

**UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
-Record of Decision-**

**FINAL GENERAL MANAGEMENT PLAN /
ENVIRONMENTAL IMPACT STATEMENT**

Ozark National Scenic Riverways, Missouri

The National Park Service (NPS) prepared this Record of Decision on the *Final General Management Plan / Environmental Impact Statement* (GMP/EIS) for the Ozark National Scenic Riverways. This Record of Decision includes a description of the project background, the purpose and need for the plan; the decision on the selected action, other alternatives considered, and a description of the environmentally preferable alternative. It includes a listing of measures to minimize environmental harm, an overview of public and agency involvement in the decision-making process, the basis for the decision, and an appendix related to the nonimpairment determination for the selected action.

OZARK NATIONAL SCENIC RIVERWAYS ESTABLISHMENT

An Act of Congress established the Ozark National Scenic Riverways (National Riverways) in 1964 (Public Law 88-492) to protect 134 miles of the Current and Jacks Fork Rivers in the Ozark Highlands of southeastern Missouri. As stated in the enabling legislation, the purpose of the National Riverways is:

... conserving and interpreting unique scenic and other natural values and objects of historic interest, including preservation of portions of the Current River and the Jacks Fork River in Missouri as free-flowing streams, preservation of springs and caves, management of wildlife, and provisions for use and enjoyment of the outdoor recreation resource thereof by the people of the United States ...

The National Riverways are located in Shannon, Carter, Dent, and Texas counties. Within the boundaries are approximately 80,785 acres of river, forest, open field, and glade environments. Of that, 51,654 acres are federal and 29,131 acres are in nonfederal ownership.

PROJECT BACKGROUND

The notice of intent to prepare an environmental impact statement was published in the *Federal Register* on December 5, 2006 (Volume 71, Number 233, Pages 70530–70531). The GMP/EIS for the National Riverways was developed under the guidance of an interdisciplinary planning team including the superintendent and park staff, as well as staff from the NPS Midwest Regional Office and the NPS Denver Service Center.

In developing the GMP/EIS, the planning team actively engaged the public, stakeholders, and government officials at the federal, state, and local levels. Additional details in this involvement are highlighted in the “Public, Agency, and Tribal Involvement” section of this Record of Decision.

The GMP/EIS presents four alternatives for the future management of the National Riverways. Based on the purpose and significance of the National Riverways, the alternatives provide different ways to manage resources and visitor use and improve facilities and infrastructure. The four alternatives include the no-action alternative (continuation of current management) and three action alternatives, designated alternative A, alternative B (NPS preferred), and alternative C. The action alternatives include management zones, which only apply to land areas for which the NPS has fee title land ownership. Management zones do not apply to private lands within park boundaries, including private lands with overlaying scenic or conservation easements.

PURPOSE AND NEED FOR THE PLAN

Each NPS unit is required to have a general management plan to meet the requirements of the National Parks and Recreation Act of 1978 and NPS policy. The purpose of the GMP/EIS and this Record of Decision is to provide direction for managing park resources and visitor use, while establishing resource conditions and visitor experiences to be achieved and maintained over time. The planning framework outlined in the GMP/EIS is consistent with the laws generally applicable to units of the NPS system, including the NPS Organic Act, for making decisions to ensure the preservation of natural and cultural resources to provide for a high-quality visitor experience. The inclusion of a wilderness evaluation as part of the GMP/EIS fulfills the NPS commitment in the *1984 Ozark National Scenic Riverways General Management Plan* to initiate a formal wilderness study should “conditions precluding legislative wilderness designation change in the future.” The study is supported by documented analysis in compliance with the National Environmental Policy Act and the National Historic Preservation Act.

The GMP/EIS provides comprehensive guidance for perpetuating natural systems, preserving cultural resources, providing opportunities for quality visitor experiences at the National Riverways, and replaces the 1984 plan, which is outdated and does not effectively meet current management challenges or address current park issues. Much has changed since completion of the last general management plan, including the following:

- Patterns and types of visitor use.
- The NPS has learned more about the National Riverways’ diverse natural and cultural resources and the challenges involved in protecting them.
- Existing uses, providing opportunities to recommend a small portion of the National Riverways’ lands for designation as potential wilderness.

Each of these changes has had major implications for how visitors access and use the National Riverways, the facilities needed to support those uses, how resources are managed, and how the NPS manages its operations and meets its obligations to the American public.

The approved general management plan will serve as the primary guidance document for managing National Riverways for the next 20 years and is intended to:

- Confirm the purpose and national significance of the National Riverways.
- Determine the best mix of resource protection and visitor experiences.
- Allocate management zones that implement the goals of the NPS by defining specific resource conditions, visitor experiences, appropriate recreational activities, and facilities.
- Determine whether proposed actions are consistent with the goals embodied in the approved general management plan.
- Provide guidance for more detailed implementation level planning documents.

In addition, the GMP/EIS includes a wilderness study for the Big Spring tract located in the southern portion of the National Riverways. Wilderness, which can be designated only by Congress, provides for permanent protection of lands in their natural condition that provide outstanding opportunities for solitude or primitive and unconfined recreation. Wilderness studies typically result in a recommendation to Congress to designate all, some, or none of the lands possessing wilderness character as part of the national wilderness preservation system. The *1984 General Management Plan* evaluated the entire National Riverways for wilderness suitability. Three potential wilderness areas were identified: the Upper Jacks Fork, Big Spring, and Cardareva. Of these areas, the Big Spring tract is the only area that warranted further study. As such, the wilderness study element of the updated general management plan focused specifically on whether lands in the Big Spring tract are appropriate for wilderness designation.

The NPS concluded that 3,430 acres of the Big Spring tract are suitable for wilderness designation. This area will continue to be managed to maintain the wilderness values and characteristics, or in a manner that does not conflict with its suitability as wilderness, as required per *NPS Management Policies 2006*.

DECISION (SELECTED ACTION)

The NPS has selected the preferred alternative (alternative B) as described in the Final GMP/EIS issued in December 2014. Alternative B (the preferred alternative) will enhance opportunities for visitors to discover and learn about the natural wonders and Ozark heritage of the National Riverways, while maintaining a mix of traditional recreational and commercial activities. Emphasis will be placed on increasing opportunities for visitor education and connections to natural resources and cultural landscapes.

This alternative focuses on providing a balance of diverse recreational opportunities and visitor experiences along with increasing visitor education and appreciation of natural and cultural resources of the park unit. For example, a mix of private and guided traditional recreational activities like boating, floating, and horseback riding will occur under this alternative. Additional trails and a small learning center at the rehabilitated Powder Mill will be developed to better orient and inform visitors. Natural resources will be restored to more natural conditions, while maintaining greater opportunities for visitor access. Most of the Big Spring Wilderness Study Area will be recommended for wilderness designation.

This alternative will provide a comprehensive National Riverways-wide approach to resource and visitor use management. Specific management zones detailing acceptable resource conditions, visitor experience and use levels, and appropriate activities and development will be applied to National Riverways lands consistent with this concept.

Elements of this alternative will support the resilience of the National Riverways to expected impacts from climate change, such as warmer temperatures, an extended fire season, and changes to water flow regimes, all of which may affect cultural and natural resources and visitor experience at the National Riverways. Some of the strategies for climate change adaptation and sustainability in the preferred alternative include restoring key ecosystem features and processes, protecting cultural resources to increase their resilience to climate change, and providing additional opportunities for nonmotorized recreation during the peak use season.

The cost of implementing the preferred alternative will be phased over the lifetime of the GMP/EIS as funding permits. One-time capital investments and deferred maintenance costs for the preferred alternative are estimated at \$30.5 million. Initially, program costs for increased resources management will be the primary expenditures, followed by personnel and facilities development appropriate to staffing, operation, and program needs over time. Full implementation of the preferred alternative will take time, and will be dependent upon funding.

Changes to the Preferred Alternative

Following release of the Draft GMP/EIS and a review of public comments, the NPS revised the plan and its preferred alternative to provide additional points of clarification and refine key management practices that emphasize a balanced approach to the protection of natural and cultural resources, while enhancing ways for visitors to experience and connect with these resources. Changes to the preferred alternative generally fell within four broad topic areas: (1) river-based access and use, (2) land-based access and use, (3) natural resource management, and (4) public outreach and partnerships. These changes are noted below.

River-Based Access and Use

Seasonal Motorboat Access to the Upper Current and Jack Fork Rivers. In acknowledgement of the strong cultural ties to gigging and trapping in the upper portions of the Current and Jacks Fork Rivers, the planning team modified the preferred alternative to accommodate motorboats with engines rated up to 25 horsepower (hp) or less at the power head in order to allow these activities from the beginning of gigging season through the end of trapping season. The preferred alternative previously proposed year-round closure to all motorboats in these upper reaches of the rivers. This change will occur following the rule-making process.

Motorboat Horsepower Limits on the Lower Current River below Big Spring. In acknowledgement of the greater depth and width of the Current River below Big Spring to the southern boundary of the National Riverways, the preferred alternative was revised to allow up to 150 hp motorboats. The preferred alternative previously proposed changing the regulation in this portion of the river from unlimited horsepower to 60/40 hp rated at the power head of the motor. This change may take several years to fully implement and phase in over time.

Land-based Access and Use

Gravel Bar Access and Camping. In reviewing the many comments on the topic of gravel bar access and camping, the planning team clarified language concerning the agency's intention in the draft plan that was misleading. The preferred alternative was modified to reflect the following language: Gravel bar camping will continue to be allowed for those accessing gravel bars by watercraft, as long as the location of the campsite is 0.5 mile away from any designated campground and at least 50 feet away from any designated river access. For some gravel bars that are accessed by licensed vehicles, the preferred alternative proposes designating gravel bar camping areas and/or campsites. This action is intended to improve visitor safety and enjoyment and resource protection.

Equestrian Trails. Currently, there are 23 miles of designated equestrian trails within the National Riverways and approximately 90 miles of undesignated trails. Many of the undesignated trails have resulted in damage to natural resources and made navigation of the trail system difficult for many trail users. In acknowledgement of the great amount of interest and support for equestrian activities, the preferred alternative was revised to increase the amount of designated trails by an additional 25 to 45 miles. The remaining undesignated trails will be restored to natural conditions. The preferred alternative previously proposed designating 35 miles of additional trails and restoring the remaining miles of undesignated trails.

Roads and Trails Management. The preferred alternative was revised to include a commitment to develop and implement a roads and trails management plan. The plan will be the basis for making informed decisions about where to designate trails (for equestrian use, hiking, and mountain biking) and river crossings to minimize impacts to sensitive areas, while also ensuring that the NPS continues to provide high quality experiences for all trail users. The plan will also evaluate road ownership within the park boundary to ensure consistency with NPS objectives. Until a roads and trails management plan is completed, those unauthorized trails that pose the greatest threat to park resources and visitor safety could be closed on a case-by-case basis.

Natural Resource Management

Based on comments from the US Fish and Wildlife Service, the preferred alternative was modified to emphasize that the NPS will continue to consult with the US Fish and Wildlife Service on all applicable phases of the plan's implementation. In addition, the NPS recommitted to ongoing monitoring of rare species (e.g., Ozark hellbender) and interagency research efforts. The preferred alternative was also updated to state that the NPS will strive to partner with surrounding communities on wastewater management to improve water quality in the Riverways.

Public Outreach and Partnerships

Many commenters on the Draft GMP/EIS stated that the NPS should more effectively communicate with the public, including suggestions for establishment of a working group to enhance the interests of the National Riverways. The GMP/EIS commits the NPS to working cooperatively with others to anticipate, avoid, and resolve potential conflicts, protect National

Riverways resources, and address mutual interests related to the quality of life for community residents. Based on public comment, the preferred alternative was revised to emphasize more opportunities for partnerships, including those with local community organizations and chambers of commerce for park cultural demonstrations, special events, and assistance with protecting the National Riverways' natural and cultural resources. In an effort to further improve communications, the GMP/EIS noted that the National Riverways will develop a communications plan. This plan will detail how park management proposes to disseminate information to the public on a regular basis, respond to concerns about park operations, and encourage feedback on park issues.

OTHER ALTERNATIVES CONSIDERED

No Action Alternative

The no-action alternative describes how the National Riverways has been and would continue to be managed without the implementation of an action alternative. The primary purpose of the no-action alternative is to establish a baseline for determining the impacts of the action alternatives. It reflects current resource conditions and trends, existing recreational opportunities, types of development, and levels of service. The no-action alternative also describes ongoing management issues, such as resource degradation and visitor conflicts.

Under the no-action alternative, the NPS would continue to maintain the Big Spring tract's primitive, natural character to maintain its wilderness eligibility.

Alternative A

Under alternative A, management would focus on creating visitor experiences and providing resource conditions that help visitors better understand the riverways of the past, including traditional river recreation activities reminiscent of those that occurred when the National Riverways was established. Management would emphasize greater opportunities for traditional, nonmechanized forms of recreation and visitor experiences that are quieter, less crowded, and slower paced. Management would also focus on protecting natural resources and systems. Under this alternative, most of the Big Spring Wilderness Study Area would be recommended for wilderness designation.

Management would strive to provide more secluded visitor experiences and more awareness of, and opportunities for, historical cultural connections. Emphasis would be placed on restoring natural resources to more natural conditions and limiting development. Visitor services and facilities would be retained only to provide access for specific recreational and administrative activities. For example, roads and trails that have been illegally developed would be closed and rehabilitated with native vegetation. Some commercial services may be limited to achieve desired resource and visitor experience conditions.

Alternative A would provide a comprehensive National Riverways-wide approach to resource and visitor use management. Specific management zones detailing acceptable resource conditions, visitor experience and use levels, and appropriate activities and development would be applied to National Riverways lands consistent with this concept.

Alternative C

Under alternative C, management would primarily seek to provide a diversity of outdoor recreational opportunities and experiences while maintaining the highly scenic natural setting and cultural resources. The National Riverways would be managed to support higher levels and diverse types of recreational opportunities, with a focus on more intensive management to ensure that excessive impacts on resources or public safety would not occur. In addition, land-based recreational opportunities would be increased.

Visitors would experience higher levels of social interaction with other visitors, especially during the peak season, which is generally defined as March 15 through Labor Day. Additional facilities such as campgrounds and trails would be developed to accommodate increased levels and different types of visitor use.

To support these recreational conditions, there would be a higher tolerance for resource impacts on more heavily used areas. Monitoring efforts would be emphasized to track natural resource conditions so unacceptable impacts from recreational activities did not occur. Interpretive and education programs would focus on expanding visitor connection with natural and cultural resources while improving their knowledge of low-impact recreational uses. The goal of such programs would be to encourage resource stewardship. Under this alternative, approximately half of the Big Spring Wilderness Study Area would be recommended for wilderness designation.

This alternative would provide a comprehensive National Riverways-wide approach to resource and visitor use management. Specific management zones detailing acceptable resource conditions, visitor experience and use levels, and appropriate activities and development would be applied to National Riverways lands consistent with this concept.

ENVIRONMENTALLY PREFERABLE ALTERNATIVE

The NPS is required to identify the environmentally preferable alternative in its National Environmental Policy Act documents for public review and comment. Guidance from the Council on Environmental Quality defines the environmentally preferable alternative as the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historical, cultural, and natural resources” (46 Federal Register 18026, Q6a). It should be noted there is no requirement that the environmentally preferable alternative and the NPS preferred alternative be the same.

The NPS identified alternative A as the environmentally preferable alternative. Alternative A would best protect the biological and physical environment by zoning larger portions of the

National Riverways as primitive, natural, and nonmotorized when compared to the other alternatives. Although alternatives A and B contain similar strategies to meet the goal that identifies the environmentally preferable alternative, alternative A was selected primarily because of its greater ability to protect geologic resources and soils and water resources. The no-action alternative and alternative C would protect natural and cultural resources in accordance with NPS policies, but provide for more recreation and place less emphasis on biological and physical resource protection than alternatives A and B. All action alternatives would clarify desired conditions and provide more comprehensive direction to manage for these conditions than framework currently provided through the no-action alternative.

Alternative A would use management zones to place a stronger emphasis on managing natural resources in the National Riverways. Negative effects to water and geologic resources and soils would be reduced from greater limits on development, more closure and restoration of undesignated horse stream crossings, roads and traces, and prohibition of vehicular access to all gravel bars. Geologic resources and soils would benefit most under alternative A from a reduction in karst degradation, erosion, sedimentation, and compaction. Out of all the alternatives, alternative A would manage the greatest portion of the riverways as nonmotorized. This would substantially reduce riverbed disturbances, minimize and control wake disturbances and associated erosion along riverbanks, and reduce petroleum-based pollutants from motorboats in nonmotorized areas and downstream. Other benefits to water resources from management strategies under alternative A include, reduced sedimentation and erosion, reduction in levels of nutrient loading in waterways from horse manure, and minimization of negative effects from facility development and park operations.

Each of the action alternatives, as well as the no-action alternative, would have similar minimal impacts on cultural resources. The action alternatives (A, B, and C) would enhance preservation of National Riverways cultural resources through the introduction of land and river management zones and implementation of additional cultural resource protection, restoration, and interpretation strategies. For example, under alternative A, protection and preservation of cultural landscapes, including open fields to preserve pastoral scenes would be emphasized. Under alternative B, selected structures and sites may receive special attention to support Ozark heritage educational programs. An oral history program will be restarted and the archive and collections program will be expanded to provide additional archeological storage space. Under alternative C, monitoring of cultural resource conditions would be emphasized in order to achieve desired conditions while allowing for expanded visitor access to historic structures and cultural landscapes.

MEASURES TO MINIMIZE ENVIRONMENTAL HARM

Over the next 20 years, as the NPS implements the actions associated with the selected alternative, it must protect the National Riverways natural and cultural resources and not impair the quality of the visitor experience. The NPS has investigated all practical measures to avoid or minimize environmental harm that could result from the selected action. Measures to avoid or minimize environmental harm have been identified and incorporated into the selected alternative and are described in the Final GMP/EIS.

During implementation of this plan, the NPS will prepare appropriate environmental compliance reviews, such as those required by the National Environmental Policy Act, National Historic Preservation Act's sections 106 and 110, Archaeological Resources Protection Act, Endangered Species Act, Clean Water Act, and other relevant legislation. As part of the environmental review, the NPS will avoid, minimize, and mitigate adverse impacts to the extent as is possible. The park unit may consider implementing a compliance monitoring program that would apply these mitigation measures and include reporting protocols.

Natural Resources

A detailed list of mitigation measures related to natural resources is outlined in the Final GMP/EIS. Because of the presence of federally listed species, and the importance of managing for these species in the future, the NPS will continue to work closely and consult with the U.S. Fish and Wildlife Service regarding programmatic consultation under section 7 of the Endangered Species Act on all applicable phases of the plan's implementation. The NPS will also work with the U.S. Fish and Wildlife Service to develop and implement conservation plans and strategies to protect all federal listed species in the National Riverways to fulfill the intent of section 7(a)(1) of the Endangered Species Act. Ongoing monitoring of listed species (e.g., Indiana bat, gray bat, and Ozark hellbender) will continue, along with involvement in associated interagency research efforts.

Some of the specific mitigation actions identified in the Final GMP/EIS related to threatened, endangered, and sensitive species have been noted below. Specifically, the NPS will take the following actions:

- In order to provide baseline data, surveys for rare, threatened, and endangered species will be conducted before deciding to take any action that may cause harm or disturb habitat value, including recreational facilities and uses. Appropriate measures to protect any sensitive species, whether identified through surveys or presumed to occur, will be taken in consultation with the U.S. Fish and Wildlife Service and/or the Missouri Department of Conservation.
- If breeding or nesting areas for threatened and endangered species are observed in the National Riverways, these areas will be protected from human disturbance to the greatest extent possible, in accordance with the guidelines and recommendations of the U.S. Fish and Wildlife Service and/or Missouri Department of Conservation.
- New facilities and management actions will be located and designed to avoid adverse effects on habitat for rare, threatened, and endangered species. If avoidance of adverse effects on rare, threatened, and endangered species is not possible, appropriate conservation measures will be taken in consultation with the appropriate resource agencies.
- A special status species education plan that targets all human occupants of the park unit (including NPS staff, contractors, concessioners, and the public) will be developed and implemented. The plan will aim at providing important information about the various species in an attempt to minimize or eliminate avoidable habitat disturbances from human activity.

- Restoration or monitoring plans will be developed and implemented in accordance with the recommendation and standards of the appropriate resource agencies. Plans will include methods for implementation, performance standards, monitoring criteria, and adaptive management techniques. The plans will include scheduling future surveys for special status species, which will be used to assess the impact of management actions and public uses on the various species.

Further, it is important to note that mitigation actions will occur during normal park operations as well as before, during, and after any construction to minimize immediate and long-term impacts on rare, threatened, and endangered species. These actions will vary, depending on the type of project and its location. These mitigation measures will be incorporated, as necessary, into each specific action as the general management plan is implemented. Many of the measures listed in the Final GMP/EIS for vegetation and wildlife will also benefit rare, threatened, and endangered species.

Cultural Resources

In general, all reasonable measures will be taken to avoid, minimize, or mitigate adverse effects in consultation with the Missouri State Historic Preservation Office, traditionally associated tribes, local governments, and other concerned parties as appropriate. This consultation will be in accordance with 36 CFR 800 and the 2008 Programmatic Agreement Among the NPS (U.S. Department of the Interior), Advisory Council on Historic Preservation, and National Conference of State Historic Preservation Officers for Compliance with section 106 of the National Historic Preservation Act.

PUBLIC, TRIBAL, AND AGENCY INVOLVEMENT

The Final GMP/EIS for National Riverways represents input and ideas presented by the NPS, the public, American Indian tribes, and other federal and state agencies. Consultation and coordination among the public, the tribes, and agencies, were vitally important throughout the planning process.

Public Meetings and Public Comment

The National Riverways' planning team consulted with the public throughout the planning process. The primary avenues available to the public for providing input during the development of the plan included participation in public meetings and submitting comments via the NPS planning website or by regular mail.

Public meetings, newsletters, and workshops were used throughout the planning process to keep the public informed. A mailing list was compiled and continually updated that consisted of members of government agencies, organizations, businesses, legislatures, local governments, and interested citizens.

Five public scoping meetings were held during September 2006 in Van Buren, Eminence, Poplar Bluff, Salem, and St. Louis. The purpose of these meetings was to obtain early input on the public's vision for the National Riverways' future and any issues, concerns, and ideas related to the general management plan. More than 290 people attended these initial public scoping meetings. Issues and concerns expressed during scoping generally focused on balancing appropriate visitor use, types and levels of facilities, services, and activities with desired resource conditions. Comments and suggestions offered by participants also provided NPS planners with important insights about what National Riverways' visitors, neighboring landowners, county officials, science experts, and others expected from the general management plan.

A second set of public meetings and a public comment period occurred during the summer of 2009. Public open houses took place in Van Buren, Eminence, Salem, Columbia, and St. Louis. The main purpose of the comment period and meetings was to discuss and receive feedback on the preliminary alternatives. Over 1,015 people attended these open houses. A total of 5,117 comments were received through open houses, comment forms, e-mails, letters, and the project's website.

In response to the large number of comments on the preliminary management alternatives, particularly those relating to motorboat use and river use management, the NPS obtained additional input from stakeholder groups in a workshop. In February 2010, 34 stakeholders met over two days to discuss varying strategies for how to best manage park resources and recreation opportunities. The results of this workshop were considered when refining the alternatives and developing a preferred alternative. The preferred alternative was carried through the Draft GMP/EIS.

In addition to extensive public engagement conducted in earlier phases of the general management planning process, the NPS conducted four public meetings in January 2014 to share the Draft GMP/EIS with the public and solicit public feedback. The draft plan was released to the public on November 8, 2013, with a 90-day comment period that closed on February 7, 2014. Public meetings were initially scheduled in December 2013, but severe winter weather and requests from the public resulted in the postponement of the meetings. The NPS rescheduled the meetings twice and finally held them on January 16, 17, 21, and 22. Three of the meetings were held in the surrounding communities of Eminence, Salem, and Van Buren. One public meeting was held in the St. Louis area (Kirkwood). The NPS made a concerted effort to advertise both rounds of meetings in local and regional media outlets, as well as through direct mailings, online information on the park unit's webpage, and via social media. These meetings attracted more than 1,450 attendees and were some of the most widely attended public meetings held by the NPS nationwide in recent years.

Consultation with Indian Tribes

In August 2003, park staff traveled to Oklahoma and Missouri to meet with the following culturally associated American Indian tribes:

- Cherokee Nation (Tahlequah, OK)
- Delaware Nation (Anadarko, OK)
- Delaware Tribe of Indians (Bartlesville, OK)

- Eastern Shawnee Tribe of Oklahoma (Seneca, MO)
- Osage Nation (Pawhuska, OK)
- United Keetoowah Band of Cherokee Indians (Tahlequah, OK)

The purpose of the meetings was to introduce NPS staff to the tribal leadership and improve the exchange of information as part of ongoing government-to-government consultations. Tribal leaders were oriented to the National Riverways and shared information regarding tribal origins, ancestral homelands, migrations to Oklahoma and eastern Missouri, and the relationships to other tribes in the area. NPS staff informed the tribes of upcoming park plans and facility development projects. The tribes were advised of the upcoming general management plan and the importance of tribal input in the planning process to help guide long-term park management. Tribes were asked to share potential interests and concerns related to the planning effort.

In October 2006, park staff traveled to Oklahoma and Missouri to update the tribes on the status of the general management planning process and to gather and share information. Consultation meetings were held with the following:

- Absentee-Shawnee Tribe of Indians of Oklahoma (Shawnee, OK)
- Cherokee Nation (Tahlequah, OK)
- Delaware Nation (Anadarko, OK)
- Delaware Tribe of Indians (Bartlesville, OK)
- Eastern Shawnee Tribe of Oklahoma (Seneca, MO)
- Osage Nation (Pawhuska, OK)
- Shawnee Tribe (Miami, OK)
- United Keetoowah Band of Cherokee Indians in Oklahoma (Tahlequah, OK)

In consultation meetings held in November 2010, park staff provided updates of the general management plan and wilderness study. The tribes were given copies of newsletter 3 (spring/summer 2009) and informed of the preliminary alternatives. The NPS staff extended invitations to all the tribal representatives to visit the National Riverways and to actively participate in the planning process. Meetings were held with the following:

- Absentee-Shawnee Tribe of Indians of Oklahoma (Shawnee, OK)
- Cherokee Nation (Tahlequah, OK)
- Delaware Nation (Anadarko, OK)
- Delaware Tribe of Indians (Bartlesville, OK)
- Eastern Shawnee Tribe of Oklahoma (Seneca, MO)
- Shawnee Tribe (Miami, OK)
- United Keetoowah Band of Cherokee Indians in Oklahoma (Tahlequah, OK)

A meeting with the Osage Nation was canceled due to a scheduling conflict, but park staff provided the tribe with an informational letter and materials regarding the general management planning effort.

The staff of National Riverways will continue to consult with associated tribes as part of ongoing government-to-government relations. NPS staff will further consult with regard to specific actions and undertakings arising from the general management plan that are proposed for future implementation.

Consultation with the US Fish and Wildlife Service

The NPS contacted the US Fish and Wildlife Service in a letter dated January 12, 2011. The letter advised the U.S. Fish and Wildlife Service of the NPS planning process for the Draft GMP/EIS and requested a current list of federally listed threatened, endangered, and candidate species within the Riverways.

A response memorandum from the US Fish and Wildlife Service, dated March 22, 2011, indicated that three such species might be found within the National Riverways. The species were the Indiana bat, the gray bat, and the Ozark hellbender. Subsequent to this letter, in October 2013, the US Fish and Wildlife Service also proposed the northern long-eared bat for listing as endangered under the Endangered Species Act. Copies of the NPS project newsletters were also provided to the US Fish and Wildlife Service over the duration of the planning process to keep the agency updated on the plan status.

In the months prior to the release of the Draft GMP/EIS, the NPS conducted informal discussions with the US Fish and Wildlife Service on possible effects on listed species from actions proposed for the National Riverways. The NPS also provided a copy of the draft document to the US Fish and Wildlife Service for their preliminary review.

In these informal consultation communications, NPS staff sought advice from the US Fish and Wildlife Service regarding how best to fulfill NPS responsibilities for complying with section 7 of the Endangered Species Act. These discussions had two primary outcomes. First, the NPS would commit under all action alternatives to working closely with the US Fish and Wildlife Service to develop and implement conservation plans and strategies for all federally-listed species in the National Riverways (under the Endangered Species Act, Section 7). Secondly, the NPS would prepare and submit a biological assessment for the general management plan, with a biological opinion prepared by the US Fish and Wildlife Service in response and prior to implementation of this plan. The biological opinion would likely provide determinations of effect for listed species, and mitigation measures for the NPS to follow to ensure protection of certain threatened or endangered species.

Subsequently, the US Fish and Wildlife Service reviewed the Draft GMP/EIS and submitted a review memorandum to the NPS, dated February 7, 2014. This review letter reiterated the importance of further consultation with the US Fish and Wildlife Service prior to the implementation of the plan. The letter also identified the US Fish and Wildlife preference for alternative A and identified various concerns with park management on the Ozark hellbender. The letter noted the importance of the NPS pursuing management actions and studies to assess management effects on the Ozark hellbender prior to plan implementation. A NPS response to the US Fish and Wildlife Service review comments is included in the "Comments and Responses

to the Ozark National Scenic Riverways Draft General Management Plan / Environmental Impact Statement” section of the Final GMP/EIS.

The NPS also sent a letter dated January 12, 2011, to the Missouri Department of Conservation advising it of the NPS planning process for the GMP/EIS and included a then-current list of special status species within the National Riverways. The NPS asked the Missouri Department of Conservation to provide feedback regarding the accuracy and thoroughness of the list.

On January 26, 2011, the Missouri Department of Conservation provided an updated list. Copies of each NPS project newsletter were also provided to the Missouri Department of Conservation to keep the department updated on the planning process.

Section 106 Consultation

On November 15, 2010, park staff met with representatives of the Missouri State Historic Preservation Office and the Missouri Attorney General’s Office. At that meeting, the park staff explained the general management planning and wilderness study process and the current phase of the plan. The state historic preservation officer was provided a copy of Newsletter 3 (spring/summer 2009) and was informed of the preliminary alternatives that had been developed. National Riverways staff agreed to keep the state historic preservation officer informed as the general management planning process progressed.

In a letter dated June 11, 2014, the director of the Missouri State Historic Preservation Office notified the superintendent of National Riverways that their office had reviewed the Draft GMP/EIS in accordance with section 106 of the National Historic Preservation Act and 36 CFR 800. Based on their review, they concurred with the NPS finding that the preferred alternative (B) offers the outcomes that would be most beneficial to the preservation of the National Riverways’ historic, architectural, archeological, and cultural landscape resources. The NPS will continue to consult with the Missouri State Historic Preservation Office under section 106 requirements as undertakings presented in the GMP/EIS advance toward more detailed design development and implementation stages.

BASIS FOR DECISION

The NPS selected alternative B as its preferred alternative following an evaluation of the effectiveness of each alternative in meeting the stated objectives of the general management plan, and the environmental benefits and adverse impacts for each alternative. This alternative provides the best combination of strategies to protect the park unit’s unique natural and cultural resources and visitor experience, while improving the park unit’s operational effectiveness and sustainability. It also provides other advantages to the National Riverways, regional communities, partners, and stakeholders. Additionally, the preferred alternative provided the NPS with the greatest overall benefit for the most reasonable cost.

CONCLUSION

The preferred alternative sets a vision and framework for meeting the NPS' purposes, goals, and criteria for managing National Riverways and for meeting national environmental policy goals. Selection of this alternative, as reflected by the analysis contained in the Final GMP/EIS and the determination attached to this Record of Decision, will not result in the impairment of park resources and will allow the NPS to conserve National Riverways' resources and provide for their enjoyment by visitors.

Approved: Patricia S. Trap Date: 1-22-15

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APPENDIX A

NONIMPAIRMENT DETERMINATION FOR THE SELECTED ACTION

In addition to determining the environmental consequences of implementing the preferred and other alternatives, National Park Service *Management Policies 2006* (Section 1.4) requires analysis of potential effects to determine whether or not the preferred alternative would impair a park's resources and values. The preferred alternative for the *General Management Plan / Environmental Impact Statement* (GMP/EIS) is alternative B.

The fundamental purpose of the National Park System, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, begins with a mandate to conserve park resources and values. National Park Service (NPS) managers must always seek ways to avoid, or to minimize to the greatest degree practicable, adverse impacts on park resources and values. However, the laws do give the NPS the management discretion to allow impacts on park resources and values when necessary and appropriate to fulfill the purposes of the park. That discretion is limited by the statutory requirement that the NPS must leave resources and values unimpaired unless a particular law directly and specifically provides otherwise.

The prohibited impairment is an impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values (NPS *Management Policies 2006*). Whether an impact meets this definition depends on the particular resources that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts.

An impact on any park resource or value may, but does not necessarily, constitute impairment. An impact would be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is:

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

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

Impairment may result from visitor activities, NPS administrative activities, or activities undertaken by concessioners, contractors, and others operating in the park. Impairment may also result from sources or activities outside the park. A determination of impairment is made for each of the resource impact topics carried forward and analyzed in the environmental impact statement for the preferred alternative. Impairment findings are not necessary for visitor experience, socioeconomics and environmental justice, and park operations. These impact areas

are not generally considered park resources or values according to the Organic Act, and cannot be impaired the same way that an action can impair park resources and values. After dismissing the above topics, topics remaining to be evaluated for impairment include cultural resources and natural resources.

Fundamental resources and values for the National Riverways are identified in the Final GMP/EIS. Of the impact topics carried forward in the plan, topics evaluated for impairment included cultural resources (i.e. human occupation of and enduring connection to the Ozark Highlands), and natural resources (i.e. karst-based hydrogeological system, free-flowing river water quality, and high-quality ecosystems). Nonimpairment, as it pertains to these fundamental resources and values, is described in the context of the following resource topics evaluated below.

CULTURAL RESOURCES

Archeological Resources

Numerous prehistoric and historic archeological sites have been recorded within the boundaries of the National Riverways, and many are listed in the National Register of Historic Places. Most of the archeological investigations in the National Riverways have been conducted in the river valleys, revealing a high density of large-scale, complex, and/or multi-component sites. Prehistoric sites documenting nearly all American Indian cultural periods in the region have been identified, from the Paleoindian Period (about 12,000 to 8,000 BC) through the Emergent Mississippian stage (AD 700 - 1000). Among the historic archeological sites are those likely associated with activities of the Osage Nation and other culturally associated tribes, 19th century Euro-American farmsteads and dwellings, town and mill sites, and other resources associated with extractive industries.

Under the preferred alternative, all continuing and proposed actions that potentially entail ground disturbance as a result of new construction or other development will be assessed and monitored as necessary to ensure that archeological resources, if identified in project areas, are avoided or that adverse impacts are adequately mitigated in accordance with Section 106 requirements. No unavoidable impacts to archeological resources are foreseen. Consequently, implementation of the preferred alternative will not result in impairment of archeological resources.

Historic Buildings, Structures, and Cultural Landscapes

National Riverways contains numerous historic buildings, structures, and cultural landscape features associated primarily with 19th century settlement, farmsteads, mill sites, and other local activities. Many of these properties are listed in the National Register of Historic Places or have been determined eligible for listing. Some of the oldest buildings date to the 1850s (e.g., the Maggard Cabin and the Reed Log House). The National Riverways also preserves several rustic structures built by the Civilian Conservation Corps during the 1930s for former state parks developed along the riverways. Information on the National Riverways' historic buildings,

structures, and cultural landscapes is maintained on the List of Classified Structures and Cultural Landscape Inventory.

All ongoing and proposed actions under the preferred alternative that could potentially affect the integrity of historic structures and cultural landscapes will be assessed to ensure that significant character-defining features and architectural elements are preserved, and that adverse impacts are avoided or adequately mitigated in accordance with section 106 requirements. No unavoidable impacts to historic structures and cultural landscapes are foreseen from project actions. NPS staff will expand efforts to preserve, restore/rehabilitate, and interpret historic structures and cultural landscapes. Consequently, implementation of the preferred alternative will not result in an impairment of historic structures and cultural landscapes.

Ethnographic Resources

Ethnographic resources are likely to exist throughout Ozark National Scenic Riverways and the surrounding region having traditional associations with the National Riverways' culturally associated tribes: Osage Nation, Shawnee Tribe, Cherokee Nation, United Keetoowah Band of Cherokee Indians, Delaware Nation, the Absentee Shawnee Tribe of Oklahoma, Delaware Tribe of Indians, and the Eastern Shawnee Tribe of Oklahoma. National Riverways also represents a significant ethnographic landscape for the descendants of Euro-American settlers (predominantly of Scotch-Irish ancestry) who moved to the area during the early 19th century and adapted to the rugged terrain of the Ozarks. They developed farmsteads, mills and other industries, and rural communities.

Under the preferred alternative, all continuing and proposed actions that potentially entail ground disturbance or could otherwise affect ethnographic resources will be assessed and monitored as necessary to ensure that ethnographic resources, if identified in project areas, are avoided or that adverse impacts are adequately mitigated in accordance with section 106 requirements. No unavoidable impacts to ethnographic resources are foreseen. Park staff will ensure that those with traditional ties to the park continue to have access to places and resources of cultural importance. Consequently, implementation of the preferred alternative will not result in impairment of ethnographic resources.

Museum Collections

The National Riverways' extensive museum collection consists primarily of archeological, historical, and biological objects and specimens. Under the preferred alternative, the National Riverways' collection storage facility (constructed in 1994) will be expanded to accommodate collections from other smaller NPS regional parks that lack or have inadequate curatorial facilities. The expanded collection storage facility will be constructed and operated to address all NPS curatorial requirements with regard to proper security, environmental control systems, accessibility for researchers, and adequate staffing, etc. Special handling procedures will be implemented to ensure museum collections are not damaged or misplaced during transit or temporary storage prior to completion of the new facility. Because of these measures, implementation of the preferred alternative will not result in impairment of museum collections.

NATURAL RESOURCES

Geologic Resources and Soils

The National Riverways is situated in a complex geological area along the Current and Jacks Fork Rivers. The geology of these two watersheds is primarily composed of soluble dolomite rock formations dating back 520 million years. This sedimentary carbonate rock, in combination with over 40 inches of annual precipitation, dissolves to form an intricate karst landscape of losing streams, sinkholes, springs, caves, and subterranean passages—all of which are prevalent throughout the park. The karst landscape and its associated hydrogeologic processes are fundamental to maintaining the ecological health and high biodiversity of the National Riverways. The karst landscape is perhaps the oldest continuously exposed land mass in North America, providing refuge for plants and animals for the last 230 million years. The features of the karst landscape (e.g., caves and springs) are good indicators of changing environmental conditions and are highly susceptible to human impact. Because infiltration into groundwater is rapid in karst terrain, the park and its spring systems are more sensitive to land use practices than other geologic regions. Soils in this area are derived from the geologic formations and associated landforms described above. As such, they are rocky and formed mainly from carbonate and sandstone bedrock.

Land management zoning will be introduced to the park management strategy under the NPS preferred alternative. Establishment of land management zones (with approximately 88% of the National Riverways being managed as primitive or natural) will help minimize the adverse effects of recreational use and park operations on geological resources and soils. Facility development, park operations, and recreational uses that negatively affect geological resources (erosion, sedimentation, and compaction) will be better contained. Management of these impacts could focus on specific concentrated zones of use.

The new development associated with the preferred alternative will increase the footprint of the developed area of the National Riverways and increase disturbances and displacement of geologic resources and soils. A portion of this increased area of development will provide two new developed campgrounds and the expansion will likely increase the disturbance zone to surrounding soils and increase the potential for soil compaction, erosion, and sedimentation. However, the adverse effects will not be substantial and/or will be localized. Therefore, the preferred alternative will not result in impairment of geological resources and soils.

Water Resources

National Riverways contains 134 miles of exceptionally clear, free-flowing rivers. Much of the water that flows into the Jacks Fork and Current Rivers is filtered through the karst groundwater system, resulting in remarkable water clarity in the rivers. Interactions between surface water and groundwater processes are greatly enhanced in karst terrain due to a complex network of surface and subterranean features, including losing streams, sinkholes, springs, and seeps. Wetland types found within the National Riverways include seeps, fens, sinkholes, and seasonally flooded riparian areas. The Jacks Fork and Current Rivers, within the Ozark National Scenic Riverways,

are designated as Outstanding National Resource Waters because of their exceptional water quality. This designation has national, recreational, and ecological significance. The Current and Jacks Fork Rivers are also ideal for recreation because their gradients are steeper than other Missouri rivers, which allows for leisurely float trips.

While the National Riverways water resources are of exceptional quality, they are also highly susceptible to pollution. This is because karst terrain does not allow for effective filtration and absorption of pollutants from surface water as it travels into the groundwater system. Because the karst system of the National Riverways extends well beyond the boundary of the park unit, adjacent land use practices, including gravel mining, agriculture, recreation, and urban encroachment can directly affect its water quality.

The NPS preferred alternative will include improvements to the National Riverways water resource protection through defined river management zones, land management zones, new equestrian management policies, and the closure and restoration of undesignated trails and access points. These changes will likely minimize water resource degradation by removing trails from sensitive areas (e.g., wetlands, streambanks, floodplain lands, seeps, and groundwater recharge zones), better managing equestrian access to the rivers and shorelines, and providing higher quality, sustainable trails. Establishment of river management zones that provide for stretches with increased management of horsepower and only seasonal motorized use (non-peak season) could also help reduce the threat of water quality degradation from petroleum-based pollutants resulting from motorboats in these areas during the peak season. The adverse effects of the preferred alternative associated with increasing the developed area footprint in the National Riverways will not be substantial and/or will be localized. Therefore, the preferred alternative will not impair water resources.

Vegetation

The National Riverways lies within the oak/hickory forest region of the eastern deciduous forest. Four major vegetation communities with 12 vegetation associations are found within the National Riverways: the upland plant community, streambank community (riparian areas), gravel bar community, and agricultural land. These vegetation communities and associations are composed predominately of forest, except for some open areas and cultivated sites. In addition to the broad vegetation communities listed, a number of rare natural communities occur within the Ozark National Scenic Riverways, including mesic bottomland forest, Ozark fen wetlands, and canebreaks.

The preferred alternative places stronger emphasis on managing natural resources and creates management zones to help facilitate better monitoring and management. The closure of undesignated roads, traces, river crossings, and equestrian trails in the National Riverways under the NPS preferred alternative will allow the restoration of native vegetation in previously disturbed areas and reduce the potential for invasive plant infestations along these disturbance corridors. These trail restoration efforts will allow currently disturbed upland and riparian vegetation communities to recover and minimize further degradation of other vegetation. The proposed equestrian permitting system and resource monitoring approach included in the alternative will help protect against vegetation community disturbances from horse use. Adverse

effects could occur from relocating concession dropoff and pickup locations and the addition of mountain biking as an allowed trail use; however, the adverse effects will not be substantial and/or will be localized. Therefore, the preferred alternative will not result in impairment to vegetation.

Fish and Wildlife (Including Special Status Species)

The National Riverways' widely varied aquatic, terrestrial, and subterranean habitats support a diversity of animals, including endemic species (species that exist nowhere else in the world). This is due in part to its location in the south-central part of the continent, which served as a refuge for species escaping major continental glacial and geologic events. The Current and Jacks Fork Rivers support a diversity of aquatic fauna, including 125 of the approximately 260 fish species that are found in the entire Mississippi River valley, 43 species and subspecies of mussels, and 14 species of crayfish. Terrestrial and avian species of the National Riverways are characteristic of the Ozarks and include animals common to both eastern deciduous forests and prairies to the west. Common wildlife observed in the National Riverways include the white-tailed deer, gray and fox squirrel, eastern chipmunk, muskrat, beaver, cottontail rabbit, raccoon, coyote, striped skunk, and wild turkey.

The NPS must consider potential effects that any proposed action may have on federally listed threatened or endangered plant or animal species. NPS policy also requires the protection of all federal candidate species, as well as state listed special status species. Endangered and threatened species found within the National Riverways include gray bat, Indiana bat, northern long-eared bat, plains spotted skunk, northern harrier, Swainson's warbler, and Ozark hellbender.

Under the preferred alternative, the increase in the developed area of the National Riverways, establishment of a 25-campsite horse campground, introduction of mountain biking as a legal trail use, and the relocation of river public access points all have the potential to displace and/or fragment existing habitats. These actions will also likely increase the amounts, duration, and frequencies of habitat disturbances related to human activity. However, the use of land and river management zoning and other habitat protection strategies will help improve habitat conditions throughout the National Riverways. The fisheries management plan included as part of the NPS preferred alternative will likely improve information and management activities related to native aquatic plants and animals. Also, the proposed designation of approximately 3,430 acres of wilderness at Big Spring will help reduce disturbances and allow for the restoration of a large, intact, habitat area.

Additionally, the preferred alternative is likely to benefit the special status species found in the National Riverways since the proposed land and river management zones and improved vehicular and equestrian management will reduce human disturbances to land and aquatic habitats. Relocated river crossings and continued recreational uses on the rivers could continue to have some adverse effects on the Ozark hellbender's aquatic habitat, but effects will likely be localized. Overall, implementation of the preferred alternative will not result in impairment of fish and wildlife, including federally or state threatened or endangered species.

SUMMARY

The NPS has determined that the implementation of NPS preferred alternative (alternative B) will not result in an impairment of the resources or values of the National Riverways. As described above, adverse impacts anticipated as a result of implementing the preferred alternative on a resource or value, including those whose conservation is necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park; key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or identified as significant in the park's general management plan or other relevant NPS planning documents; will not rise to levels that will constitute impairment. This conclusion is based on consideration of the National Riverways' purpose and significance, a thorough analysis of the environmental impacts described in the environmental impact statement, relevant scientific studies, the comments provided by the public and others, and the professional judgment of the decision maker guided by the direction of the NPS *Management Policies 2006*.