

**APPENDIX**  
**Finding of No Significant Impact**  
**Construction of a Temporary Trail and Hoist Location at Bat Cave**  
**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 B described in Section 3 of this environmental assessment. An impairment determination is made for all resource impact topics analyzed for alternative B.

The Nature Conservancy has determined that the implementation of the alternative B 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 Alternative B**

Alternative B would result minor short term adverse to negligible impacts on some of the resources including riparian vegetation, threatened and endangered species, visual quality, and soundscape.

#### Riparian Vegetation

A trail from the boundary of the Current River State Park to a tower site located at the base of the slope near the Current River would be cleared for the transportation of steel materials. All vegetation would be cut leaving root stocks in place. The overall effect to the riparian vegetation would be short term and

would only affect a small area and would not adversely affect the resources of the Ozark National Scenic Riverways.

#### Threatened and Endangered Species

The species that could be impacted for this project include Gray Bats (*Myotis grisescens*) and Indiana Bats (*Myotis sodalists*). Any activities associated with the project would occur from September 1 to October 15 and from April 1 to June 15 allowing for minimal disturbance of the bats during critical annual periods during life cycle. This project would have no affect on the threatened and endangered species of the Ozark National Scenic Riverways.

#### Visual Resources

The clearing of a trail could possibly be noticed by visitors of the park, but only for a short time until the vegetation was allowed to grow. Also, alternative B calls for the construction of a temporary tower and cable hoist system. Some visitors may see this structure while floating, but because activities for construction fall outside peak visitor use periods, most users won't be affected. The tower would be visible for only one month during transportation of materials and would be removed soon after. The proposed project impacts to visual resources are short term and would with no impairment to the Ozark National Scenic Riverways visual resources.

#### Soundscapes

Activities proposed in alternative B could be noticed by visitors of the park. The clearing of the trail and construction of cable and hoist activities would be short-term and localized. This project would not have any impairments to the overall resources of the Ozark National Scenic Riverways.

#### Soils

Clearing of a temporary trail and construction of a temporary tower would occur for Alternative B. This would affect the soil productivity temporarily. Approximately 12,000 sf of ground surface could be exposed, but all vegetative root structures will remain in place for holding of the soil during transportation of steel. The footprint of the temporary tower will be less than 200 sf and could only temporarily disturb <10 sf of subsoil. The temporary nature of the project and lack of size contribute to the argument that this project would not result in any impairment of the Ozark National Scenic Riverways soil resources.