



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

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**Yellowstone Justice Center Environmental Assessment  
October 2004**

Note to Reviewers and Respondents

If you wish to comment on this environmental assessment, you may mail comments to the address below. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. **If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comments.** We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Comments are due by November 19, 2004, and should be addressed to:

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## INTRODUCTION

By Act of Congress on March 1, 1872, Yellowstone National Park was "dedicated and set apart as a public park or pleasuring ground for the benefit and enjoyment of the people" and "for the preservation from injury or spoliation, of all timber, mineral deposits, natural curiosities, or wonders . . . and their retention in their natural condition." The park is managed to conserve, perpetuate, and portray as a composite whole the indigenous aquatic and terrestrial fauna and flora, the geology, and the scenic landscape.

Preserved within Yellowstone National Park are Old Faithful and the majority of the world's geysers and hot springs. An outstanding mountain wildland with clean water and air, Yellowstone is the home of grizzly bears and wolves and free-ranging herds of bison and elk. Centuries-old sites and historic buildings that reflect the unique heritage of America's first national park are also protected. Yellowstone National Park serves as a model and inspiration for national parks throughout the world. The National Park Service (NPS) preserves, unimpaired, these and other natural and cultural resources and values for the enjoyment, education, and inspiration of this and future generations.

Yellowstone National Park is more than 2.2 million acres in size and has more than 560 miles of paved roads, 2,000 buildings, and considerable resources that require protection. Yellowstone hosts about 3 million visitors from a global community, with an average overnight residency of 20-30,000 individuals—the equivalent of a small city. In any community of such a size, there are people who break laws, violate others' rights, and disobey regulations. Consequently, law enforcement actions must be taken on a regular basis to protect park visitors and park resources.

Crimes committed in Yellowstone National Park are federal offenses, and the park falls under the jurisdiction of the District of Wyoming federal court, which is part of the 10<sup>th</sup> Judicial Circuit of the United States, with an assigned U.S. Magistrate. The Judge at Yellowstone is responsible for all initial appearances on all federal cases (misdemeanor and felony) originating in Yellowstone and for all trials, motions, and sentencing hearings in misdemeanor cases. All such procedures must be conducted within the District of Wyoming.

As outlined in the Organic Act, the General Authorities Act, and the definition of Special Territorial and Maritime Jurisdiction, NPS park rangers and special agents have the authority and responsibility to enforce all federal and state laws within the boundaries of Yellowstone National Park. This includes judicial security, transport and housing for federal prisoners, and execution/service of federal arrest warrants. The NPS has performed these functions since 1916.

While the NPS is responsible for providing a holding facility and transport of prisoners prior to their initial appearance before the U.S. Magistrate, after their initial appearance, federal prisoners are the responsibility of the U.S. Marshals Service.

The U.S. Marshals Service has statutory authority for security of the federal judiciary, transportation and detention of federal defendants, service of federal arrest warrants, and apprehension of federal fugitives. The U.S. Marshals Service has been assisting NPS rangers and agents with judicial security, prisoner housing and transport, and service of federal warrants since 2003.

### History

As a result of the May 7, 1894, Lacey Act, money was appropriated to build a house and office for the U.S. Magistrate in Yellowstone National Park. The Act, as amended, directed the Secretary of the Interior to appoint a commissioner (subsequently a Magistrate Judge) to “preside over judicial matters” and to “cause to be erected in the park a suitable building to be used as a jail, and also having in said building an office for the use of the commissioner” in Yellowstone National Park (16 USC 30).

The U.S. Magistrate’s residence was the first stone building erected at Fort Yellowstone and included an office, jail, and residential space on the first floor as well as bedrooms upstairs. The building, located next to the Mammoth Terraces, was completed in 1895. Court was held in the judge’s residence until 1980 when the situation became unacceptable after a new judge with a family moved into the house. By this time caseloads had also increased with increased park visitation.

The courthouse was re-located to the historic U.S. Engineer’s Office in Mammoth Hot Springs, north of the Albright Visitor Center. The U.S. Engineer’s Office, commonly called the “Pagoda” because of its roof configuration, was built in 1903.



U.S. Magistrate’s Residence



The “Pagoda”



A "new guardhouse" was built in 1911 for the U.S. Army "to retain prisoners consigned by the U.S. Commissioner" (NPS, Maintenance Division Building Files, September 1949) and is still being used today as a holding facility. The U.S. Magistrate's residence and garage, U.S. Engineer's Office, and guardhouse are all contributing properties within the Fort Yellowstone National Historic Landmark District.

## **PURPOSE AND NEED**

### **PURPOSE**

The NPS, in cooperation with the U.S. Courts and U.S. Marshals Service, is proposing to build a Justice Center in the Mammoth Hot Springs area of Yellowstone National Park. The building would be located at the northeastern corner of the development along the Esplanade. Three unique but interrelated functions would be housed in the Justice Center: a U.S. District Court, law enforcement activities for the U.S. Marshals Service and NPS, and detention facilities.

Proposed building functions would include a courtroom, judge's chambers, interview rooms, ante room, temporary holding facility (four cells), law enforcement offices, administrative support spaces, and evidence and records storage areas. The building would be two stories high with a partial basement and attic for a total of approximately 17,000 square feet. The proposed building footprint would be approximately 5,700 square feet. Existing parking along the Esplanade would be utilized for public use.

The building would be designed in conjunction with the requirements of the U.S. Courts and U.S. Marshals Service and would be similar in scale to the U.S. Post Office, south of the proposed building. The new building would consolidate functions that are currently housed in historic buildings in Mammoth that no longer meet space, safety, security, and building code requirements.

### **NEED**

Currently, the Pagoda houses the U.S. Magistrate's and clerk's offices, courtroom, North District ranger operations (11 permanent rangers, 3 permanent visitor use assistants, and 6 seasonal visitor use assistants), and Mammoth Subdistrict ranger operations (district ranger, plus a district clerk). During peak volume, there can be an excess of 30 people working and/or attending court in the Pagoda.

The building is approximately 4,000 square feet in size; however, only 262 square feet are available for the actual courtroom, and there are no rooms for witnesses or family members or friends of the defendant. The space is grossly inadequate in terms of space and security for the facility, judge, defendant, and all involved in courtroom proceedings. (The U.S. Court for the 10<sup>th</sup> Judicial District recommends 800-1,400 square feet as a minimum area requirement.)

There is no room in the building for attorneys to conduct interviews or trial strategy sessions with clients. In some situations, meetings have taken place on the front steps of the building or in a vehicle. Visitor center staff have mentioned that

accused individuals sometimes come to the visitor center, which is across the street, to await court appearances.

There are no holding facilities within the Pagoda to safely bring prisoners into the building or courtroom. Ground-level access presents security issues with the location of the courtroom and judge's chambers on the first floor. The NPS and U.S. Courts believe the building is no longer suitable for use as a courtroom, but the building would continue to be used for offices by the North District and Mammoth Subdistrict ranger operations.

The existing holding facility (the 1911 guardhouse) is in poor condition on the interior; fair condition on the exterior; and does not meet safety, security, or building codes, including seismic codes, codes for unreinforced masonry buildings, as well as the Americans with Disabilities Act (ADA) and Uniform Federal Accessibility Standards (UFAS) (personal communication, Herb Dawson, Historic Architect, Yellowstone National Park, September 2004). There are only two original steel holding cells. By law, juveniles must be housed separately from adults, and men and women must also be separately housed. The current facility does not have any separation; thus, prisoners requiring separate housing must be transported to other facilities. Yellowstone National Park pays the West Yellowstone city police department to temporarily house prisoners in their jail when there is no room in the Mammoth facility. In addition, the U.S. Marshal has contracted with the Big Horn County sheriff in Basin, Wyoming, to house prisoners or defendants who are detained pending trial or transfer. Basin is a five-hour, one-way drive in the summer. At this time, sentenced defendants may not be held in Mammoth; they must go to either Basin, Wyoming, or Billings, Montana.

Even though park employees commonly refer to the guardhouse as "the jail," it is not by definition a jail, but a temporary holding facility. The remote location and the extreme weather conditions of Yellowstone National Park sometimes require housing prisoners at these distant locations overnight; typically one night and occasionally several days.

Criminal activity has increased significantly in Yellowstone during the last twenty years. The U.S. Magistrate in Yellowstone National Park had the highest volume of cases in the District of Wyoming, with 375 docketed court cases in 2002 (210 persons appeared in court), and approximately 600 docketed court cases in 2003. Yellowstone law enforcement rangers and special agents issued more than 5,000 citations and made more than 250 physical arrests in 2003.

The NPS cannot fully carry out the duties mandated by Congress without appropriate facilities that allow the continued enforcement of state and federal laws. These laws help ensure the protection of Yellowstone National Park resources and its visitors.

## OTHER PLANNING PROJECTS IN THE MAMMOTH AREA

Development projects in the Mammoth Hot Springs area include future road reconstruction projects. The "Mammoth to Golden Gate" portion of the Gardiner to Norris road reconstruction project is scheduled for 2011.

Housing rehabilitation and interior renovations of NPS and concessions buildings will continue. The NPS administration building is scheduled for seismic strengthening and interior renovations in 2004. Housing construction has been approved in Lower Mammoth and at the YACC Camp (*Mammoth Housing Plan Finding of No Significant Impact* signed May 2003), though construction dates have not been scheduled at this time.

### Cumulative Impacts

The Council on Environmental Quality regulations, which implement the National Environmental Policy Act of 1969 (42 USC 4321 *et seq.*), require assessment of cumulative impacts in the decision-making process for federal projects. Cumulative impacts are defined as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions" (40 CFR 1508.7). Cumulative impacts are considered for all of the alternatives.

Cumulative impacts were determined by combining the impacts of alternatives with other past, present, and reasonably foreseeable future actions. Therefore, it was necessary to identify other ongoing or reasonably foreseeable future projects within Mammoth Hot Springs.

Although construction and maintenance projects are planned for the Mammoth Hot Springs area during the next 20+ years, the major emphasis of these projects is to replace, repair, and rehabilitate existing facilities that are approaching the end of their useful service life. Where new facilities are needed, they would be concentrated in and adjacent to the existing developed area.

Figure 1: Vicinity Map of Yellowstone National Park—Project Location

Figure 2: Vicinity Map of Proposed Site

## SCOPING

Scoping is an early and open process used to determine the breadth of environmental issues and alternatives to be addressed in an environmental assessment. Yellowstone National Park conducted both internal scoping with NPS, U.S. Marshals Service, and U.S. Court staff and external scoping with the public and interested and affected groups and agencies. Public scoping for the proposed Yellowstone Justice Center project began on May 6, 2002, with a press release and mailing to previously identified interested parties asking for help in identifying issues and concerns. Scoping ended on June 4, 2002. Seven comment letters and one e-mail were received, including letters from the U.S. Court of Appeals, 10<sup>th</sup> Circuit; the Wyoming State Historic Preservation Office (SHPO); the Yellowstone Valley Audubon Society; two from tribal representatives; one from a park employee; and one from an individual. All letters supported the proposed project, though one letter disagreed with building any new facilities in Yellowstone National Park.

A second scoping letter and press release were sent to interested parties on December 4, 2003, to provide updates on the proposed project and solicit additional public comment. Scoping ended on January 5, 2004. Nine individual comment letters, plus 29 copies of one form letter and 80 copies of another form letter were received. Additionally, two e-mails from the same individual were received. Two letters were received after the comment period. Most commentors stated they understood and agreed that a new facility is needed, but many were concerned about the location and wanted park staff to reconsider the site for various reasons including:

- the area is popular for viewing and photographing grazing elk;
- an informal picnic area with shade trees would be impacted;
- the proximity to concessioner dormitory housing, including concerns about the temporary holding facility, impacts to resident recreation area (lawn), views from dormitories, construction noise, and increased law enforcement traffic;
- impacts to the historic district; and
- perceived parking and circulation problems.

## IMPACT TOPICS

### Impact Topics Addressed in this Environmental Assessment

Comments received during public scoping and from specialists in the NPS and other state and federal agencies identified issues and concerns affecting the proposed action. Impact topics are the resources of concern that could be affected by the alternatives. Specific impact topics were developed to ensure that alternatives were compared on the basis of the most relevant topics. The following impact topics were identified on the basis of federal laws, regulations, orders, and NPS *Management Policies* (2001): soils; wildlife; threatened and endangered species; visual quality, including lightscapes; historic resources; cultural landscapes; and visitor use and experience.

### Impact Topics Dismissed from Further Consideration

#### Water Resources (Water Quality, Wetlands, and Floodplains)

National Park Service policies require protection of water quality consistent with the Clean Water Act. Section 404 of the Clean Water Act authorizes the U.S. Army Corps of Engineers to prohibit or regulate, through a permitting process, discharge of dredged or fill material or excavation within U.S. waters. Water quality would not be affected by the proposed action; thus water quality was dismissed as an impact topic.

Executive Order 11990, *Protection of Wetlands*, requires federal agencies to avoid, where possible, adversely impacting wetlands. Proposed actions that have the potential to adversely impact wetlands must be addressed in a Statement of Findings. There are no wetlands in the area proposed for development. Therefore, wetlands are dismissed as an impact topic and a Statement of Findings for wetlands will not be prepared.

Executive Order 11988, *Floodplain Management*, requires all federal agencies to avoid construction within the 100-year floodplain unless no other practical alternative exists. Because the proposed site of the Justice Center is outside the 100-year floodplain, this topic was dismissed from further consideration. A Statement of Findings for floodplains will not be prepared.

#### Vegetation, including Rare Plants

Existing vegetation on the site is non-native, irrigated, Kentucky bluegrass. There is no native vegetation on the proposed site. The park botanist determined that it was not necessary to perform a rare plant survey because of these conditions. Thus, this topic was dismissed from further consideration.

## Air Quality

Section 118 of the 1963 Clean Air Act (42 USC 7401 *et seq.*) requires a park unit to meet all federal, state, and local air pollution standards. Further, the Clean Air Act provides that the federal land manager has an affirmative responsibility to protect air quality related values (including visibility, plants, animals, soils, water quality, cultural resources, and visitor health) from adverse pollution impacts.

Yellowstone National Park is designated a Class I air quality area under the Clean Air Act, as amended. NPS Management Policies (2001) direct parks to seek the best air quality possible in order to “preserve natural resources and systems; preserve cultural resources; and sustain visitor enjoyment, human health, and scenic vistas.”

There would be no long-term impacts on air quality or visibility in the development area. Effects would be temporary and limited to the duration of construction. Dispersed dust and mobile exhaust emissions would be caused by truck traffic and equipment activity. Contractor activities would comply with state and federal air quality regulations, and contractors would operate under applicable permits. Therefore, air quality has been dismissed as an impact topic.

## Archeological Resources

The Office of the Wyoming State Archaeologist completed an intensive archeological inventory of the proposed Justice Center site in May 2003. No prehistoric archaeology was found by the investigations. It was already known that the site was the location of the Mammoth Transportation Complex (48YE1494), portions of which burned on March 30, 1925. A freight stable and a vehicle wash rack associated with the complex were once located within the project area. Through a surface inventory, metal detector and magnetometer surveys, and test excavations, a number of historic materials were recovered; mostly miscellaneous metal, glass, and ceramic fragments. Deposition was found to be very shallow and no structural remains are believed to be present. The present remains lack integrity due to the amount of past construction and rehabilitation of the area and are recommended as not eligible for nomination to the National Register of Historic Places. As a result, no further archeological work was recommended.

If construction activities would discover previously unknown archeological resources, all work immediately would stop until the park archeologist could identify and document the resources and until the Wyoming State Historic Preservation Officer (SHPO) and NPS would evaluate newly discovered resources and if necessary, develop an appropriate mitigation strategy.

Because no archeological resources would be impacted by this project and because monitoring for such resources would be performed as construction proceeds, this topic was dismissed from further consideration.

## Ethnographic Resources

Ethnographic resources are cultural and natural features of traditional significance to contemporary peoples and communities. There are no known ethnographic resources in the area proposed for development.

Yellowstone's 26 associated Native American tribes were notified of the proposed Justice Center through the public scoping process. Two letters were received: one from the Shoshone-Bannock Tribes and one from the Confederated Salish and Kootenai Tribes of the Flathead Nation. The Shoshone-Bannock tribal anthropologist noted that Yellowstone was a high-use area for the Shoshone and Bannock people and requested that careful monitoring occur during basement construction in case subsurface materials might be encountered.

The preservation officer for the Confederated Salish and Kootenai Tribes of the Flathead Nation requested a copy of the cultural resource inventory report and National Historic Preservation Act compliance findings upon completion of the Section 106 process.

Additional consultation with tribal representatives will continue with a request for comment on this document.

Because it is unlikely that ethnographic resources would be affected and because appropriate steps would be taken to protect any human remains, funerary objects, sacred objects, or objects of cultural patrimony inadvertently discovered, ethnographic resources was dismissed as an impact topic.

## Socioeconomic Resources

The preferred alternative would neither change local or regional land use nor impact local businesses or agencies. Implementation of the preferred alternative could provide a negligible beneficial impact to the economy of Mammoth Hot Springs, Wyoming, and Gardiner, Montana (e.g., minimal increases in employment opportunities for the construction workforce and revenues for local businesses and government generated from construction activities and workers). Any increase would be temporary and negligible, lasting only as long as construction. Therefore, socioeconomic resources will not be addressed as an impact topic.

## Prime and Unique Farmlands

In August 1980, the Council on Environmental Quality (CEQ) directed that federal agencies must assess the effect of their actions on farmland soils classified by the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) as prime or unique. Prime or unique farmland is defined as soil that particularly produces general crops such as common foods, forage, fiber, and oil seed; unique farmland produces specialty crops such as fruits, vegetables, and nuts. According to

the NRCS, none of the soils in the project area are classified as prime and unique farmlands. Therefore, the topic of prime and unique farmlands was dismissed as an impact topic in this document.

### Environmental Justice

Executive Order 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 disproportionately high and adverse human health or environmental effects of their programs and policies on minorities and low income populations and communities. The proposed action would not have health or environmental effects on minorities or low income populations or communities as defined in the Environmental Protection Agency's Environmental Justice Guidance (1998). Therefore, environmental justice was dismissed as an impact topic in this document.

### Soundscape Management

An important part of the NPS mission is preservation of natural soundscapes associated with national park units. The natural ambient soundscape is the aggregate of all the natural sounds that occur in parks, together with the physical capacity for transmitting natural sounds. Natural sounds occur within and beyond the range of sounds that humans can perceive and can be transmitted through air, water, or solid materials. (NPS policy for this topic is found in DO-47, *Sound Preservation and Noise Management and Management Policies* (2001), 4.9, Soundscape Management.)

Normal operations of the Justice Center would not generate significant noise; thus, soundscapes were dismissed as an impact topic in this document.

## **ALTERNATIVES CONSIDERED**

### ALTERNATIVE 1: NO ACTION

The Council on Environmental Quality (CEQ) provides two definitions for no-action alternatives: (1) no action for plans is no change from current management direction (snapshot-in-time projected into the future), a continuation of existing conditions and activities without a particular planning context, or (2) no action for projects is to not do the project ("Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations" (40 CFR 1500-1508), *Federal Register* Vol. 46, No. 55, 18026-18038, March 23, 1981: Question 3).

In this instance the no-action alternative would be not to do the project. The courtroom in the Pagoda would continue to be utilized. The U.S. Magistrate would not be provided with a safe or secure courtroom. Attorneys and clients would

continue to meet on the front steps of the Pagoda or in vehicles. The U.S. Marshals would most likely close the existing temporary holding facility due to its inadequacies. NPS law enforcement rangers and special investigators would continue to drive long distances to transport prisoners to suitable detention facilities.

## ALTERNATIVE 2: PREFERRED ALTERNATIVE

Under this alternative, a Justice Center would be constructed along the “Esplanade” on the main access leading into Mammoth Hot Springs from the North Entrance Road. Similar to a small-town courthouse located on “Main Street,” the Justice Center would be located within the core of the community, across the street from the Yellowstone National Park Post Office and Mammoth Clinic. The site is in a mixed-use area that includes residential and administrative buildings.

The Justice Center would be located near concessioner (Xanterra Parks and Resorts) facilities. The two-story Aspen Dormitory is on the west side of the proposed site, with the Xanterra Engineering building and Spruce Dormitory on the northwest. A small ice vending building (“ice house” hereafter) is located to the south.

An informal picnic area is located among the trees adjacent to the ice house. The trees were planted as part of a project to display the native species of the area (pre-1980) but evolved into a place for trees that were donated by the public. Some of the trees would be removed and/or relocated to accommodate the design of the new building and grounds. Remaining trees would screen the building and provide a natural security barrier. Picnicking would continue to be available on the lawn surrounding the building.

The proposed 50-foot setback responds to the security needs (blast-separation envelope) for a federal courthouse and allows for an entry plaza that incorporates appropriately designed vehicle barriers to protect the front of the building.

The proposed building’s design would reflect the architectural character of nearby historic buildings without imitating an historic style. The building would clearly be differentiated from other historic buildings but would be compatible in scale, mass, and materials. The proposed Justice Center would be approximately 17,000 square feet in size, with a building footprint of 5,700 square feet. The building would be two stories high and would reflect the architectural details of surrounding buildings, including roof pitch, construction materials, building shape, and entrances. The guiding design philosophy incorporated order, balance, rhythm, permanence, and solidity as appropriate judicial elements.

The new building's design would reflect the 1920-1930 period of "Parkitecture" and the development of the monumental scale of federal courthouses and post offices (personal communication, Herb Dawson, Historic Architect, Yellowstone National Park, September 2004). Identifying elements would include hipped roofs, broad roof overhangs; multi-pane, divided-light windows, stone walls, belt courses and building bases, dormers, and pronounced stone window sills and lintels.

The building would include a courtroom, judge's chambers, interview rooms, ante room, temporary holding facility (four cells), law enforcement offices, administrative support spaces, and evidence and records storage areas.

Because YNP is seismically active (more than 2,000 earthquakes occur here annually), the building structure would be designed to meet the requirements mandated for Seismic Zone 4 in order to withstand a maximum credible earthquake. Exterior materials would be very durable to withstand the harsh climate and provide the building with a sense of history and longevity common to significant NPS structures. Materials and systems would be low in maintenance cost. Sustainable building materials and energy-efficient systems would be utilized. Security lighting would include low-level nighttime illumination. The building would comply with UFAS and ADA.

A garage-like sallyport would be located at the back of the building. This single-story wing would be used for loading and unloading prisoners.

Building design would include a paved plaza leading up to the front of the building from the street. An on-grade walk would provide ADA and UFAS compliant access to the front entry doors of the building. With proximity to street-side parking, walk-up traffic would be simple and logical.

Boulder, berms, or benches may be used to keep vehicles from getting too close to the building. Public parking would be maintained along the street.

The access road that leads to the Xanterra Engineering building would become two-way, as opposed to the existing one-way road (see drawing). The sallyport would be accessed from this road by a short paved driveway.

Utilities are in place, but additional connections would be necessary. The Mammoth municipal water system would be tapped to provide domestic and fire suppression water service to the building and are adequate for this new facility. Conduit for specialized security and telecommunications systems would be used to connect the Justice Center to the Administration building. In addition, conduit may also be run from the Justice Center to the Pagoda.

The project would be funded by NPS line-item construction money and monies from the U.S. Courts, and U.S. Marshals Service. If approved, construction would begin in winter 2005. The NPS would manage the construction phase of the project. The NPS, U.S. Courts, and U.S. Marshals Service would share the costs of maintaining the building.

The building siting and design would be consistent with policy and design guidance in effect for the NPS, U.S. Courts, and U.S. Marshals Service. The U.S. Courts would provide expert consultation on the design and operation of spaces to be occupied by the court. Primary areas would include the courtroom, judge's chambers, attorney witness rooms, ante room, temporary prisoner handling facility (four cells), and administrative support spaces. The U.S. Marshals Service would provide expert consultation on electronic and physical security, protection, and prisoner handling.

The preferred alternative is the agencies' (NPS, U.S. Marshals Service, and U.S. Courts) preferred alternative and defines the rationale for the action in terms of resource protection and management, visitor and operational use, and other applicable factors.

Figure 3: Computer generated drawing of proposed Justice Center (perspective)

Figure 4: Site Plan

Figure 5: Site Massing Model

## **Environmentally Preferred Alternative**

The environmentally preferred alternative is determined by applying the criteria suggested in the National Environmental Policy Act of 1969 (NEPA), which guides the CEO. The CEO provides direction that "[t]he environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA's Section 101:

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

Alternative 1, the no-action alternative, would maintain existing conditions and would not meet the above criteria, particularly safety.

Alternative 2, the proposal, is the environmentally preferred alternative because it is the alternative that best meets the above criteria. After consideration of public and employee comments throughout the scoping and planning process and following careful review of potential natural, cultural, and visitor use and experience impacts, the preferred alternative provides preservation and protection of the park's important historic, cultural, and natural resources; improves and makes safer the work environment for visitors and staff; provides better visitor services without degradation of the environment or risk of health or safety; and through the use of sustainable design, enhances the quality of renewable resources.

**Table 1: Methods Each Alternative Uses to Ensure Each Objective is Met**

Objective	Alternative 1: No Action	Alternative 2: Preferred
Provide adequate space and security for judge, defendants, and all involved in courtroom proceedings.	The courtroom would not meet U.S. Courts requirements for square footage. Attorneys and clients would continue to meet on the front steps of the Pagoda or in vehicles. The project would not meet this objective.	The courtroom and offices would meet the square footage requirements of the U.S. Courts.
Meet safety, security, and building codes. For example, courtroom and judge’s chambers need to be located on the second floor.	The existing courtroom and holding facility would not meet building standards and codes. The courtroom and U.S. Magistrate’s office would remain on the first floor of the Pagoda.	The preferred alternative would meet safety, security, and building codes.
Provide facilities to safely bring prisoners into the building and courtroom from temporary holding facility.	The courtroom and holding facility are housed in separate buildings.	The temporary holding facility would be located in the same building as the courtroom. The sallyport would allow law enforcement personnel to safely bring prisoners into the building and courtroom.
Provide separate holding facilities for juveniles, men, and women.	The no-action alternative would not meet this objective, as there are only 2 temporary holding cells in the existing facility.	Four temporary holding cells proposed in the preferred alternative would meet this objective.
Provide adequate office space for U.S. Courts and U.S. Marshals Service employees.	There would not be adequate office space for U.S. Courts and U.S. Marshals Service employees.	The new building would provide adequate office space for all project partners.
Have a public presence/public access.	The existing courtroom is housed in the historic Engineers Building, commonly known as the Pagoda, and is in a prominent area with public access. The no-action alternative would meet this objective, though the building is not large enough to accommodate all of the proposed functions.	The Justice Center would be located in a prominent location along the Esplanade. The preferred alternative would meet this objective.
Provide building siting and design consistent with policy and design guidance of the NPS, U.S. Courts, U.S. Marshals Service, and the Secretary of the Interior’s Standards.	Building interior design does not meet the requirements of the U.S. Courts.	The Justice Center would meet all interior and exterior design requirements.

## **ALTERNATIVES CONSIDERED BUT DISMISSED FROM FURTHER ANALYSIS**

During internal scoping, NPS staff, the U.S. Marshals Service, and U.S. Courts representatives identified and initially considered several sites for the Justice Center (see Figure 6).

Site A is north of the Pagoda where the Weather Bureau building once stood in front of the Aspen Dorm. This site was determined to be too small. The number of utilities running through the site was also a concern.

Site B is the preferred alternative.

Site C, the northwest corner of the Esplanade, across the one-way road from the Xanterra Engineering building, was referred to as the "Corner Site" in geotechnical investigations completed in 1998. This site is visible immediately upon arrival into Mammoth from the North Entrance Road. There were concerns about soil stability. Geotechnical investigations recommended this area be avoided due to "highly expansive fat clay." The high plasticity of fat clay can undergo significant volume changes with changes in moisture that can cause foundations and floors to heave excessively.

Site D is adjacent to the historic Mail Carrier's cabin. The cabin is the only remaining 19th century log building in Mammoth and is eligible to the National Register of Historic Places. Impacts on the cabin would be considered an adverse effect on the Mammoth Hot Springs Historic District. In addition, the boundary of the Fort Yellowstone National Historic Landmark District is immediately adjacent to the Mail Carrier's cabin.

Other sites were considered. Park employees and the public suggested additional building sites and adaptive use of existing buildings during internal and external scoping.

- The old Soda Fountain site is located immediately next to the U.S. Magistrate's home. This is a high visitor-use area next to the Mammoth Hot Springs Terraces and would not be an appropriate location for security reasons.

- The Building 26 site, once the location of a cavalry barracks, is located in the center of the Fort Yellowstone National Historic Landmark District. The cavalry barracks, one of the original Army post buildings, was constructed in 1891 and demolished in the mid-1960s. The area is currently used for employee parking and as a storage area for maintenance vehicles. Two temporary modular buildings, housing the Division of Interpretation and shortly, the Business Management offices, are also on the site. In addition to impacts on the national historic landmark district, use of the Building 26 site would require relocation of employee parking, vehicle storage, and the modular buildings.
- Suggestions were made that the Justice Center be built on park land adjacent to Gardiner, Montana, near the newly built Yellowstone Heritage and Research Center. However, for reasons previously explained, the Justice Center must be located on NPS lands in the state of Wyoming.
- A site in lower Mammoth near the heliport was suggested. This site was considered for housing in the Mammoth Housing Plan (2002) but was rejected due to its high visibility, wetlands, wildlife, archeological concerns, and proximity to the heliport. The site was rejected for the Justice Center for the same reasons.
- Several respondents suggested that the existing "jail" be torn down, renovated, or built elsewhere, while continuing to use the Pagoda for the courthouse. The NPS does not want to tear the jail down, as it is a contributing building within the Fort Yellowstone National Historic Landmark District. It is likely the jail would be stabilized, rehabilitated, and adaptively used for another function. The small apartment in front of the existing jail, currently being used as an office by the U.S. Marshals Service, would be converted back into much needed housing once the Justice Center was completed.
- The YACC (Young Adult Conservation Corps) Camp was also suggested as a location for the Justice Center. The YACC Camp is a residential and maintenance area in a non-public area south of Mammoth. The Justice Center needs to be located in a public area.
- Adaptive use of the Haynes Photo Shop, commonly known as the Christmas Store or Nature Store, was suggested. The Haynes Photo Shop is scheduled for rehabilitation into a multi-use administrative building in fiscal year 2007. The wood frame construction and square footage of the building would also preclude it from becoming the Justice Center.
- Adaptive use of the Powerhouse in Lower Mammoth was also suggested. The Powerhouse is planned for rehabilitation into apartments as described in the Mammoth Housing Plan.

Figure 6: Alternatives Considered

## **AFFECTED ENVIRONMENT**

### **Natural Resources**

#### Soils

Yellowstone National Park is located in a geologically active area in the intermountain seismic belt of the Rocky Mountains and is noted for outstanding geologic features resulting from volcanism, faulting, and glaciation. Yellowstone is one of the most active hydrothermal areas in the world. The park is world-renowned for its hot springs, geysers, mudpots, and fumaroles. In addition, earth tremors are recorded frequently in and around the park.

The proposed site is located in the northwestern section of the park. The site of the proposed Justice Center is located on ancient travertine deposits near an active hydrothermal area, the Mammoth Hot Springs Terraces, approximately ½ mile away.

The Mammoth area is well known for naturally occurring hot springs. Soils in this area are primarily kame deposits, with localized areas of travertine deposited by the geothermal hot springs. These deposits have the potential to develop caverns and sinkholes when ground water dissolves travertine. Although sinkholes have not been observed in the area proposed for the Justice Center, caverns could be present beneath the ground surface.

A geotechnical survey of the site was performed in 1998. Thirteen soil borings were completed for the site. The general soil profile was 1 to 6 inches of topsoil and root zone underlain by decomposed travertine. The decomposed travertine consisted of loose to medium density silty sands and poorly graded sand with silt. Groundwater was not encountered in any of the boring to their termination depths of 20 ½ feet.

#### Wildlife

Yellowstone has 60 species of mammals, more than 300 species of birds, 12 species of native fish, 5 species of nonnative fish, 6 species of reptiles, and 4 species of amphibians. Among the 60 species of mammals are 7 native ungulates and 2 bear species. The proposed site is within a developed area of the park that is within the habitat and range of the ungulate population of Yellowstone. The area also contains small mammals and a wide variety of birds.

Elk. The northern Yellowstone elk herd is one of the largest free-ranging herds in North America. Elk frequent the area proposed for development and are commonly observed grazing on the non-native bluegrass lawns in Mammoth Hot Springs. Rutting (mating) season occurs during September and October, and bulls tend to

seek open meadows in order to be highly visible and maintain their harems (groups of elk cows). Elk commonly use the proposed area during the rut.

Mule Deer. Although very few of the Yellowstone mule deer winter inside the park's northern boundaries, some are occasionally seen grazing in the Mammoth Hot Springs area.

Bison. During the past two decades, the number of bison present in Yellowstone has been increasing steadily. An early winter count during winter 2003-2004 showed approximately 4,200 bison in the population. The Mammoth area is within the present and historic winter range of bison; however, it does not contain any significant bison calving grounds. Bison have been sighted near the area proposed for development.

Black Bear. Black bears are dispersed throughout the park and are most likely found in forested areas. Their primary diet includes grasses and sedges, but they opportunistically feed on fish, insects, roots, and berries, and they will scavenge, if necessary. Historically, black bears have been involved in more bear/human conflicts than grizzlies. Black bears have been seen less frequently along roadsides and in developed areas since intensive efforts to deny them access to artificial foods was instituted by the park in the early 1970s. As a result, conflicts between black bears and humans have declined. The Mammoth area is classified as high-quality spring and early summer bear habitat. Because the site is in high-quality black bear habitat, appropriate management of food and garbage would be required both during construction and during operation of the new Justice Center. (Note: Grizzly bears are discussed in the "Threatened and Endangered Species" section below.)

Small Mammals. The rodent population in Mammoth Hot Springs includes pocket gophers, mice, voles, squirrels, and chipmunks. Smaller mammals such as pine marten and weasels are fairly common near Mammoth. Uinta ground squirrels frequent the proposed site. The landscaped lawns of Mammoth provide an optimal artificial habitat for ground squirrels.

Reptiles. Reptiles such as common garter snakes and bull snakes have been sighted in the Mammoth Hot Springs area.

Birds. A wide variety of birdlife can be found in the proposed development area. Some of the birds observed here include Cassin's finch, pine siskin, mountain chickadee, vesper sparrow, common raven, and Clark's nutcracker.

## Threatened and Endangered Species

There is one threatened bird species and two threatened mammal species present in Yellowstone: the bald eagle (Haliaeetus leucocephalus), Canada lynx (Lynx canadensis), and grizzly bear (Ursus arctos horribilis). Gray wolves (Canis lupus) are designated as a non-essential experimental population and treated as threatened in Yellowstone National Park. The whooping crane (Grus americana) which is listed as endangered, is no longer considered a species found in Yellowstone National Park.

**Bald Eagle.** Both resident and migrating bald eagles can be found throughout Yellowstone. Bald eagle nesting sites occur primarily along the margins of lakes and along the shoreline of the larger rivers in the park. The bald eagle management plan for the Greater Yellowstone Ecosystem (GYE) has achieved the goals set for establishing a stable bald eagle population in the park. A total of 24 eaglets fledged from 32 active nests during 2003. This equals the highest number of fledged eaglets and breaks the record for active nests ever recorded in the history of Yellowstone National Park. Bald eagles do not typically nest or regularly roost in the Mammoth Hot Springs area.

**Canada Lynx.** On March 21, 2000, the U.S. Fish and Wildlife Service (USFWS) listed the Canada lynx as threatened under the Endangered Species Act. Lynx population numbers in Yellowstone are unknown. In 2004 an individual lynx from Colorado passed by the Mammoth area as it traveled north towards Missoula, Montana. It is unknown how close the lynx actually was to the Mammoth developed area. The project area is not within any Lynx Analysis Units (LAU) identified for Yellowstone National Park.

**Grizzly Bear.** In 1975, the grizzly bear was listed as threatened in the contiguous United States, and fewer than 1,000 grizzlies are thought to survive in the lower 48 states. Surviving populations occur in six areas in Montana, Wyoming, and Idaho.

In 2003, the Interagency Grizzly Bear Committee formally accepted and signed the *Conservation Strategy for the Grizzly Bear in the Yellowstone Ecosystem* which outlines how grizzly bears will be managed if and when they are removed from threatened species status. A proposal to remove Greater Yellowstone grizzly bears from threatened species status could be submitted as early as late 2004 or early 2005.

The grizzly bear population within the 5.5 million acres encompassed by the GYE has been estimated at a maximum of 610. Nearly 40 percent of this area, 2.2 million acres, is within the boundaries of Yellowstone National Park. The bear management program in Yellowstone is directed toward the recovery, maintenance, and management of the grizzly bear population while also providing for safe park visitor experiences.

Occupied grizzly bear habitat in the GYE has been divided into 18 grizzly bear management units (BMUs). The BMUs were created to monitor bear population trends and to analyze the effects of habitat use or development on local bear populations. Each BMU is assumed to be sufficient to support its bear population from spring through fall.

Mammoth Hot Springs is located within the Gallatin BMU, which is considered to be high-quality spring and early summer bear habitat. This conclusion is based on vegetation characteristics, the presence of winter-killed ungulates in the spring, and the presence of elk calving grounds (active in late spring and early summer).

The Mammoth Hot Springs developed area is designated as Management Situation 3 habitat. These habitats encompass developed areas and are managed for regular human use or occupation. Bear-human conflicts would be resolved by trapping and translocating the bear.

**Gray Wolf.** Gray wolves were native to the Yellowstone area at the time the national park was established in 1872. Gray wolves were historically hunted for their hides and as predators. The gray wolf was the target of systematic poisoning from 1872 through the early 1900s. As a result, the gray wolf was extirpated from the ecosystem by the 1930s.

The USFWS released an environmental impact statement (EIS) in May 1994 outlining wolf population recovery and reintroduction plans for Yellowstone and central Idaho. In 1995, 14 gray wolves were reintroduced to Yellowstone National Park. In 1996, 17 more wolves were released in the park. As of December 2003, there were approximately 306 wolves in the GYE Area, with 169 wolves in 14 packs in Yellowstone National Park.

Currently, gray wolves' use of habitat in the Mammoth Hot Springs area is limited to the winter months when they are occasionally seen and heard. Wolves in the Yellowstone area are designated as an experimental population, and no areas are designated as critical habitat for wolves.

### **Visual Quality, including Lightscapes**

Visual quality affects both visitor enjoyment and perception of Yellowstone. The unique natural features, the Mammoth Hot Springs Terraces, and historic buildings of Fort Yellowstone have interested park visitors for decades. Mammoth Hot Springs is a highly developed area that appears similar to a small town.

Yellowstone strives to preserve its naturally dark nighttime skies, a valuable park resource. In developed areas, there is a delicate balance between providing the appropriate amount and level of human-generated light for the safety of visitors and staff and the protection of the dark night skies.

## CULTURAL RESOURCES

### Historic Resources

The National Historic Preservation Act, as amended in 1992, and the National Environmental Policy Act, as well as NPS Director's Order 28, *Cultural Resource Management Guideline* (1994), and *Management Policies* (2001), and Director's Order 12, *Conservation Planning, Environmental Impact Analysis and Decision-making* (2001), require the consideration of impacts on cultural resources listed in, or eligible for listing in, the National Register of Historic Places. The undertaking described in this document is subject to Section 106 of the National Historic Preservation Act, under the terms of the 1995 Servicewide Programmatic Agreement among the National Park Service, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers. This document will be submitted to the Wyoming SHPO for review and comment.

The proposed Justice Center would be located within the Mammoth Hot Springs Historic District and adjacent to the Fort Yellowstone National Historic Landmark (NHL) District and the North Entrance Road Historic District. The Mammoth Hot Springs Historic District was listed on the National Register of Historic Places (National Register) on March 20, 2002. There are 189 buildings and structures in the Mammoth Hot Springs Historic District. The contributing buildings retain their historical and architectural integrity. They also retain their relationship with the historic landscape.

Fort Yellowstone was listed on the National Register on July 31, 2003. Fort Yellowstone was designated a NHL District because it was found to possess national significance in the history of the United States. Designation as a National Historic Landmark District automatically places a property in the National Register of Historic Places. Fort Yellowstone was established by the U.S. Army in 1891 and is "one of the few military posts of the late 19th century to retain most of its major buildings in their original appearance and location" (Battle and Thompson, 1972).

The buildings comprising both the Mammoth Hot Springs Historic District and the Fort Yellowstone NHL District represent the initial and evolving development of administrative and concessioner facilities in Yellowstone.

The North Entrance Road Historic District is a 5.23 mile road that extends from park headquarters in Mammoth Hot Springs to the park boundary in Gardiner, Montana. The North Entrance Road was listed on the National Register in 2003. The North Entrance Road runs in front of the proposed Justice Center location.

Figure 7: Buildings in Mammoth around 1900

Figure 8: Buildings in Mammoth around 1930

Figure 9: Buildings in Mammoth around 1960

Figure 10: Buildings in Mammoth Currently

Spruce Dormitory and the Xanterra Engineering Office are contributing properties within the Mammoth Hot Springs Historic District, but are outside the Fort Yellowstone NHL District. Spruce Dormitory, originally known as the Yellowstone Park Company bunkhouse or the "bus driver's dorm," was built in 1938. The Yellowstone Park Company Mess Hall, also built in 1938, is now the Xanterra Engineering building. Two non-historic buildings are also in close proximity to the proposed Justice Center. The Aspen Dormitory is a prefabricated two-story building constructed in 1978. The ice house was built pre-1965, after the period of significance for the historic district.

Federal law and NPS Management Policies require full consideration of historical and architectural values whenever a project may affect historic properties. Additionally, the NPS "must to the maximum extent possible, undertake such planning and action as may be necessary to minimize harm to any National Historic Landmark that may be directly and adversely affected by an undertaking (36 CFR 800.10)."

Yellowstone National Park has been consulting with the Wyoming SHPO throughout the planning and design process to ensure that the new Justice Center would be compatible with the historic districts.

## **Cultural Landscapes**

According to the National Park Service's *Cultural Resource Management Guidelines* (DO-28), a cultural landscape is "...a reflection of human adaptation and use of natural resources and is often expressed in the way land is organized and divided, patterns of settlement, land use, systems of circulation, and the types of structures that are built. The character of a cultural landscape is defined both by physical materials, such as roads, buildings, walls, and vegetation, and by use reflecting cultural values and traditions."

Cultural landscapes provide a visual chronicle of an area's history, whether the development occurred spontaneously like a vernacular landscape, or formally, as in a historic designed landscape. Contributing features of a cultural landscape may include the pattern and character of circulation systems, patterns and character of vegetation or open space, cluster arrangement of buildings, walls, fences, construction materials, and views.

A Cultural Landscape Inventory (CLI) is a tool the NPS uses to determine contributing landscape features of a cultural landscape. Although a CLI has not been completed for the Mammoth Hot Springs Historic District, Yellowstone National Park considers both Fort Yellowstone NHL District and the Mammoth Hot Springs Historic District as designed historic landscapes. Fort Yellowstone exhibits many characteristics of a late 19th century military fort. Professional landscape

architects provided plans for the Fort Yellowstone parade grounds (c. 1903) and the Mammoth Hot Springs developed area (c. 1930).

The period of significance for the Mammoth Hot Springs Historic District is 1891 to 1948. The proposed site has been occupied with buildings since the 1880s and was a much-used area by the 1900s (personal communication, Lee Whittlesey, park historian, February 2004). What was to become the Esplanade visitors drive along today was "covered with buildings." Of note was the Yellowstone Park Transportation building, designed by architect Robert Reamer and built in 1903; it was destroyed by fire in 1925 (see Figure 8). The Weather Bureau building was also built in 1903 and removed in 1938.

In 1930-31, the NPS incorporated the work of landscape architect, Gilmore Clarke, into a general development plan for the Mammoth Hot Springs area. The NPS sought to solve what they considered a clash of U.S. Army headquarters, concessions, and associated utility areas. The Mammoth Hot Springs development was not considered compatible to the naturalistic principles that national park designers were advocating at the time. Although many aspects of the 1931 plan were not implemented, an entrance boulevard or Esplanade into Mammoth was. The plan rerouted the North Entrance Road to access Mammoth Hot Springs from the northeast along a new Esplanade divided by circular islands of plantings and edged with diagonal parking. This entry "plaza" was to be lined to the north and south by civic buildings such as a new post office, stores, concession facilities, and other federal buildings. These buildings would replace the non-public and unwelcoming utility buildings of the Yellowstone Park Transportation Company. The plan showed proposed buildings along both sides of the Esplanade having very little set back (20 to 30 feet) from the street edge and being substantial in size, creating a civic center along the Esplanade.

The idea of a civic plaza was not new and was used in many national parks. Landscape architect Ethan Carr discusses civic plazas in Yosemite, Grand Canyon, and Mount Rainier in his book, *Wilderness by Design* (1998). Carr noted that contemporary road re-design and revegetation efforts obscured the relationships between the civic buildings and the plazas they surrounded. In these cases, the structures facing the plazas should have remained unplanted and continued defining the public space. In Yellowstone National Park, a similar boulevard/esplanade lined with civic facilities can also be found at Fishing Bridge. A similar esplanade at Old Faithful was removed when the area was redesigned in the 1970s.

Only certain aspects of the 1931 plan for Mammoth Hot Springs were implemented. The Esplanade in Mammoth was constructed in 1937-38. The Post Office, built in 1937, was the only proposed civic building actually constructed along the Esplanade. Correspondence regarding the construction of the post office indicates that this building was to be set back no more than 30 feet from the street.

The Spruce Dormitory was built in 1938 using a simple style, implying that the dormitory would be located behind proposed new concession buildings, keeping public buildings along the road and utility/support facilities behind them as shown in the 1931 plan.

Most remaining Yellowstone Park Transportation Company utility and service buildings were removed after 1960, an action that also conformed to the 1931 plan. However, the proposed stores and other public buildings were never built and the resulting open space allows views directly back toward the Spruce Dormitory and Xanterra Engineering Office.

The most obvious feature that contributes to the cultural landscape is the Esplanade. Characteristically few trees and shrubs punctuate the irrigated lawn area. No fences or walls break the expanses of lawn area between buildings. Service drives and associated non-public parking have historically occurred outside of the Esplanade viewshed, behind facilities. Modest rectilinear concrete sidewalk patterns and cast-iron lamp posts are found along the Esplanade. The buildings are rectilinear; two to three stories high with few foundation plantings. They are clustered between the Esplanade edge and the foot of the steep slopes around Mammoth Hot Springs. The Pagoda and the Post Office were deliberately designed with 20- to 30-foot setbacks from the Esplanade edge.

Some more recent additions to the Esplanade completely deviated from the 1931 plan and are non-contributing elements of the cultural landscape. These include the stand of trees along the north side of the Esplanade, the ice house, the Aspen Dormitory, and the Mammoth Clinic. The Aspen Dormitory was constructed next to the Chittenden House in 1978, leaving little room for a "civic" building to fit between the dormitory and the Esplanade. The clinic, built in 1963, although in an appropriate location, was designed in a horizontal ranch style that is set back too far from the road edge (50-feet) and is not architecturally compatible with the other more massive two-to-three story structures in the historic district.

## **Visitor Use and Experience**

People from around the world come to Yellowstone to experience its wonders. Approximately 18 percent of the park's total number of visitors entered Yellowstone through the North Entrance in the 2000 summer season. In the 2000 winter season (mid-December through mid-March), 35 percent of visitors entered the park through the North Entrance. The North Entrance is the only park entrance open all year to wheeled vehicles.

Visitors arriving from the North Entrance drive up the hill past the Mammoth Campground and into Mammoth Hot Springs. The proposed location for the Justice Center is on the right side of the road at the top of the hill. Elk often occupy the open, grassy area, particularly in the spring and fall, providing wildlife viewing and photo opportunities for visitors. Dormitory residents and visitors also use the lawn for recreation, for example, playing Frisbee or flag football, when elk are not there.

An informal picnic area, with a few scattered tables, is located among the trees—an area once established for tree identification purposes. It is one of several areas used for picnicking in Mammoth. Visitors may purchase ice from a vending machine located in a nearby building.

Vehicular and pedestrian traffic along the Esplanade is often congested during the summer season. Persons attending court park their vehicles on the southeast side of the Aspen Dormitory, close to the Pagoda. The U.S. Magistrate stated that, at most, 3-4 parking spaces are utilized when court is in session.

Please refer to the Environmental Consequences section for a discussion of impacts on visitor use and experience.

## **ENVIRONMENTAL CONSEQUENCES**

### **Methodology for Assessing Impacts**

Potential impacts are described in terms of type (are the effects beneficial or adverse), context (are the effects site-specific, local, or even regional), duration (are the effects short-term, lasting less than one year, or long-term, lasting more than one year), and intensity (are the effects negligible, minor, moderate, or major). Because definitions of intensity (negligible, minor, moderate, or major) vary by impact topic, intensity definitions are provided separately for each impact topic analyzed in this environmental assessment/assessment of effect.

In addition, NPS *Management Policies, 2001* (2000) require analysis of potential effects to determine whether or not actions would impair park resources. The fundamental purpose of the national park system, established by the 1916 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, adversely impacting park resources and values. However, the laws do give the NPS the management discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, as long as the impact does not constitute impairment of the affected resources and values. Although Congress has given the NPS the management discretion to allow certain impacts within a park, that discretion is limited by the statutory requirement that the NPS must leave park resources and values unimpaired, unless a particular law directly and specifically provides otherwise. The prohibited impairment is an impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values. An impact to any park resource or value may constitute an impairment, but an impact would be more likely to constitute an impairment to the extent that it has a major or severe adverse effect upon a resource or value whose conservation is:

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park;
- key to the natural or cultural integrity of the park; or
- identified as a goal in the park's general management plan or other relevant NPS planning documents.

Impairment may result from NPS activities in managing the park, visitor activities, or activities undertaken by concessioners, contractors, and others operating in the park. A determination on impairment is made in the Environmental Consequences section for each impact topic.

**Table 2. Comparative Summary of Environmental Impacts**

Impact Topic	Alternative 1 - No Action	Alternative 2 - Preferred
<b>Soils</b>	No impacts.	There would be minor, localized, long-term impacts to approximately 1 acre of soil.
<b>Wildlife</b>	No impacts.	Some minor, localized, and short-term displacement of wildlife could occur during construction activities, but animals would be expected to return to the general area.
<b>Threatened and Endangered Species</b>	No impacts.	This alternative may affect, but is not likely to adversely affect grizzly bears. There would be no effect on bald eagles, lynx, or gray wolves.
<b>Visual Quality, including Lightscapes</b>	No impacts.	There would be direct, long-term, moderate impacts on views. There would be a minor, direct, long-term effect on the night sky resource due to outdoor lighting.
<b>Historic Resources</b>	No impacts.	There would be moderate, localized, long-term effects on the Mammoth Hot Springs Historic District, but they would be mitigated with appropriate building siting and design.
<b>Cultural Landscapes</b>	No impacts.	There would be minor, localized, long-term effects on the cultural landscape.
<b>Visitor Use and Experience</b>	There would continue to be inadequate room for visitors attending court hearings.	Construction of the Justice Center building would have minor, short-term, adverse impacts on visitor use and experience due to construction activities associated with the project. There would be adequate room for visitors attending court hearings.

## Natural Resources

### Soils

#### Methodology and Intensity Thresholds

Analyses of the potential intensity of impacts to soils were derived from the available soils information and park staff's past observations of the effects on soils from both visitor use and construction activities. Impacts to soils that are unique to Yellowstone or to soils that support important vegetation species are more significant than impacts to common soils.

The thresholds of change for the intensity of impacts to soils are defined as follows:

- Negligible: Soils would not be affected or the effects on soils would not be detectable.
- Minor: Effects on soils would be detectable, although these effects would be localized. There could be some slight physical disturbance, some removal of soil material, and/or some compaction. Mitigation measures proposed to offset adverse effects would include ensuring that topsoil is preserved, ground is reshaped into the natural contours, the ground is de-compacted, and that there is no unnatural erosion of soils.
- Moderate: Effects on soils would be readily detectable, but localized. Measurable effects could include physical disturbance, removal of large amounts of soil, compaction, and/or unnatural erosion of soils. Mitigation measures proposed to offset adverse effects would be extensive and would include measures to ensure that topsoil is preserved, ground is reshaped into the natural contours, ground is de-compacted, and that there is no unnatural erosion of soils.
- Major: Effects on soils would be widespread and readily detectable. Significant measurable effects would include the physical disturbance and removal of large amounts of soil, severe compaction, and the unnatural erosion of soils. Mitigation measures proposed to offset adverse effects would be extensive.

## Impacts of Alternative 1 on Soils

### *Impact Analysis*

Operation of the current courthouse would continue under this alternative. Visitors would occasionally walk off the sidewalks in the vicinity of the courthouse, however, soil disturbance would not occur, except for minor maintenance needs.

### *Cumulative Impacts*

Housing construction projects would occur in the Lower Mammoth and the YACC Camp areas of Mammoth Hot Springs, disturbing various amounts of soils. Housing projects were analyzed in the *Mammoth Housing Plan and Environmental Assessment* (1993). Routine maintenance of roads and utilities would continue. When combined with the no action alternative, these projects would cause minor impacts on soils.

### *Conclusion*

When combined with other past, present, and foreseeable future actions that would result in impacts to soils, this alternative would contribute a negligible amount of soil loss to the cumulative scenario. Because there would be no adverse impacts to a resource or value whose conservation is (1) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of Yellowstone National Park; (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (3) identified as a goal in the park's general management plan or other relevant NPS planning documents, there would be no impairment of the park's resources or values.

## Impacts of Alternative 2 on Soils

### *Impact Analysis*

Approximately 1 acre of land would be used for construction of the building and parking area under Alternative 2. Although the site is located near an active hydrothermal area, disturbance of either primary or secondary hydrothermal features is not expected. There would be direct, minor, localized, and long-term impacts to approximately 1 acre of soils. Any topsoil that must be disturbed would be conserved and re-spread on-site after construction during revegetation and landscaping. Excavated material would be stored and either reused on-site or transported out of the park. Soil may also be transported within the park.

Construction equipment would be thoroughly pressure washed and checked for cleanliness before entering the park. Storage location of construction equipment would depend on the time of year and level of visitor use. During less busy times, parking spaces in front of the proposed building would be used to store construction equipment. The one-way road from the Xanterra Engineering building to the Esplanade could also be used for equipment storage. However, the access road may remain open to traffic if the area to the east of the proposed building site

was utilized (" Corner Site D"). Employee parking spaces immediately adjacent to the Spruce Dormitory and Engineering building would be avoided during the summer season.

### *Cumulative Impacts*

Construction projects in the Mammoth area and northwestern part of Yellowstone would continue to occur. Housing construction projects would occur in the Lower Mammoth and YACC Camp areas of Mammoth Hot Springs, disturbing various amounts of soils. These projects would cause minor impacts on soils. Housing projects were analyzed in the *Mammoth Housing Plan and Environmental Assessment* (1993).

### *Conclusion*

The effects of Alternative 2 on soils would be direct, local, long-term and minor. Because there would be no adverse impacts to a resource or value whose conservation is (1) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of Yellowstone National Park; (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (3) identified as a goal in the park's general management plan or other relevant NPS planning documents, there would be no impairment of the park's resources or values.

## Wildlife

### Methodology and Intensity Thresholds

Available information on known wildlife was compiled. Where possible, map locations of sensitive species sighting in the Mammoth area were reviewed. Predictions about short- and long-term site impacts were based on existing monitoring data from Yellowstone National Park. Note that threatened and endangered species are considered separately under the impact topic immediately following wildlife.

The thresholds of change for the intensity of impacts to wildlife are defined as follows:

- Negligible: Wildlife would not be affected or the effects would be below the level of detection.
- Minor: Effects to wildlife would be detectable, although the effects would be localized and of little consequence to the species' population. Mitigation measures to offset adverse effects would be proposed.
- Moderate: Effects to wildlife would be readily detectable and localized, with consequences potentially at the population level.

Mitigation measures proposed to offset adverse effects would be extensive.

Major: Effects to wildlife would be obvious and would have substantial consequences to the wildlife population(s) in the park. Mitigation measures proposed to offset adverse effects would be extensive.

## Impacts of Alternative 1 on Wildlife

### *Impact Analysis*

Continued operation of the courthouse would have negligible effects on wildlife. Other than routine maintenance, repair, and upkeep activities, no disturbance would occur. Wildlife such as elk and small mammals occur within the area. Many wildlife species avoid the area because of the intense human activity within this major development.

### *Cumulative Impacts*

Construction projects in the Mammoth area and northwestern part of Yellowstone would continue to occur. Each project's effect on wildlife must be evaluated independently and cumulatively. Housing construction projects would occur in the Lower Mammoth and YACC Camp areas of Mammoth Hot Springs. Effects on wildlife have been evaluated in the Mammoth Housing Plan and EA. Combined with the no action alternative, these projects would have negligible to minor impacts on wildlife.

### *Conclusion*

When combined with other past, present, and foreseeable future actions that would result in impacts to wildlife, this alternative would have negligible effects on them. Because there would be no adverse impacts to a resource or value whose conservation is (1) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of Yellowstone National Park; (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (3) identified as a goal in the park's general management plan or other relevant NPS planning documents, there would be no impairment of the park's resources or values.

## Impacts of Alternative 2 on Wildlife

### *Impact Analysis*

Construction of the Justice Center could result in some minor, localized, short-term displacement of wildlife during construction activities. Wildlife may avoid the area during construction, though many animals have adapted to the presence of visitors. The NPS expects no increase in wildlife mortalities in this area because construction activities would be temporary and confined to the immediate project area. No

effects on neotropical migratory birds are expected. As with all Yellowstone construction projects, the NPS would direct the contractor to manage food and garbage so that they are not available to bears. Contractor staff would have to attend bear/food management orientation and abide by bear management guidelines.

### *Cumulative Impacts*

Construction projects in the Mammoth area and northwestern part of Yellowstone would continue to occur. Housing construction projects would occur in the Lower Mammoth and YACC Camp areas of Mammoth Hot Springs. Effects on wildlife have been evaluated in the Mammoth Housing Plan. These projects would cause temporary, minor impacts on wildlife. Elk are habituated to bluegrass lawns and are somewhat adapted to the presence of visitors. Because elk are adaptable, it is expected they will continue to use the general area following construction.

### *Conclusion*

Effects of this alternative on wildlife would be minor, direct, temporary, and localized. When combined with other past, present, and foreseeable future actions that would result in impacts to wildlife, this alternative would have minor effects on them. Because there would be no adverse impacts to a resource or value whose conservation is (1) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of Yellowstone National Park; (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (3) identified as a goal in the park's general management plan or other relevant NPS planning documents, there would be no impairment of the park's resources or values.

## Threatened and Endangered Species

### Methodology and Intensity Thresholds

Yellowstone National Park biologists familiar with each of the threatened and endangered species present in Yellowstone were consulted for their knowledge and opinion on potential project impacts. These experts consulted records of threatened and endangered species sightings within three miles of the Mammoth Hot Springs development, historic records of sightings, and their detailed knowledge of the life habits of the species in question. The evaluation of effects included direct, indirect, interrelated, interdependent, and cumulative impacts as defined by the Endangered Species Act (ESA).

Consultation with the U.S. Fish and Wildlife Service (USFWS) will occur for this proposed project. During consultation (called §7 Consultation), any mitigation proposed by the park for impacts to threatened or endangered species would include avoidance, minimization, and conservation measures as defined by the ESA.

The thresholds of change for the intensity of impacts to threatened and endangered species are defined as follows:

Negligible:

No federally listed species or its proposed or designated critical habitat would be affected. A "negligible effect" corresponds to a "no effect" determination by the park for §7, ESA purposes. Informal consultation with the USFWS might occur, but would not be required.

Minor:

Effects are either (1) insignificant, discountable, or beneficial for individual members of the species, or (2) effects are localized, temporary, and of little negative consequence to individuals of the species, particularly for effects that relate to human disturbance or habitat modification affecting breeding, sheltering, or feeding of individuals. In situation #2, given implementation of mitigation (conservation) measures proposed by the park, a "minor effect" corresponds to a determination by the park of "may affect, but not likely to adversely affect" the species (or adversely modify proposed or designated critical habitat) for §7, ESA purposes. The USFWS must concur with this determination during consultation.

Moderate:

Effects are readily detectable and localized. A "moderate" effect corresponds to a determination by the park of "may affect, likely to adversely affect" the species (or adversely modify proposed or designated critical habitat) for §7, ESA purposes and requires formal consultation with the USFWS. Mitigation resulting from consultation would include conservation measures proposed by the park and terms and conditions required by the USFWS to minimize the adverse effects to individuals that are certain to occur.

Major:

Effects are readily detectable at the population level. A "major effect" corresponds to a determination by the park of "may affect, likely to adversely affect" the species (or adversely modify proposed or designated critical habitat) for §7, ESA purposes and requires formal consultation with the USFWS. Numerous mitigation (conservation) measures proposed by the park and terms and conditions required by the USFWS would result in significant changes to the project in order to reduce the adverse impacts to the species. However, if it is determined that the project (even after implementing the avoidance, minimization, and conservation measures) would jeopardize the continued existence of the species, the USFWS could issue reasonable and prudent alternatives to the project.

## Impacts of Alternative 1 on Threatened and Endangered Species

### *Impact Analysis*

Continued operation of the existing courthouse would have no effect on threatened and endangered species. Other than routine maintenance and repair, no disturbance would occur.

### *Cumulative Impacts*

Continuing construction projects in the Mammoth area and in the northwestern part of Yellowstone would occur, but each project's effects on threatened and endangered species must be independently and collectively evaluated. Housing construction projects in the Mammoth Area would continue. Effects on threatened and endangered species were evaluated in the Mammoth Housing Plan. By confining construction to previously disturbed areas, the potential effects on threatened and endangered species and their habitats would be minimized.

### *Conclusion*

When combined with other past, present, and foreseeable future actions that would result in impacts to threatened or endangered species, this alternative would have negligible effects on them. Because there would be no adverse impacts to a resource or value whose conservation is (1) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of Yellowstone National Park; (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (3) identified as a goal in the park's general management plan or other relevant National Park Service planning documents, there would be no impairment of the park's resources or values.

## Impacts of Alternative 2 on Threatened and Endangered Species

### *Impact Analysis*

Selection of this alternative would have negligible to minor effects on threatened or endangered species in Yellowstone. The effects on each species are separately evaluated below.

**Bald Eagles.** Bald eagles do not typically nest or regularly roost in the proposed development area. This alternative would have no effect on bald eagles.

**Grizzly Bear.** This alternative may affect, but is not likely to adversely affect grizzly bears. The Justice Center would be built within a developed area, and grizzlies normally avoid the area. By confining construction to previously disturbed areas, the potential effects on grizzly bears and their habitat would be minimized, and no adverse effects expected. The proposed project is consistent with the *Draft Conservation Strategy for the Grizzly Bear in the Yellowstone Area* and there would be no net loss of habitat.

**Gray Wolves.** As mentioned above, gray wolves' use of habitat in the Mammoth Hot Springs area is infrequent and limited to the winter months. No wolf homesites are near or would be affected by construction activity or a permanent structure. The alternative may affect, but is unlikely to adversely affect, gray wolves.

**Canada lynx.** The proposed building is not located within any Lynx Analysis Units (LAU) identified for Yellowstone National Park and would not be a barrier to lynx travel; thus the project would have no effect on Canada Lynx.

### *Cumulative Impacts*

Construction projects in the Mammoth area and northwestern part of Yellowstone would continue to occur. Housing construction projects in the Mammoth area would continue. Effects on threatened and endangered species were evaluated in the Mammoth Housing Plan and reviewed by the USFWS. By confining construction to previously disturbed areas, the potential effects on threatened and endangered species and their habitats would be minimized.

### *Conclusion*

There would be negligible effects on Canada lynx and bald eagles. There may be minor, indirect, localized, short-term effects on grizzly bears and gray wolves. When combined with other past, present, and foreseeable future actions that would result in impacts to threatened or endangered species this alternative would have negligible impacts on them. Because there would be no adverse impacts to a resource or value whose conservation is (1) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of Yellowstone National Park; (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (3) identified as a goal in the park's general management

plan or other relevant NPS planning documents, there would be no impairment of the park's resources or values.

#### Visual Quality, including Lightscares

#### Methodology and Intensity Thresholds

Analyses of the potential intensity of impacts to visual quality were derived from the available information on viewsheds in the Mammoth area and park staff's past observations of the effects on visual quality from both visitor use and construction activities. Analyses of the potential intensity of impacts to lightscares were derived from available information regarding lighting and its impact on the night sky. Park staff's past observations of the effects on lightscares from both visitor use and construction activities supplemented the analysis. The thresholds of change for the intensity of impacts to visual quality, including lightscares, are defined as follows:

- Negligible: No changes in the visual quality of the landscape, including nighttime lighting, would result or any changes would be below the level of detection.
- Minor: Effects on the visual quality of the landscape, including nighttime lighting (as measured through night photography), would be detectable, but the effects would be small, localized, and temporary. Mitigation measures (including the use of full cut-off lighting fixtures for nighttime lighting effects) would be proposed to offset any adverse impacts.
- Moderate: Effects on the visual quality of the landscape, including nighttime lighting (as measured through night photography), would be readily apparent. Such effects would be localized within the area. Mitigation measures proposed to offset adverse effects, including full cut-off fixtures and reduction in luminance for nighttime lighting effects, would be extensive.
- Major: Effects on the visual quality of the landscape, including nighttime lighting would be obvious and noticeable throughout the immediate area, and readily apparent in night photography for lighting effects. The visual quality of the park's landscape and nighttime dark skies would be substantially affected. Mitigation measures proposed to offset adverse effects would be extensive and difficult.

## Impacts of Alternative 1 on Visual Quality, including Lightscapes

### *Impact Analysis*

Continued operation of the courthouse would result in negligible effects on visual quality. Mammoth Hot Springs is a highly developed area, appearing to many like a small town. Other than routine maintenance and repair, no disturbance would occur, and such work would have little, if any, effect on viewsheds.

### *Cumulative Impacts*

General Electric (GE) recently awarded Yellowstone National Park a grant to identify and replace light fixtures that emit excessive nighttime light. Yellowstone is among the top ten national parks with the darkest skies. Constant evaluation of lighting, along with GE's grant, will enable Yellowstone to continue protecting its increasingly valuable night sky resource. All projects would mitigate any adverse effects on visual quality.

Continuing construction projects in the Mammoth area and in the northwestern part of Yellowstone would occur, including housing construction. Each project's effects on visual quality would be independently and collectively evaluated. All construction projects in Yellowstone must evaluate the impact of the proposed project upon the night sky resource.

### *Conclusion*

Because there would be no adverse impacts to a resource or value whose conservation is (1) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of Yellowstone National Park; (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (3) identified as a goal in the park's general management plan or other relevant NPS planning documents, there would be no impairment of the park's resources or values.

## Impacts of Alternative 2 on Visual Quality, including Lightscapes

### *Impact Analysis*

There would be a moderate impact on visual quality and minor impact on lightscapes. The short-term visual effects of the proposed project would include disturbed land, construction equipment, and development activities. Contractors would be required to maintain an organized construction site and minimize adverse visual impact on park visitors and residents. In the long-term, views along the Esplanade would change with the addition of a new building. The proposed Justice Center would be the first public building visitors see when driving into Mammoth from the north. Changes could be considered both beneficial and adverse, and direct and local. The Justice Center would have low-level nighttime illumination that would function for security lighting. Exterior lights would utilize cutoff fixtures and automatic controls to reduce lighting in late hours.

Also refer to the “ Historic Resources” and “ Cultural Landscapes” sections of *Environmental Consequences* for additional information concerning mitigation of impacts on visual quality.

#### *Cumulative Impacts*

Cumulative impacts would be the same as in Alternative 1.

#### *Conclusion*

Alternative 2 would have direct, local, short-term and long-term impacts on the park’s visual quality. When combined with other past, present, and foreseeable future actions that would result in impacts to visual quality, this alternative would have negligible impacts on them. Because there would be no adverse impacts to a resource or value whose conservation is (1) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of Yellowstone National Park; (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (3) identified as a goal in the park’s general management plan or other relevant NPS planning documents, there would be no impairment of the park’s resources or values.

### **Cultural Resources**

In this environmental assessment, impacts to cultural resources are described in terms of type, context, duration, and intensity, which is consistent with the regulations of the CEQ that implement NEPA. These impact analyses are intended, however, to comply with the requirements of both NEPA and §106 of the NHPA. In accordance with the Advisory Council on Historic Preservation’s regulations implementing §106 of the NHPA (36 CFR Part 800, *Protection of Historic Properties*), impacts to cultural resources were also identified and evaluated by (1) determining the area of potential effects; (2) identifying cultural resources present in the area of potential effects that are either listed in or eligible to be listed in the National Register of Historic Places; (3) applying the criteria of adverse effect to affected, National Register eligible or listed cultural resources; and (4) considering ways to avoid, minimize or mitigate adverse effects.

Under the Advisory Council’s regulations, a determination of either *adverse effect* or *no adverse effect* must also be made for affected National Register listed or eligible cultural resources. An *adverse effect* occurs whenever an impact alters, directly or indirectly, any characteristic of a cultural resource that qualifies it for inclusion in the National Register, e.g. diminishing the integrity (or the extent to which a resource retains its historic appearance) of its location, design, setting, materials, workmanship, feeling, or association. Adverse effects also include reasonably foreseeable effects caused by the alternatives that would occur later in time, be farther removed in distance or be cumulative (36 CFR 800.5, *Assessment of Adverse Effects*). A determination of *no adverse effect* means there is an effect, but the

effect would not diminish the characteristics of the cultural resource that qualify it for inclusion in the National Register.

The CEQ regulations and the NPS's *Conservation Planning, Environmental Impact Analysis and Decision Making* (Director's Order #12) also call for a discussion of mitigation, as well as an analysis of how effective the mitigation would be in reducing the intensity of a potential impact, e.g., reducing the intensity of an impact from major to moderate or minor. Any resultant reduction in intensity of impact due to mitigation, however, is an estimate of the effectiveness of mitigation under NEPA only. It does not suggest that the level of effect as defined by §106 is similarly reduced. Cultural resources are non-renewable resources and adverse effects generally consume, diminish, or destroy the original historic materials or form, resulting in a loss in the integrity of the resource that can never be recovered. Therefore, although actions determined to have an adverse effect under §106 may be mitigated, the effect remains adverse.

## **Historic Resources**

### Methodology and Intensity Thresholds

In order for a historic site, structure, or building to be eligible for the National Register of Historic Places it must meet one or more of the following criteria of significance:

- A: associated with events that have made a significant contribution to the broad patterns of our history;
- B: associated with the lives of persons significant in our past;
- C: embodies the distinctive characteristics of a type, period, or method of construction; or represents the work of a master; or possesses high artistic value; or represents a significant and distinguishable entity whose components may lack individual distinction; or
- D: has yielded, or may be likely to yield, information important in prehistory or history.

A historic building or structure must also possess integrity of location, design, setting, materials, workmanship, feeling, and association.

Section 106 (§106) consultation (as described in the NHPA of 1966, as amended) with the appropriate SHPO will occur for a proposed project. The Advisory Council on Historic Preservation is invited to participate if a proposed project is considered a major undertaking.

Analyses of the potential intensity of impacts to historic resources were derived from a review of the List of Classified Structures, research in the park archives to determine the potential eligibility of the historic resource(s), and on-site investigations to determine a project's proximity to historic resources.

The thresholds of change for the intensity of impact to historic resources are defined as follows:

- Negligible: Historic resources would not be affected or the effects would be below the level of detection. A "negligible effect" corresponds to a "no effect" determination by the park for §106 purposes. Informal consultation with the SHPO might occur, but would not be required.
- Minor: Effects to historic resources would be detectable (e.g., minor replacement of deteriorated historic fabric with new, in-kind material, or minor external alterations that do not affect the character-defining features of the structure or building), although the effects would result in little, if any, loss of significance or integrity. The National Register eligibility of the historic resource would not be affected by the project. A "minor effect" corresponds to a "no adverse effect" determination by the park for §106 purposes. Consultation with the SHPO would occur.
- Moderate: Effects to historic resources would be readily detectable, would have the potential to diminish the significance or integrity of the site, structure, or building, and may jeopardize its National Register eligibility. A "moderate effect" corresponds to either an "adverse effect" or a "no adverse effect" for §106 purposes depending on mitigation measures proposed. Mitigation measures resulting from consultation could include such items as conservation measures to stabilize the site, structure, or building; Historic American Building Survey (HABS) level photography and/or as-built construction drawings; large-scale, in-kind replacement of historic fabric or use of simulated materials to replicate historic fabric; reuse of portions of the historic structure or building; and/or design of the new structure or building to preserve elements of form and function of the historic structure or building.
- Major: Effects to historic resources would be obvious, long-term, and would diminish the significance and integrity of the site, structure, or building to the extent that it is no longer eligible for listing in the National Register. A "major effect" would correspond to an "adverse effect" for §106 purposes.

## Impacts of Alternative 1 on Historic Resources

### *Impact Analysis*

Continued operation of the courthouse would have negligible impacts on historic resources. Historic buildings would continue to be adaptively used for the courtroom and temporary holding facility. The existing courthouse and holding facility would fail to meet required building codes, standards, and guidelines.

### *Cumulative Impacts*

Construction projects in the Mammoth area and northwestern part of Yellowstone would continue to occur. Housing construction projects in the Mammoth Hot Springs area would occur and rehabilitation of historic buildings would continue. Mitigation would include building designs meeting the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. When combining the impacts of the no action with the impacts from past, present, and foreseeable future actions, there would be negligible impact on historic structures.

### *Conclusion*

When combined with other past, present, and foreseeable future actions that would result in impacts to historic resources, this alternative would have negligible impacts on them. Because there would be no adverse impacts to a resource or value whose conservation is (1) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of Yellowstone National Park; (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (3) identified as a goal in the park's general management plan or other relevant NPS planning documents, there would be no impairment of the park's resources or values.

## Impacts of Alternative 2 on Historic Resources

### *Impact Analysis*

There would be moderate, long-term, local, and direct effects on the Mammoth Hot Springs Historic District and the Fort Yellowstone National Historic Landmark District. A new building would be constructed in and adjacent to the two districts, thus, there would be a visual impact to the district as whole because of infill construction. However, proposed construction would not directly impact any historic buildings or structures, including Spruce Dormitory and the Xanterra Engineering Office which are located close to the site of the proposed Justice Center. Construction of the new building would partially screen the non-historic Aspen Dormitory.

Yellowstone National Park would ensure that the Justice Center would not adversely affect those qualities that qualify the Fort Yellowstone National Historic Landmark District, the Mammoth Hot Springs Historic District, and the North Entrance Road

Historic District for listing in the National Register of Historic Places. The building would be designed to meet the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. The building would be constructed in a manner that is sensitive to and compatible with the districts' historic and architectural values. For the purposes of §106, construction of the Justice Center would have no adverse effect on historic properties.

### *Cumulative Impacts*

Construction projects in the Mammoth area and northwestern part of Yellowstone would continue to occur. Housing construction projects in the Mammoth Hot Springs area would occur and rehabilitation of historic buildings would continue. Mitigation would include building designs meeting the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. Consultation with the SHPO would ensure the compatibility of this new facility within the historic district.

### *Conclusion*

Alternative 2 would have direct, moderate, local, and long-term impacts on the park's historic resources, particularly the Mammoth Hot Springs Historic District. Because there would be no adverse impacts to a resource or value whose conservation is (1) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of Yellowstone National Park; (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (3) identified as a goal in the park's general management plan or other relevant NPS planning documents, there would be no impairment of the park's resources or values.

## **Cultural Landscapes**

### Methodology and Intensity Thresholds

Information on cultural landscapes in the Mammoth area was obtained through personal communications with park staff and through a literature search. The thresholds of change for the intensity of impacts to park operations are defined as follows

Negligible: Impact(s) is at the lowest levels of detection with neither adverse nor beneficial consequences. The determination of effect for §106 would be *no adverse effect*.

Minor: Adverse impact — alteration of a pattern(s) or feature(s) of the landscape would not diminish the overall integrity of the landscape. The determination of effect for §106 would be *no adverse effect*.

Beneficial impact — preservation of landscape patterns and features in accordance with the *Secretary of the Interior's Standards for the*

*Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes.* The determination of effect for §106 would be *no adverse effect*.

Moderate: Adverse impact — alteration of a pattern(s) or feature(s) of the landscape would diminish the overall integrity of the landscape. The determination of effect for §106 would be *adverse effect*. A Memorandum of Agreement (MOA) is executed among the NPS and applicable state or tribal historic preservation officer and, if necessary, the Advisory Council on Historic Preservation in accordance with 36 CFR 800.6(b). Measures identified in the MOA to minimize or mitigate adverse impacts reduce the intensity of impact under NEPA from major to moderate.

Beneficial impact — rehabilitation of a landscape or its patterns and features in accordance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes*. The determination of effect for §106 would be *no adverse effect*.

Major: Adverse impact — alteration of a pattern(s) or feature(s) of the landscape would diminish the overall integrity of the landscape. The determination of effect for §106 would be *adverse effect*. Measures to minimize or mitigate adverse impacts cannot be agreed upon and the NPS and applicable state or tribal historic preservation officer and/or Advisory Council are unable to negotiate and execute a memorandum of agreement in accordance with 36 CFR 800.6(b).

Beneficial impact — restoration of a landscape or its patterns and features in accordance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes*. The determination of effect for §106 would be *no adverse effect*.

## Impacts of Alternative 1 on Cultural Landscapes

### *Impact Analysis*

Continued operation of the courthouse would have no impact on the cultural landscape.

### *Cumulative Impacts*

Construction projects in the Mammoth area and northwestern part of Yellowstone would continue to occur. Housing construction projects in Lower Mammoth and the YACC Camp would occur. Rehabilitation of historic buildings would continue.

Mitigation would include building designs meeting the *Secretary of the Interior's Standards for the Treatment of Historic Properties*.

### *Conclusion*

When combined with other past, present, and foreseeable future actions that would result in impacts to historic resources, this alternative would have negligible impacts on them. Because there would be no adverse impacts to a resource or value whose conservation is (1) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of Yellowstone National Park; (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (3) identified as a goal in the park's general management plan or other relevant NPS planning documents, there would be no impairment of the park's resources or values.

### Impacts of Alternative 2 on Cultural Landscapes

#### *Impact Analysis*

There would be minor, long-term, local, direct effects on the Mammoth Hot Springs cultural landscape. However, for purposes of §106, there would be no adverse effect on the Mammoth Hot Springs cultural landscape. The building and associated landscape would be designed and constructed in a manner that is sensitive to and compatible with the existing cultural landscape and would meet the *Secretary of the Interior's Standards for the Treatment of Historic Properties*.

The location of the proposed building would be compatible with the existing spatial organization of buildings and circulation systems of the site. This civic building is proposed in what was intended to be a civic area. The proposed building style, scale, and materials-use would be compatible with that of adjacent historic buildings. Design measures would include building location, mass, set-back, retaining the Esplanade alignment, rectilinear alignment of new concrete sidewalks, use of irrigated lawn with minimal plantings, use of stone, and colors that are compatible with the district. Potential effects on the Fort Yellowstone and Mammoth Hot Springs designed historic landscapes would be considered with the effects on other historic properties during §106 compliance with the NHPA and its implementing regulations 36CFR800. Consultation with the SHPO would ensure the compatibility of this new facility within the cultural landscape. Section 106 compliance would be completed prior to signing a Finding of No Significant Impact (FONSI).

#### *Cumulative Impacts*

Construction projects in the Mammoth area and northwestern part of Yellowstone would continue to occur. A new building would be introduced into the cultural landscape. Housing construction projects and rehabilitation of historic buildings would continue in the Mammoth Hot Springs area. Mitigation would include building designs meeting the *Secretary of the Interior's Standards for the Treatment of Historic Properties*.

### *Conclusion*

Alternative 2 would have direct, local, and long term, minor impacts on the Fort Yellowstone and Mammoth Hot Springs cultural landscape. Because there would be no adverse impacts to a resource or value whose conservation is (1) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of Yellowstone National Park; (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (3) identified as a goal in the park's general management plan or other relevant NPS planning documents, there would be no impairment of the park's resources or values.

## **Visitor Use and Experience**

### Methodology and Intensity Thresholds

Analyses of the potential intensity of impacts to visitor use and experience were derived from available information on visitor use of Yellowstone Park and the Mammoth Hot Springs area, including statistics kept by the Visitor Services Office in Yellowstone. The thresholds of change for the intensity of impacts to visitor use and experience are defined as follows:

- Negligible: Visitors would not be affected or changes in visitor use and/or experience would be below the level of detection.
- Minor: Changes in visitor use and/or experience would be detectable, although the changes would be slight. The visitor may or may not be aware of the effects associated with the alternative.
- Moderate: Changes in visitor use and/or experience would be readily apparent. The visitor would be aware of the effects associated with the alternative and would likely be able to express an opinion about the changes.
- Major: Changes in visitor use and/or experience would be readily apparent and have important long-term consequences. The visitor would be aware of the effects associated with the alternative and would likely express a strong opinion about the changes.

## Impacts of Alternative 1 on Visitor Use and Experience

### *Impact Analysis*

Continued operation of the courthouse would have minor impacts on visitor use and experience. There would continue to be inadequate room for visitors attending court hearings. Clients, family, and friends would continue to wait in vehicles, in the visitor center, or on the front steps of the courthouse.

### *Cumulative Impacts*

Construction projects in the Mammoth area and northwestern part of Yellowstone would continue to occur. Housing construction projects and rehabilitation of historic buildings would continue in the Mammoth Hot Springs area. Housing projects and their effects on visitor use and experience were evaluated in the Mammoth Housing Plan and EA (2003).

### *Conclusion*

This alternative would result in continued direct, local, and minor impacts on visitor use and experience. Because there would be no adverse impacts to a resource or value whose conservation is (1) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of Yellowstone National Park; (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (3) identified as a goal in the park's general management plan or other relevant NPS planning documents, there would be no impairment of the park's resources or values.

## Impacts of Alternative 2 on Visitor Use and Experience

### *Impact Analysis*

Construction of the Justice Center would have minor, direct, short-term, site-specific inconveniences on park visitors and employees from construction activities associated with the proposed project.

As discussed in the "Wildlife" section of Environmental Consequences, elk are habituated to bluegrass lawns in Mammoth Hot Springs and are somewhat adapted to the presence of visitors. Because elk are adaptable, it is expected they will continue to use the area following construction of the proposed building, allowing for continued wildlife viewing and photography. Dormitory residents and visitors would continue to have the opportunity to picnic and recreate to the southwest of the proposed Justice Center.

Construction of the project, if possible, would be scheduled to minimize disturbances to visitors during the peak summer season. Some delays due to construction activities and traffic would occur. There would be little impact on existing parking, as the court reserved parking spaces would be relocated to the other end of the Esplanade rather than close to the Pagoda.

### *Cumulative Impacts*

Construction projects in the Mammoth area and northwestern part of Yellowstone would continue to occur. Housing construction projects and rehabilitation of historic buildings would continue in the Mammoth Hot Springs area. Housing projects and their effects on visitor use and experience were evaluated in the *Mammoth Housing Plan and EA* (2003). Visitation to Mammoth Hot Springs would not increase because of this proposal; however, those visitors to the Justice Center would be better served by an appropriately designed facility.

### *Conclusion*

This alternative would have minor, direct, short-term, site-specific inconveniences on park visitors due to construction activities. Because there would be no adverse impacts to a resource or value whose conservation is (1) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of Yellowstone National Park; (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (3) identified as a goal in the park's general management plan or other relevant NPS planning documents, there would be no impairment of the park's resources or values.

## CONSULTATION AND COORDINATION

### List of Agencies and Organizations

Agencies and organizations contacted for information or that assisted with identifying important issues, developing alternatives, or analyzing impacts; or that will review and comment upon the environmental assessment/ assessment of effect include:

Wyoming State Historic Preservation Office  
U. S. Fish and Wildlife Service  
Yellowstone's 26 Associated Indian Tribes  
U.S Courts  
U.S Marshals Service

### List of Recipients

Complete list is on file in Yellowstone's Planning Office

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CTA Architects:

Bob LaPerle  
Mike Tuss

U.S. Judges:

Magistrate Judge Stephen Cole  
Chief Judge William F. Downes

U.S. District Court Personnel:

John Doyle  
Betty Griess  
Robert Hammervold  
Stephan Harris  
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