

Chapter 1. Introduction

Introduction

Nicodemus National Historic Site (NHS) was established by Congress in 1996 under Public Law 104-333 (110 Statute 4163) in recognition of the Nicodemus Townsite as the only remaining town established by African Americans at the end of the Reconstruction period, representing the participation of African Americans in the settlement of the Great Plains. The Nicodemus NHS is administered and maintained by the National Park Service (NPS) who currently leases the Nicodemus Township Hall and adjacent Roadside Park for visitor facilities. The NPS also leases space in the Nicodemus Housing Authority public housing complex for administrative facilities. The NPS currently owns the A.M.E. Church and site.

The National Park Service (NPS) is undertaking project planning and compliance to determine the best site for a new visitor center to include administrative, maintenance, and curatorial storage facilities. As part of the planning process, this visitor center (or visitor contact station) site study was undertaken to develop a project program and to assess its application to several alternatives.

Several potential alternatives have been identified, including one that uses an existing NPS-owned facility (the A.M.E. Church). This study evaluates the physical opportunities and constraints of each alternative. The evaluation analyzes several potential properties for their ability to accommodate the planned visitor center and administrative and maintenance facilities, and to comply with NPS needs in a manner compatible with the Nicodemus National Historic Landmark (NHL) and Nicodemus National Historic Site (NHS).

The NPS Choosing By Advantages (CBA) process was used to evaluate the alternatives and to identify a preferred alternative. A Value Analysis (VA) Workshop was conducted at the Midwest Regional Headquarters in Omaha, Nebraska May 10 to 11 2011 to select the preferred alternative. The assessment of the alternatives evaluated their physical opportunities and constraints to accommodate the planned program for visitor facilities, and administrative and maintenance functions to comply with the NPS needs, and to be compatible with the National Historic Landmark and the National Historic Site.

An assessment of how implementing the alternatives would affect various environmental factors such as natural and cultural resources is part of the site selection study. The Environmental Assessment (EA) evaluates what effects the alternatives would have if implemented.



Figure 1. Vicinity Map

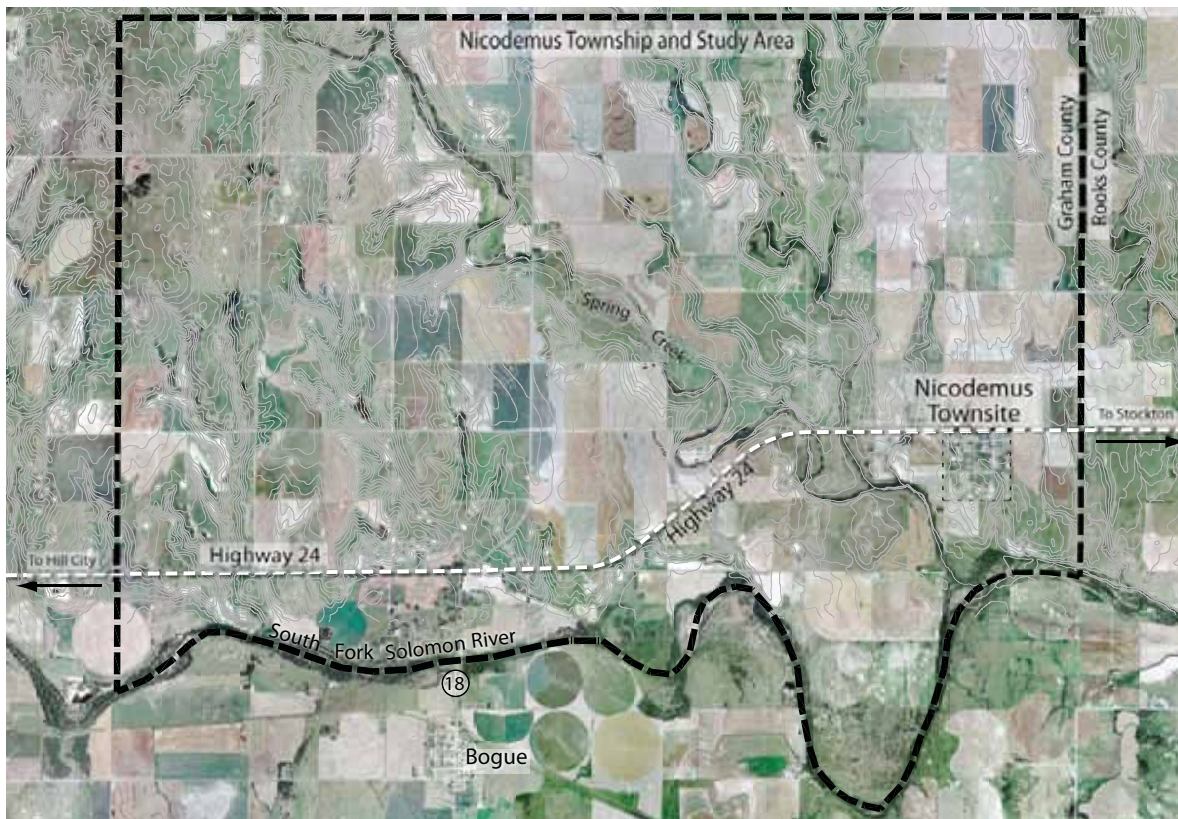


Figure 2. Nicodemus Township and Study Area

Study Area

The unincorporated Townsite of Nicodemus (Townsite) is located on the eastern edge of the Nicodemus Township. The Townsite is 304 miles west of Kansas City, Kansas and 306 miles east of Denver, Colorado (Figure 1. Vicinity Map).

The study area (Figure 2. Nicodemus Township and Study Area) includes the Nicodemus National Historic Landmark (NHL), Nicodemus National Historic Site (NHS) and the 36-section Nicodemus Township (Township). The Township (Figure 2. Nicodemus Township and Study Area) is approximately 24 square miles, bounded on the north by the Pioneer Township and the south by the South Fork Solomon River. The east edge is Rooks County and the west edge is bounded by a north-south trending line. Predominant land uses in the Township are agricultural and natural resource extraction such as oil, sand and gravel. The Townsite is located south of U.S. Highway 24 and is bound by Seventh and First streets (Figure 3. Nicodemus Townsite and National Historic Landmark and Nicodemus National Historic Site). The Townsite is comprised of dwellings, municipal structures and facilities, paved and unpaved roads, access drives and agricultural fields, arranged as an incomplete grid of streets.

The Nicodemus NHL (Figure 3. Nicodemus Townsite and National Historic Landmark and Nicodemus National Historic Site), was designated on January 7, 1976 and consists of 161.35 acres located in Graham County, Kansas. The NHL is located in Section 1, Township 8 South, Range 21 West, 6th Principal Meridian and encompasses the unincorporated Nicodemus Townsite.¹ The NHL designation recognized the exceptional national significance of the Townsite as a rare surviving example of the late nineteenth century movement to establish new communities for former slaves away from the injustices encountered in the South after the Civil War.

Congress established the Nicodemus National Historic Site (the park) on November 12, 1996, as a unit of the National Park System to be administered by the National Park Service (NPS). The Nicodemus NHS is composed of five discontinuous historic buildings and parcels located within the Townsite including First Baptist Church; Nicodemus District No.1 Schoolhouse; A.M.E. Church; Fletcher-Switzer Residence (St. Francis Hotel); and Township Hall. These five properties represent the five pillars of the African American Community - First Baptist Church (religion), Nicodemus District No.1 Schoolhouse (education), A.M.E. Church (religion), Fletcher-Switzer residence (family/home/business) and Township Hall (traditions of mutual assistance). The park preserves, protects and interprets the only remaining western town established by African Americans during the Reconstruction Period following the American Civil War.

1 National Park Service, *Nicodemus National Historic Site Cultural Landscape Report*, 3-4.

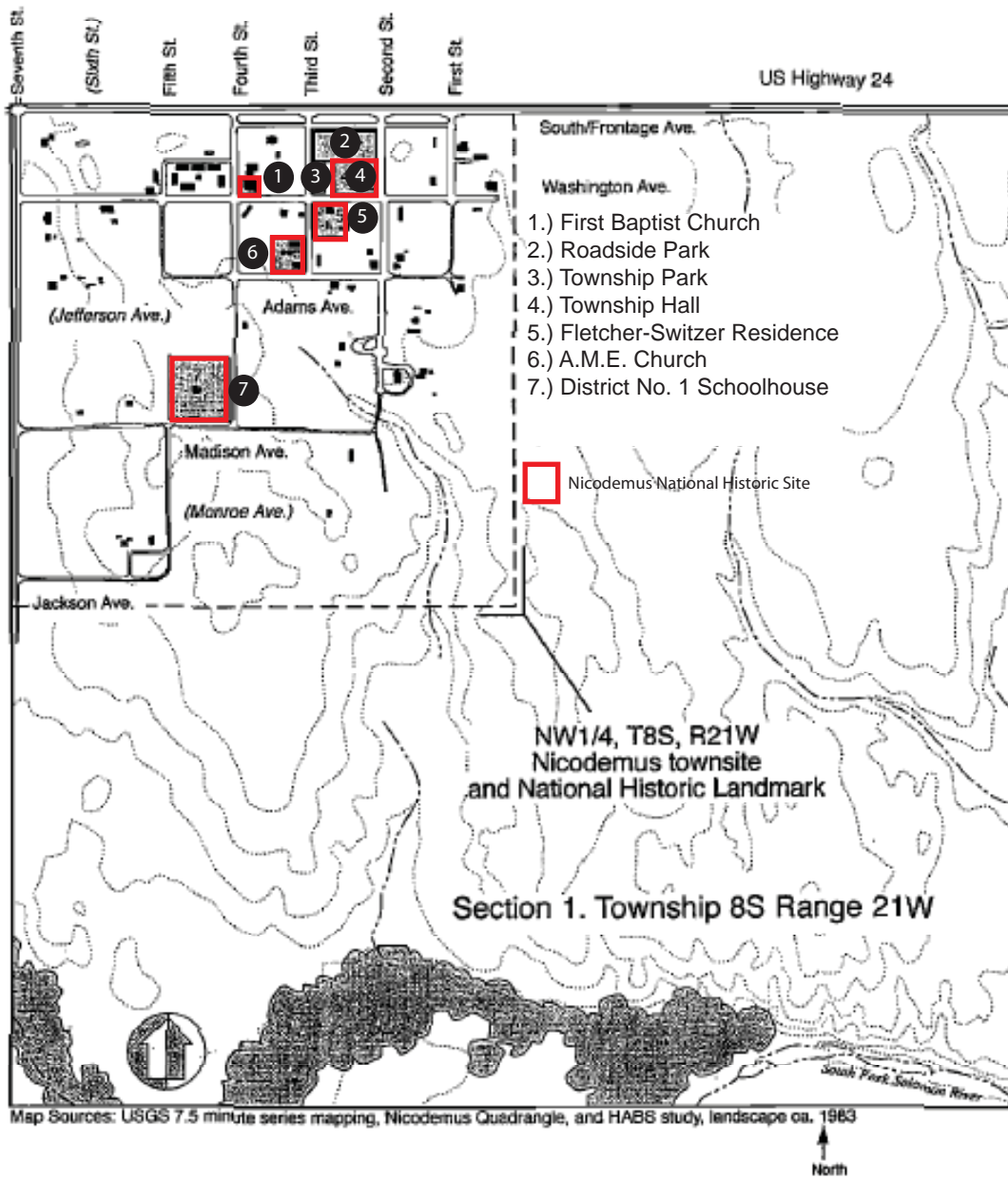


Figure 3. Nicodemus Townsite, National Historic Landmark,
and Nicodemus National Historic Site

Today, the Nicodemus community consists of the Townsite and Township's local residents, the nearly 2,000 to 3,000 descendants living across the United States and the African-American community at-large. The Nicodemus community maintains strong physical and social ties to the Nicodemus NHS and Nicodemus Township through its geographical location, cultural traditions, and significant historic sites.

Project Purpose and Need

The NPS faces many challenges with the long-term management and operation of the Nicodemus NHS including balancing the needs of visitors and residents, maintaining the cultural landscape and historic buildings, and providing appropriate visitor, maintenance, and curatorial facilities.

Since its designation as a National Historic Site and a unit of the NPS system in 1996, the park has operated with minimal facilities. The park currently leases Nicodemus Township Hall for visitor contact and space in the Nicodemus Housing Authority complex for administration offices. Neither location offers adequate facilities to fulfill the park's mission. The Township Hall is in need of repair, does not meet the Americans with Disabilities Act (ADA) or Architectural Barriers Act Accessibility Standards (ABAAS), has an inefficient energy system, and lacks adequate space for park functions. Artifacts are stored in non-climate controlled spaces, a condition that is causing artifacts to degrade. Due to the park facilities utilizing Township Hall, traditional community uses of the hall have been limited and some have ceased altogether.

The park requires a NPS facility within which appropriate visitor services can be provided, where administration and maintenance activities can occur, and where historic records can be preserved and protected.

Project Purpose

The purpose of the site selection study is to relocate park facilities, including the visitor center, administration offices, maintenance storage, and curatorial resources to allow for upgrades to visitor service facilities; enhance interpretive media; administration spaces; provide safe and code-compliant facilities for visitors and staff; and return a historic building (Township Hall) to traditional community use. Relocating the park facilities would improve visitor services, improve visitor and employee safety, increase the efficiency of park operations, and reduce energy costs. The objectives of the proposed project include the following.

- Improve the efficiency of park operations by providing a facility for visitor services and orientation/education, and by improving the sustainability of NPS operations through energy efficiency.

- Provide for visitor enjoyment by accommodating visitors with a convenient and easily accessible visitor center, and by expanding visitor amenities that have additional opportunities to educate, inform, and improve the quality of the visitor experience.
- Protect park resources by maintaining, protecting, and preserving all cultural resources, including building, structures, and the cultural landscape, and return Township Hall to its intended function.

Project Need

The NPS leases Nicodemus Township Hall from the Township for use as the park visitor center. They also lease two units of the Nicodemus Housing Authority complex for administrative offices and a portion of the garage for maintenance purposes. Artifacts are stored in three non-climate controlled metal containers and a closet. The Township Hall is designated as a traditional use area in the General Management Plan (GMP). A traditional use area under the GMP is intended to have limited NPS influence, where the town continues to function as it always has, and the residents determine any development and interaction with visitors. The continued use of these buildings for park facilities conflicts with the intention of the GMP. Neither the Township Hall nor the Nicodemus Housing Authority complex provide adequate space or facilities for effectively meeting visitor and staff needs.

A new visitor center would allow Township Hall to return to its intended function. The visitor center would provide orientation to the Townsite and Township, and provide information about the park's natural and cultural resources, history, and significance. The new visitor center would serve as the primary location to educate visitors on how they might enjoy their visit and provide them with information on protecting and preserving park natural and cultural resources.

Purpose and Significance of Nicodemus National Historic Site

The purpose, significance, and interpretive themes of the park as outlined in the GMP (NPS 2004), guide how the park is managed. The purposes tell why the park was set aside as a unit in the national park system. The significance of the park addresses why the area is unique—why it is important enough to our natural and/or cultural heritage to warrant national historic site designation, and how it differs from other parts of the country.

The purposes of Nicodemus National Historic Site (the park) are to:

- Preserve, protect, and interpret for the benefit and enjoyment of present and future generations, the remaining structures and locations that represent the history (including settlement and growth) of the town of Nicodemus.
- Interpret the historical role of the town of Nicodemus in the Reconstruction period in the context of westward expansion in the United States.

The park is significant for the following reasons:

- At the end of Reconstruction, Nicodemus was platted as an African American community in rejection of the rampant racism of the post-Civil War South and a key aspect of African Americans' struggle to overcome obstacles to social, economic, and political equality.
- Nicodemus is a symbol of the African American pioneer spirit. It is the only remaining western town established by African Americans at the end of Reconstruction and it represents a largely untold aspect of the story of western expansion and settlement of the Great Plains.
- Nicodemus is one of the oldest continuously occupied African American towns in the West.
- The resources of Nicodemus represent the five pillars of many African American communities during the 19th and 20th centuries: family/home, church, school, business, and traditions of mutual assistance that evolved into local government.

The National Historic Preservation Act (NHPA) (16 United States Code [USC] 470 et seq.); National Environmental Policy Act (NEPA); NPS Organic Act; NPS *Management Policies 2006*; DO – 12: *Conservation Planning, Environmental Impact Analysis, and Decision-making* (2001); and DO – 28: *Cultural Resources Management Guideline* require the consideration of impacts on cultural resources, either listed in or eligible to be listed in, the national register. The park notified the Kansas State Historic Preservation Office (SHPO) of the project on June 10, 2011 and will provide the SHPO a copy of the EA for review and comment.

Project Goals and Objectives

A series of project goals and objectives guide the development of the alternatives for the site of the new visitor contact facility/center. These goals express the expectations of the NPS and the Nicodemus community. Guiding policy documents suggest different locations for new visitor facilities. The CLR recommends new construction occur outside the Townsite while the GMP recommends that the NPS build or lease a facility as close to the NHS as possible. Therefore, alternatives were considered within town as well as outside of town, including constructing a new facility versus utilizing an existing building.

The project objectives assist in analyzing the potential alternatives and potential individual sites. These objectives related to, and support the project goals.

Goals:

- **Vernacular Architecture:** Expressed in form, scale, and materials (use of local materials – limestone, earth, wood, etc.).
- **Embodies Sustainable Prairie Living:** Integrates use of solar, wind, pervious paving, recycled water, Net Zero energy, water conservation, etc. and strives to achieve at least a LEED silver minimum level rating.

- **Compatible with the NHL:** Protects the integrity of historic resources including buildings, settings, views, sites, landscape and features.
- **Integrated with Town Life:** Minimizes impact on everyday life, easy for the visitor to find and is easily connected to historic resources.
- **Expresses Individual Character of Nicodemus and Site:** Building type and site arrangement are adapted to individual character of location, but still recognizable as part of the Nicodemus story.
- **Supports an Authentic Visitor Experience:** Provides key facilities for orientation, information, interpretation and basic services for visitors but does not diminish the authentic experience of Nicodemus. Meets the goals of the Long-Range Interpretive Plan.
- **Meets NPS and Community's Needs:** Includes visitor, office, and maintenance program needs; and community needs.
- **Source of Community Pride and Legacy:** Creates a prominent landmark that reflects the unique identity of the Nicodemus community.

Objectives:

Design and Siting Location

- **Site is walkable** with ease of accessibility to the NHS buildings and sites for pedestrians;
- **Site is accessible or with vehicular wayfinding and road condition** and is readily reached along a road in good condition;
- **Site location minimizes the need for additional parking at NHL** and site is close enough to NHS buildings for shared parking or there is adequate space to allow for additional parking;
- **Retains historic fabric** (i.e., retains character defining features and original building and site materials that date to the period of significance, and complies with the Secretary of the Interior Standards for Rehabilitation);
- **Site provides an authentic visitor experience** in a location and relationship compatible with Nicodemus; and is of a size to accommodate interpretive programming;
- **Site protects the historic use and retains the integrity of NHS and NHL setting.** The site and placement of a new building is compatible with the NHS buildings, retains open views between the NHS buildings; and retains the open character of historic sites;
- **The scale is compatible with NHS and NHL.** The proposed building type is compatible in size and its relationship to the Townsite and NHS buildings; the scale is compatible, it fits with the scale of other existing buildings;
- **Site provides an opportunity to minimize vehicular traffic in the Townsite** – evaluates site location and the routes (roads) that will bring

- visitors to the visitor center, to the NHL buildings;
- **Water and sewer (wet utilities)** are available either through nearby utilities or the site is large enough to accommodate utilities such as a septic system;

Policy and Acquisition

- **Site is or may become available for acquisition** with an ease of acquiring the site, i.e., few or no ownership issues;
- **Site has visual connection to the NHS buildings and NHL** while allowing for protection of the viewsheds of the resource;
- **Minimize negative impact on the community** so that development of the site would not negatively affect the community, and will enhance the community and community pride.

Sustainability

- **Site provides opportunities for sustainable development** such as the use of solar, wind, recycled water, pervious systems;
- **Site has adequate acreage** to accommodate the program and incorporate development of sustainable practices;

Relevant Planning Documents

Several planning documents provide information applicable to this visitor center site selection study, including background information and relevant policies. These documents include NPS Management Policies 2006, the Nicodemus National Historic Site General Management Plan (GMP), The Nicodemus National Historic Site Cultural Landscape Report (CLR), the Nicodemus National Historic Site Long-Range Interpretive Plan, Nicodemus National Historic Site Historic Structures Report (HSR) and Nicodemus National Historic Site Land Protection Plan. The following summarizes relevant documents and policies for Nicodemus NHS from each of these documents.

NPS Management Policies 2006

NPS Management Policies 2006 provides guidance for all management decisions, including those related to cultural resources. Cultural resources, including cultural landscapes and historic structures, are addressed in Section 5.0, which states that cultural resources management program shall provide "...stewardship to ensure that cultural resources are preserved and protected, receive appropriate treatments (including maintenance) to achieve desired conditions, and are made available for public understanding and enjoyment." Each park is to follow a "resource stewardship strategy (to) provide comprehensive recommendations about specific actions needed to achieve and maintain the desired resource conditions and visitor experiences for the park's cultural resources." ²

In addition to determining the environmental consequences of implementing the preferred and other alternatives, NPS Management Policies 2006 (section 1.4) requires a determination of whether or not the effects of the proposed actions would impair a park's resources and 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. NPS managers must always seek ways to avoid, or to minimize to the greatest degree practicable, adverse impacts on park resources and values. However, the laws do give NPS the management discretion to allow impacts on park resources and values when necessary and appropriate to fulfill the purposes of the park. That discretion is limited by the statutory requirement that NPS must leave 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 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 (NPS Management Policies 2006). Whether an impact meets this definition depends on the particular resources that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts. An impact on any park resource or value may, but

2 *NPS Management Policies*, 60 to 63.

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. Impairment may result from visitor activities; NPS administrative activities; or activities undertaken by concessionaires, contractors, and others operating in the park. Impairment may also result from sources or activities outside the park. Impairment findings are not necessary for visitor experience, socioeconomics, public health and safety, environmental justice, land use, and park operations because impairment findings relate back to park resources and values.

Nicodemus National Historic Site General Management Plan (GMP) 2004

The GMP was completed in 2004. The GMP articulates a vision for the Nicodemus National Historic Site and guides decision-making for the next ten to fifteen years. The GMP addresses NPS responsibilities at the park and provides direction for preservation of the park's resources. The GMP included the following recommendations for the Nicodemus NHS visitor center.

- NPS will lease or build a facility as close to the NHS as possible.
 - "The NPS will strive to minimize disruption of the town and cultural landscape in design and implementation of facilities and services"³
 - "The NPS will adaptively use historic structures or lease properties within or near the landmark district to accommodate visitor contact, administrative, and support functions. If properties are not available, the NPS will purchase property for these facilities. A visitor contact facility will be developed to provide orientation/interpretation to visitors upon or soon after their arrival."⁴

3 National Park Service, *Nicodemus NHS GMP*, 21.

4 NPS, *Nicodemus NHS GMP*, 25.

- A visitor center will provide orientation and interpretation to visitors upon or soon after their arrival.
- The Roadside Park will remain in the Township's ownership but will be included in the NHS boundary. NPS will propose a minor adjustment to the NHS boundary to include Roadside Park.
- Circulation, Interpretive and Orientation Recommendations
 - Orientation and support areas will provide visitors with a high level of interaction with NPS staff.
 - Orientation and support areas will be in locations with low resource integrity.
- Facilities Development Recommendations
 - A moderate level of impact on the resources will be tolerated to accommodate a high level of visitor use.
 - Cultural resources and the cultural landscape will be rehabilitated to support the interpretive program.
 - Resources will be managed to retain their historic character, representing the five pillars of the community. NPS owns the A.M.E. Church and seeks to acquire the St. Francis Hotel and the Nicodemus School, from willing sellers/ donors.

Nicodemus National Historic Site Cultural Landscape Report (CLR) 2003

The CLR was completed in January 2003 prior to the preparation of the GMP. However, the CLR generally supports the GMP with similar recommendations for protecting resources, except for a recommendation to locate new visitor facilities outside the boundaries of the Townsite. As the guiding planning document for the park, the recommendations of the GMP supercede those of the CLR. The CLR provides an in-depth history, identifies contributing resources, and presents treatment recommendations for the Nicodemus NHS. The CLR provides the following recommendations related to the proposed visitor center, and administration, and maintenance facilities.

- New construction for visitor access and interpretation should be compatible with the Nicodemus NHS.
- Locate a visitor contact/orientation facility outside of the Townsite so as to protect its physical character. Consider new facilities located beyond the viewshed of the Townsite along the primary access routes US Highway 24 or State Route 18.
- Consider alternate modes of transportation from a visitor contact facility to the Townsite and tour routes through the Township.
- Consider limiting the amount of traffic within the Townsite to minimize impacts on the conditions of the existing roads, noise and traffic congestion.
- Consider potential conflicts between pedestrians and vehicles namely, if walking tours may become the predominant method of access through the Townsite and for residents who continue to access the Townsite while visitors are present.

- Recommends that much of the Township and Townsite should be considered to have a high archeological potential and shall require further archeological investigations prior to disturbance.

Nicodemus National Historic Site Long Range Interpretive Plan 2009

This Long Range Interpretive Plan provides guidance for future and present interpretive programming specific to the Nicodemus NHS. The plan identifies park themes, describes current interpretive services, and presents an overall vision and long-term interpretive goals for the park. The plan noted the following challenges that affect interpretation at the park.

- Limited communication between partner organizations and the park have resulted in poorly defined roles regarding interpretive services for visitors.
- Temporary visitor center is located in the historic Township Hall and provides basic information and brochures.
- Four of the five historic buildings have very limited or no associated interpretive services.
- Township Hall & A.M.E. Church are maintained by NPS; the other three buildings within the Nicodemus NHS are maintained by their respective owners.
- Township Hall is a building within the Nicodemus NHS. As such, the park must ensure that changes to the interior do not obscure or impact the historic character of the space. This may result in limitations on attaching permanent exhibit panels.
- Circulation, Interpretive and Orientation Recommendations:
 - A Master Sign plan is needed.
 - Develop and implement a Nicodemus wayside exhibit plan.
 - Develop a self-guided walking tour.

Nicodemus National Historic Site Historic Structures Report (HSR) 2002: Update 2012

The HSR was completed in October 2002 and provides a thorough assessment of the existing condition of the Nicodemus NHS buildings. The HSR provides treatment recommendations for future use and proposed development. An update to the HSR was completed in 2010.

Nicodemus National Historic Site Land Protection Plan

A draft of the Land Protection Plan for the Nicodemus NHS was initiated by the NPS and completed in March 2010. It prioritizes proposed land protection priorities for the Nicodemus NHS.

Environmental Assessment Process

The Environmental Assessment (EA) analyzes the impacts on the natural and cultural environment of each of the alternatives. The EA process includes scoping, identifying impact topics, and analyzing environmental impacts (indirect and direct) and their significance for each alternative. Alternatives 1, 2 and 3 are noted as being action alternatives, while Alternative 4 is the no-action alternative.

This EA has been prepared in compliance with the National Environmental Policy Act (NEPA) of 1969, to provide the decision-making framework that 1) analyzes a reasonable range of alternatives to meet objectives of the proposal, 2) evaluates potential issues and impacts to the park's resources and values, and 3) identifies mitigation measures to lessen the degree or extent of these impacts. Impact topics evaluated in detail in this EA are historic structures and cultural landscapes, visual resources, visitor experience, transportation, public health and safety, park operations, socioeconomics, and museum collections. Some impact topics were dismissed because the project would result in no more than minor effects. No major effects were identified as a result of this project in an initial analysis of effects. The public, regulatory agencies and other stakeholders will have an opportunity to comment on this EA. Comments received will be considered in the final evaluation of effects.

Scoping

Scoping is an early and open process to determine the breadth of issues and alternatives to be addressed in an environmental assessment. The park staff and resource professionals of the NPS Midwest Regional Office (MWRO) conducted internal scoping. This interdisciplinary process defined the purpose and need, identified potential actions to address the need, determined the likely issues and impact topics, and identified the relationship of the preferred alternative to other planning efforts at the park.

The park superintendent initiated public scoping with local residents and organizations on January 14, 2011 with a meeting in Nicodemus. The superintendent meets with the local residents and the organizations on a monthly basis to discuss the park and proposed projects at the park.

The National Historic Preservation Act (16 United States Code [USC] 470 et seq.) of 1966, as amended; NEPA; NPS Organic Act; NPS Management Policies 2006; DO – 12: Conservation Planning, Environmental Impact Analysis, and Decision-making (2001); and DO – 28: Cultural Resource Management Guidelines require the consideration of impacts on cultural resources, either listed in or eligible to be listed in, the National Register of Historic Places. The park notified the Kansas State Historic Preservation Office (SHPO) of the project on June 10, 2011 and will provide the SHPO a copy of the EA for review and comment.

The park sent the U.S. Fish and Wildlife Service (USFWS) a scoping notice on June 28, 2011 to solicit input on threatened and endangered species concerns for the proposed visitor center. The Park Service will provide the Fish and Wildlife Service a copy of the EA for review and comment.

Impact Topics

An important part of the decision-making process is seeking to understand the consequences of making one decision over another. This EA identifies the anticipated impacts of possible actions on certain resources, park visitors, and residents. The impacts are organized by topic, such as “transportation” or “public health and safety.” Impact topics serve to focus the environmental analysis and to ensure the relevance of impact evaluation.

Impact topics were developed from the questions and comments brought forth during internal and external scoping. Some topics were dismissed from detailed analysis because the proposed alternatives would either have no effect on the impact topic or the effects would be negligible to minor. Some impact topics were retained even though the effects of the alternatives would be minor because the impact topic is a particularly sensitive resource or was identified as an important topic in scoping.

Table 1. Impact Topics Retained and Relevant Laws, Regulations, and Policies

| Impact Topic | Reasons for Retaining Impact Topic | Relevant Laws, Regulations, and Policies |
|--|---|--|
| Archeological Resources | Ground-disturbing construction activities associated with the action alternatives have the potential to impact archeological resources and, therefore, this topic was retained for further analysis. | Sections 106 and 110 of the National Historic Preservation Act; ACHP implementing regulations regarding the “Protection of Historic Properties” (36 CFR 800); DO/NPS-28: Cultural Resources Management Guideline; Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation; NPS Management Policies 2006; National Environmental Policy Act; DO – 28A: Archeology (2004) |
| Historic Structures and Cultural Landscapes | The future of the Township Hall and the park as a whole could change as a result of implementing one or more of the alternatives. These potential changes would be of concern to visitors, the community, and the NPS; therefore, this topic was retained for further analysis. | Sections 106 and 110 of the National Historic Preservation Act; ACHP implementing regulations regarding the “Protection of Historic Properties” (36 CFR 800); DO – 28: <i>Cultural Resources Management Guideline</i> , NPS <i>Management Policies 2006</i> , <i>Secretary of the Interior’s Standards for the Treatment of Historic Properties</i> , National Environmental Policy Act; <i>Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes</i> (1996) |

| Impact Topic | Reasons for Retaining Impact Topic | Relevant Laws, Regulations, and Policies |
|---------------------------------|--|--|
| Visual Resources | Implementing some of the alternatives would add new buildings, parking, and landscaping to the NHL, Nicodemus NHS buildings, and other areas. | NPS <i>Management Policies 2006</i> |
| Visitor Experience | A new visitor center would improve the quality of service that the park provides to its visitors and the quality of the visitor experience. | NPS Organic Act; NPS <i>Management Policies 2006</i> |
| Transportation | Concentrations of additional parking and an increase in the number of visitors that stop at the proposed site could affect traffic flow. | NPS <i>Management Policies 2006</i> |
| Public Health and Safety | The proposed project would improve public health and safety within the park by meeting current building codes. | NPS <i>Management Policies 2006</i> |
| Park Operations | A new visitor center would improve park operations by having a dedicated facility for interpretative staff to interact with the public. A new visitor center would require additional maintenance. | NPS <i>Management Policies 2006</i> |
| Socioeconomics | A new visitor center would contribute to the regional economy. Discontinuing use of the Township Hall as the visitor center would reduce town income. A new visitor center would require capital expenditures and an increase in annual operating costs. | NPS <i>Management Policies 2006</i> |
| Museum Collections | A new visitor center would allow for artifacts to be stored in a climate-controlled room and prevent continued degradation of the artifacts. | NPS <i>Management Policies 2006</i> |

The topics identified in scoping that are evaluated in this EA are potential effects on archeological resources, historic structures and cultural landscapes, visual resources, visitor experience, transportation, public health and safety, park operations, socioeconomics, and museum collections. Table 1 presents the retained impact topics; the reasons for retaining the topic; and relevant laws, regulations, and policies.

Impact Topics Dismissed from Further Consideration

The following impact topics or issues were eliminated from consideration because the effects, if any, would be negligible to minor.

Geology. The NPS Organic Act and NPS Management Policies 2006 direct the NPS to preserve and protect geologic resources and maintain natural geologic processes. The surface and subsurface materials in the project area consist of Quaternary age windblown loess (Prescott 1955). Loess consists of silt with lesser amounts of clay and sand deposited by wind. Impacts to site geology would include surface excavation and grading to prepare the site for building foundations, utilities, and parking areas. Geologic resources do not contribute to the significance of the park and no important or unusual geologic formations would be affected by the alternatives. As a result, the alternatives would have local long-term negligible adverse effects on geologic resources in the study area. The no action alternative would have no effect on geologic resources. Because impacts to geologic resources would be negligible, this impact topic was dismissed from further analysis.

Soils. The National Resource Conservation Service (NRCS) mapped soils in the study area as Holdrege silt loam, 1 to 3 percent slopes; and Penden clay loam, 3 to 7 percent slopes, eroded; Anselmo sandy loam, 3 to 7 percent slopes; and Humbarger loam, occasionally flooded (NRCS 2010). A majority of the project area has been disturbed on the surface by land clearing, grading, and agricultural activities. Constructing a new visitor center facility would include ground clearing, grading, excavating for building foundations, and constructing access roads and parking lots. These activities would occur partially within previously disturbed areas, but would also affect undisturbed soils. The maximum acreage of soil disturbance from the action alternatives would be five acres, which would be only three percent of the entire Townsite. Measures to minimize adverse effects on soils during construction would include implementing erosion and sediment control measures such as installing silt fencing and minimizing disturbance. With mitigation, the alternatives would have local long-term minor adverse effects. Because impacts to soils would be minor, this impact topic was dismissed from further analysis.

Prime or Unique Farmland. In 1980, the Council on Environmental Quality (CEQ) directed federal agencies to assess the effects of their actions on farmland soils classified as prime or unique by the United States Department of Agriculture, NRCS. Prime or unique farmland is defined as soil that particularly produces general crops such as common foods, forage, fiber,

and oil seed; and unique farmland produces specialty crops such as fruits, vegetables, and nuts. The majority of the project area is mapped as prime farmland or farmland of statewide importance (NRCS 2010). Several of the alternatives would include properties that are currently farmed for corn or wheat. The maximum acreage of disturbance to prime or unique farmland from the action alternatives would be five acres. This disturbance would be less than one percent of the entire Township, which would be a local long-term minor adverse effect and a parkwide negligible adverse effect. Because impacts to prime or unique farmland would at most be minor, this impact topic was dismissed from further analysis.

Vegetation. The majority of the study area is disturbed uplands dominated by nonnative species, including pasture grasses and crops. Some native vegetation including switchgrass (*Panicum virgatum*), sand dropseed (*Sporobolus cryptandrus*), and yucca (*Yucca glauca*) is present in Alternative 2. The action alternatives would impact a maximum of five acres of vegetation, which is only three percent of the vegetation in the Townsite. The action alternatives would have local long-term minor adverse effects on vegetation. Because impacts to vegetation would be minor, this topic was dismissed from detailed discussion.

Wetlands. Executive Order (EO) 11990, NPS Management Policies 2006, and DO 77-1 direct that wetlands be protected, and that wetlands and wetland functions and values be preserved. These orders and policies legislate that direct or indirect impacts to wetlands be avoided when practicable alternatives exist. Wetland vegetation is present along the tributary to Spring Creek. The wetlands within this property would not be disturbed by the proposed project. Because the alternatives would have no effect on wetlands, this topic was dismissed.

Wildlife. Several wildlife species occur in Kansas grasslands, including various bird species, reptiles, amphibians, and mammals. The park provides limited wildlife habitat as the majority of the area has been previously disturbed by agricultural activities and the Townsite. The action alternatives would result in the loss or disturbance of no more than five acres of vegetation, which would have a local long-term minor adverse effect on wildlife. There would be no impact to wildlife under the no action alternative. Because impacts to wildlife under the action alternatives would be local, long-term, minor, and adverse, wildlife was dismissed as an impact topic.

Special Status Species. Special status species include those listed as threatened or endangered under the Endangered Species Act (ESA) and other species considered sensitive by the park. Based on park resource data and staff knowledge, no federally listed or special status species are present on the properties that would be affected by the proposed project. Because no special status species would be adversely impacted, this topic was dismissed from consideration.

Water Resources. The Clean Water Act and NPS Management Policies 2006 direct the NPS to protect park waters and avoid pollution of park waters by human activities. No perennial rivers or lakes occur in the immediate project area where activities are proposed. Two tributaries to Spring Creek are located in Alternative 2. Should a pedestrian bridge be constructed to cross one of the tributaries, the crossing would be designed to have the smallest footprint of disturbance and a stormwater pollution prevention plan (SWPPP) would be implemented during construction to prevent or minimize the potential for erosion and transport of sediments into the tributaries. Revegetating disturbed areas and other permanent drainage and erosion-control measures would minimize the potential for short-term adverse effects to water quality. The potential for impacts to water quality from the action alternatives would be local, short- and long-term, minor, and adverse. For these reasons, water resources was dismissed as an impact topic.

Floodplains. EO 11988, "Floodplain Management" requires an examination of impacts to floodplains and potential risks involved in placing facilities within floodplains. NPS Management Policies 2006 and DO 77-2: Floodplain Management provides guidelines for proposed actions in floodplains. There are no Federal Emergency Management Agency (FEMA) control maps for any areas included in the alternatives. Under the no action alternative and action Alternatives 1 and 3, no proposed work activities or structures would be located in a floodplain. Under action Alternative 2, should a pedestrian bridge be constructed across a small ephemeral tributary, the bridge would be designed to minimize adverse effects on flood conveyance. The presence of the bridge would have local long-term minor adverse effects on the natural functions of the floodplain, but on a parkwide scale, the effects would be negligible. Because impacts to floodplains would be minor at the most, floodplains was dismissed as an impact topic.

Air Quality. The study area is an area designated as "attainment" for all regulated pollutants. Hydrocarbons, nitrogen oxide, sulfur dioxide, and particulates would be emitted from the use of heavy equipment and trucks and would result in localized effects on air quality. Emissions from equipment and vehicles would be rapidly dissipated; and visibility, deposition, and other air quality-related values are not expected to be appreciably impaired. Neither overall park air quality nor regional air quality would be more than negligibly affected by the local short-term increase in emissions. Because the effects of the proposed alternatives would be no more than negligible, this impact topic was dismissed from further analysis.

Climate Change. Some greenhouse gases, such as carbon dioxide, also would be emitted from the use of construction equipment and trucks. These emissions would have a short-term negligible adverse effect on climate change. Changes in visitor use following implementation of the action alternatives would not result in a substantial increase in traffic to the park. Because the action alternatives would result in no more than parkwide negligible and regional short-term adverse effects on climate change, this impact topic was dismissed from further analysis.

Lightscape. In accordance with NPS Management Policies 2006, the NPS strives to preserve natural ambient lightscapes, which are natural resources and values that exist in the absence of human-caused light. Any outdoor lighting at the new visitor center facility would limit lighting to the amount necessary for security and safety. No night construction or lighting would occur. The action alternatives would not have an appreciable effect on the ambient lightscapes and would have a long-term minor adverse effect on the night sky. For these reasons, lightscape was dismissed as an impact topic.

Paleontological Resources. NPS Management Policies 2006 directs the NPS to protect, preserve, and manage paleontological resources. Because the park and Township are not known to contain scientifically important paleontological resources, it is unlikely there would be any effects on paleontological resources. Therefore, paleontological resources was dismissed as an impact topic.

Indian Trust Resources. Secretarial Order 3175 requires that any anticipated impacts to Indian trust resources from a proposed project or action by Department of the Interior agencies be explicitly addressed in environmental documents. The federal Indian trust responsibility is a legally enforceable fiduciary obligation on the part of the United States to protect tribal lands, assets, resources, and treaty rights. The order represents a duty to carry out the mandates of federal law with respect to American Indian and Alaska Native tribes. None of the lands in the alternatives are Indian trust resources according to this definition. In addition, any Indian titles to such lands now within the park have been extinguished through cession or sale. Therefore, Indian trust resources was dismissed as an impact topic.

Ethnographic Resources. Ethnographic resources are defined by the NPS as any “site, subsistence, or other significance in the cultural system of a group traditionally associated with it” (DO – 28). No specific issues related to ethnographic resources have been identified. More information on ethnographic resources will be available when the revised Nicodemus NHL nomination is completed, which will identify the community as a Traditional Cultural Property. Because it is unlikely that ethnographic resources would be affected by the alternatives, and because appropriate steps would be taken to protect any ethnographic resources that are inadvertently discovered, ethnographic resources was dismissed as an impact topic.

Environmental Justice. EO 12898, “General Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” requires all federal agencies to incorporate environmental justice into their missions by identifying and addressing the disproportionately high and/or adverse human health or environmental effects of their programs and policies on minorities and low-income populations and communities. According to the Environmental Protection Agency (EPA), environmental justice is the “...fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws,

regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.”

The goal of fair treatment is not to shift risks among populations, but to identify potentially disproportionately high and adverse effects, and identify alternatives that may mitigate these impacts. No actions in the alternatives would have disproportionate health or environmental effects on minorities or low-income populations or communities as defined in the EPA’s “Draft Environmental Justice Guidance” (July 1996); therefore, environmental justice was dismissed as an impact topic.

Wilderness. The Wilderness Act and NPS Management Policies 2006 (section 6.2.1, NPS 2000) require that all lands administered by the NPS be evaluated for their suitability for inclusion within the National Wilderness Preservation System. Areas suitable for wilderness designation are those that generally have the qualities of being untrammeled, natural, undeveloped, and offering solitude or a primitive and unconfined type of recreation. The proposed project is not located within existing or proposed wilderness boundaries and, therefore, is not subject to Wilderness Act requirements. Because there would be no direct effects on wilderness resources and values, this topic was dismissed from further evaluation.

Wild and Scenic Rivers. No rivers in or near the action alternatives are included in the nationwide rivers inventory, or proposed for wild and scenic river study; therefore, wild and scenic rivers was dismissed as an impact topic.

Natural Soundscape. An important part of the NPS mission is preservation of natural soundscapes associated with national park units as indicated in NPS Management Policies 2006 and DO 47: Sound Preservation and Noise Management. Natural soundscapes exist in the absence of human-caused sound. The natural ambient soundscape is the aggregate of all natural sounds within the park, together with the physical capacity for transmitting natural sound through air, water, or solid material. Acceptable frequencies, magnitudes, and durations of human-caused sound varies among national park units, as well as potentially throughout each park unit, but are generally greater in developed areas and less in undeveloped areas. All of the alternatives would be located within the existing Townsite or adjacent to a road that currently has high use with consistent traffic and background noise. The proposed project would introduce additional noise and traffic from visitors and park staff. Because the new visitor center facility would be located within an existing high use area, the additional impact to the soundscape would be localized, long-term, minor, and adverse. For these reasons, natural soundscapes was dismissed as an impact topic.