park on April 10, 2013, stating that the action is not likely to adversely impact any priority fish and wildlife resources. The USFWS listed one mitigation; they would limit any trees meeting the description of potential Indiana bat roosting trees from being removed between November 1 and March 31 in order to avoid adverse effects to the Indiana bat.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The Selected Alternative is not thought to violate any environmental protection laws or regulations. A Missouri Department of Natural Resources land disturbance permit will be obtained before implementation of the selected alternative. Completion of the following consultations has solidified this conclusion.

Section 7 – Endangered Species Act Consultation

A copy of the *Akers Concessioner Land Assignment Environmental Assessment* was sent to the USFWS Field Officer on March 20, 2013 with a request for any additional comments. A response was received dated April 10, 2013, stating that the action will not adversely affect any priority fish and wildlife resources with a mitigation request on the removal of certain types of trees.

Section 404 – Clean Water Act and State Water Quality Certification through Section 401 of the Act

A copy of the *Akers Concessioner Land Assignment Environmental Assessment* was sent to the U.S. Army Corps of Engineers on March 20, 2013 with a request for any additional comments. A response was received dated April 11, 2013, stating that the project sites were evaluated and contain no wetland areas or waters of the United States within the project area.

Ethnography Review

An ethnographic tribal identity study has been completed for Ozark National Scenic Riverways by Dr. Maria Zedeno which identified those Native American Tribes that have historic cultural affiliation with lands now included in the park. Native American groups having demonstrable affiliation to the region are:

a. Cherokee Nation
b. Keetoowah Band Cherokee
c. Osage Nation
d. Delaware Tribe
e. Delaware Nation
f. Eastern Shawnee Tribe
g. Shawnee Tribe
h. Absentee Shawnee Tribe

In November 2010, the Superintendent and the Archeologist of ONSR, consulted with leaders of these Tribes in Oklahoma in compliance with Section 101(d)(6)(b) of the NHPA. Among the topics discussed was input on the development of the park's new General Management Plan and the method to track and provide feedback on projects open for public comment on the NPS Planning, Environment and Public Comment (PEPC) website. On March 20, 2013 a letter was sent to the above tribes to notify them about the availability of and to request comments on the environmental assessment. No comments were received.

Public Involvement

On July 25, 2011 a public scoping letter was used to notify local, State, and Federal representatives, interested agencies, and the general public of the proposed action delineate a dedicated land assignment for the Akers Concession operation within the Ozark National Scenic Riverways. This letter was electronically posted on the Planning, Environment, and Public Comment (PEPC) website along with contact information on how to obtain more information or comment on the action. Mailings were also sent to a select list of interested parties and stakeholders. A total of 2 public comments and several agency comments on the public scoping notice were received. The responses were reviewed and filed in the administrative record kept at ONSR headquarters in Van Buren, Missouri.

A 30-day public comment period was held for the *Akers Concessioner Land Assignment Environmental Assessment* from March 20 – April 22, 2013. A letter was mailed to approximately 43 local, State, and Federal representatives, interested agencies, Tribal Historic Preservation Officers, and the general public notifying them of the availability of the EA for review. The letter also instructed recipients how to comment on the EA through the PEPC website or in writing to the Superintendent at ONSR. A news release was also submitted to local newspapers. Two public comments and several agency comments were received in response to the EA. One of the two public comments was supportive of the selected alternative. The other questioned some of the analysis, but the conclusions in the environmental assessment were backed up by the consultations. None of the agency comments challenged the analysis of the impacts.

Conclusion

The agency preferred alternative is Alternative C, New land assignment constructed with access from Missouri State Highway KK. This alternative was chosen by the agency because it fulfills the goals outlined in the purpose and need while causing the least amount of resource impact of the action alternatives. It is also the environmentally preferred alternative identified in the environmental assessment.

Finding of No Significant Impact and No Impairment

Based on the analysis contained in the environmental assessment, the selected alternative - Alternative C, new land assignment constructed with access from Missouri State Highway KK, will not have significant impacts on the human environment either by itself or considering cumulative impacts. Accordingly, the requirements of the National Environmental Policy Act, regulations promulgated by the President's Council on Environmental Quality, and provisions of National Park Service Director's Order-12 and Handbook (Conservation Planning and Environmental Impact Analysis and Decision-Making) have been fulfilled. Furthermore, the Selected Alternative chosen for implementation will not impair park resources or values and will not violate the NPS Organic Act. There are no significant impacts on public health, public safety, threatened and endangered species, sites, or districts listed in or eligible for listing in the NRHP, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the action will not violate any Federal, State, or local environmental protection law. The Selected Alternative supports the enabling legislation establishing the Current River as a National Scenic Riverway under Public Law 88-492 with the intended purpose of "conserving and interpreting unique scenic and other natural values and objects of historic interest... and provisions for use and enjoyment of the outdoor recreation resources."

Based on the foregoing, it has been determined that an environmental impact statement is not required for this project and thus will not be prepared for implementation of the Selected Alternative.

Recommended:

Superintendent, Ozark National Scenic Riverways — Date: 5/20/2013

Approved:

Regional Director, Midwest Region — Date: 5.29.13

APPENDIX

Finding of No Significant Impact- Impairment Determination
Akers Concessioner Land Assignment Environmental Assessment
Shannon County, Missouri

The Prohibition on Impairment of Park Resources and Values

NPS *Management Policies 2006*, Section 1.4.4, explains the prohibition on impairment of park resources and values:

> While Congress has given the Service the management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the National Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them.

What is Impairment?

NPS *Management Policies 2006*, Section 1.4.5, "What Constitutes Impairment of Park Resources and Values," and Section 1.4.6, "What Constitutes Park Resources and Values," provide an explanation of impairment: "...impairment...is an impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values."

Section 1.4.5 of NPS *Management Policies 2006* states: "An impact to any park resource or value may, but does not necessarily, constitute impairment. An impact would be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, or
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or
- identified in the park's general management plan or other relevant NPS planning documents as being of significance."

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

Per Section 1.4.6 of NPS *Management Policies 2006*, park resources and values that may be impaired include

• the park's scenery, natural and historic objects, and wildlife, and the processes and condition that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals;

• appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;

• the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and

• any additional attributes encompassed by the specific values and purposes for which the park was established.

Impairment may result from NPS activities in managing the park, visitor activities, or activities undertaken by concessionaires, contractors, and others operating in the park. Impairment may also result from sources or activities outside the park, but this would not be a violation of the *Organic Act* unless the NPS was in some way responsible for the action.

How is an Impairment Determination Made?

Section 1.4.7 of NPS *Management Policies 2006* states:

> In making a determination of whether there would be an impairment, an NPS decision-maker must use his or her professional judgment. This means that the decision-maker must consider any environmental assessments or environmental impact statements required by the National Environmental Policy Act of 1969 (NEPA); consultations required under section 106 of the National Historic Preservation Act (NHPA), relevant scientific and scholarly studies; advice or insights offered by subject matter experts and others who have relevant knowledge or experience; and the results of civic engagement and public involvement activities relating to the decision.

NPS *Management Policies 2006* further define "professional judgment" as "a decision or opinion that is shaped by study and analysis and full consideration of all the relevant facts, and that takes into account the decision-maker's education, training, and experience; advice or insights offered by subject matter experts and others who have relevant knowledge and experience; good science and scholarship; and, whenever appropriate, the results of civic engagement and public involvement activities relating to the decision."

Impairment Determination for Preferred Alternative

This determination on impairment for alternative C described in Chapter 2 of this environmental assessment. An impairment determination is made for all resource impact topics analyzed for alternative C.

The NPS has determined that the implementation of the alternative C would not constitute impairment to the resources or values of the Ozark National Scenic Riverways. This conclusion is based on consideration of the analysis of the environmental impacts described in the environmental assessment, relevant studies and judgments from other natural resource professionals.

Findings for Impairment for the Preferred Alternative

The preferred alternative would result minor adverse to negligible impacts on some of the resources including soils, soundscape, water quality, floodplain, Threatened and endangered species, visitor use and experience (including safety), cultural resources (landscape and archeology).

<u>Soils</u>

The preferred alternative would have a minor impact on the Secesh silt loam complex. The Secesh silt loam complex has a 0 to 3 percent slope and is rarely flooded. The Secesh silt loam complex can potentially contain partially hydric soil components. "Partially hydric" means that at least one component

of the map unit is rated as hydric, and at least one component is rated as not hydric. Based on field observations of Alternative C site, the proposed site does not contain hydric soil components.

If soils are wet enough for a long enough period of time to be considered hydric, they should exhibit certain properties that can be easily observed in the field. These visible properties are indicators of hydric soils. The indicators used to make onsite determinations of hydric soils are specified in "Field Indicators of Hydric Soils in the United States" (Hurt and Vasilas, 2006).

This project parking/storage lot area will have 8 inches of top soil removed from Secesh complex and replaced with 8 inches of compacted coarse gravel. This will retard infiltration and increase runoff. The soil depth at the Alternative C site here can range from 60-70 inches providing for downward filtering of water and intermittent vehicle drips of gas and oil. This is in addition to the base surface materials used in the lot construction. After compaction, however, this area will become more impervious to filtering of water. Management of runoff could include construction of a low berm ringing the site by utilizing the construction topsoil, and planting of Root Production Method (RPM) trees to still flow velocity, entrain sediment, and filter runoff. Alternative C would result in a minor soils impact and would not result in any impairment of the Ozark National Scenic Riverways soil resources.

Soundscapes

In the preferred alternative, most concessioner activities associated with parking buses, and loading trailers would be moved away from the store and day use area approximately a quarter mile away in the Gladden Creek valley. This would include the striking sound equipment makes while loading trailers, and the moving and parking of concession vehicles. The distance, topography and vegetation between the new land assignment site and the Akers Ferry developed area would adequately mask these sounds from the visitors. As a result the soundscape where park visitors are using will be improved. Concessioners' main activity in the day use area and at the store would be to pull and pick up or drop off visitors.

The preferred alternative would result in minor long-term beneficial impacts to the soundscape if the concessions operations are moved to this site. There would be minor short-term impacts at the new land assignment site during the construction phase of the project. This project would not have any impairment to the overall soundscape resources of the Ozark National Scenic Riverways.

Water Quality

The preferred alternative site is located on a terrace with a shallow slope down to Gladden Creek, approximately 350 feet away. Best management practices recommend at least a 100 foot buffer for streams, springs, and sinkholes to create a runoff filter from land-based activities. After construction, the site would retain approximately 225 feet of grassy field vegetation, and 125 feet of forested stream buffer. No springs or sinkholes are known from the construction and operation site. The soil depth here can range from 60-70 inches providing for some downward filtering of water and intermittent vehicle drips of gas and oil, which will tend to lose the ability as the surface materials become compacted. This is in addition to the base surface materials used in the lot construction. In addition, management of runoff could include construction of a low berm ringing the site by utilizing the construction topsoil, and planting of Root Production Method (RPM) trees to still runoff flow velocity, entrain sediment, and filter runoff contents.

Cumulatively, runoff from the preferred alternative site will be filtered by vegetated buffers or appropriately sized, moderately vegetated road ditch, prior to entering watercourses. A planted berm to catch runoff would help slow flow velocity, retain sediment, and adsorb potential vehicle fuel/lubricants. In addition, proper vehicle maintenance will avoid oil and gas leakages, and placement of collection pads

under vehicles during off-season storage will help prevent these materials from initially entering the water pathway. Removal of operation activities from Alternative A would also serve to improve runoff quality from these sites. This project would result in negligible to minor water quality effects, and would not have any impairment to the overall water quality resources of the Ozark National Scenic Riverways.

Floodplain

The area of the preferred alternative is currently an open agricultural field that is cut annually for hay. According to the USGS hydrological investigation, the 100-yr floodplain generally does not rise more than 16 to 20 feet above the elevation of the Gladden Creek bed. The proposed site is placed above the 100-yr floodplain based on maps using data extrapolated from the hydrological investigation. Site surveys by the Resource Management and Maintenance staff concluded that parts of the proposed lot closest to Gladden Creek may be within that 20 foot elevation, and could be impacted by flood events. This may require the concessioner to remove equipment in times of heavy rain which is typically done at the existing land assignment sites.

The construction of the lot would not impede water flow over the field that currently exists. The open field does not restrict this water flow. If the concessioner may put a 1200 square foot portable drying shed on the land assignment as is currently allowed by the contract, it is recommended that it is placed on the highest point of the lot away from the creek. Using this site would move much of the concessioner land assignment activity down below the ranger station away from Current River up Gladden Creek.

A copy of the *Akers Concessioner Land Assignment Environmental Assessment* was sent to the U.S. Army Corps of Engineers on March 20, 2013 with a request for any additional comments. A response was received dated April 11, 2013, stating that the project sites were evaluated and contain no wetland areas or waters of the United States within the project area.

The preferred alternative would result in negligible short-term or long-term impacts to the floodplain. This project would not have any impairment to the overall floodplain resources of the Ozark National Scenic Riverways.

Threatened and Endangered Species

The new access in the preferred alternative would remove approximately 12-15 small to medium sized trees along the field edge. Although no known summer roost sites have been documented within the park, the nominal amount of trees being removed reduces the loss of any potential Indian bat roost habitat. This alternative does not impact potential habitat for the Indiana bat, therefore no long-term adverse effects to this species are anticipated.

The potential for sedimentation runoff which may impair Ozark hellbenders is reduced as the preferred alternative site is located in an existing agricultural field. The agricultural field and forested riparian zone along Gladden creek creates approximately a 350 to 400 foot buffer.

The U.S. Fish and Wildlife Service (USFWS) sent a response to our public scoping letter to the Superintendent of ONSR dated August 9, 2011. In it the USFWS noted that there were no records of federally-listed threatened or endangered species or critical habitat within the potential areas for the proposed project (a one mile radius around Akers Ranger Station). However, Ozark Hellbenders *(Cryptobranchus alleganiensis bishopi),* have been captured at a site roughly 2.5 miles downstream from the Akers Ranger Station. In addition, the gray bat *(Myotis grisescens)* and Indiana bat *(Myotis sodalis),* both federally endangered, likely occur in the area.

A copy of the *Akers Concessioner Land Assignment Environmental Assessment* was sent to the USFWS Field Officer on March 20, 2013 with a request for any additional comments. A response was received by the park on April 10, 2013, stating that the action is not likely to adversely impact any priority fish and wildlife resources. The USFWS listed one mitigation; they would limit any trees meeting the description of potential Indiana bat roosting trees from being removed between November 1 and March 31 in order to avoid adverse effects to the Indiana bat.

The preferred alternative may affect/not likely to adversely affect the Indiana bat, Gray bat or the Ozark hellbender. This project would not have any impairment on the threatened and endangered species of the Ozark National Scenic Riverways.

Cultural Resources (Landscape, Archeology)

The location of the preferred alternative contains no prehistoric archeological deposits after extensive survey and shovel testing. Construction of the proposed project would not adversely impact any archeological resource. No structures, historic or otherwise lies within the direct impact zone of this alternative. There would be no cumulative impacts on archeological sites within the Direct Impact Zone since it has been determined by professional archeologists that no such sites in this location. This project would not have any impairment to the overall cultural resources of the Ozark National Scenic Riverways.