

FINDING OF NO SIGNIFICANT IMPACT

WACO MAMMOTH SITE SPECIAL RESOURCE STUDY / ENVIRONMENTAL ASSESSMENT SEPTEMBER 2008

Waco, Texas

PURPOSE AND NEED

The purpose of this special resource study is to provide Congress with information about the quality and condition of the Waco Mammoth Site and its relationship to criteria for new national parklands applied by the National Park Service.

Special resource studies are initiated at the direction of Congress. On December 16, 2002, Public Law 107-341 was enacted, directing the secretary of the interior, in consultation with the state of Texas, the City of Waco, and other appropriate organizations, to conduct a special resource study to determine the national significance, suitability, and feasibility of designating the Waco Mammoth Site area located in the City of Waco, Texas, as a unit of the national park system. The legislation further requires that the study process follow Section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

CONTEXT

The Waco Mammoth Site is located 4.5 miles north of Waco's city center. The study area includes over 109 combined acres under the ownership of the City of Waco and Baylor University. Both entities have formed a partnership for the purpose of providing preservation and interpretation of the site's paleontological resources. A number of collected specimens are currently housed in Baylor University's Mayborn Museum Complex, while *in situ* specimens remain at the discovery site owned by the City of Waco.

Currently, visitor access to the Waco Mammoth Site is restricted and would continue to be so until the current actions already underway by the Waco community to erect an excavation shelter and provide for visitor access are completed. This would be the first time that public access would be accommodated at the site and mark a very special milestone for members of the Waco community who have been actively involved in preservation efforts there for almost 30 years.

SELECTED ACTION AND OTHER ALTERNATIVES CONSIDERED

Selected Action

The National Park Service's selected action is to transmit to the Secretary of the Interior a recommendation that the Waco Mammoth Site does indeed meet the criteria for new national parklands and is eligible for consideration as a new unit of the national park system. Of the management alternatives evaluated through the special study process, the most effective and efficient approach for ensuring long-term protection of significant resources and providing opportunities for appropriate public enjoyment is for the National Park Service to join the

existing management partnership between the City of Waco and Baylor University. As outlined in the special resource study report under **Alternative C – Partnerships Led by the National Park Service**, the National Park Service would take the lead responsibility for ensuring the protection, scientific study, and visitor enjoyment of paleontological resources, enlisting the help of partners for this mission. Partners would also take the lead for initiating additional recreational and educational opportunities within the lands surrounding the core paleontological resource.

Other Alternatives Considered

The SRS/EA evaluated four management alternatives in detail for addressing the purpose and need for action: Alternative A (no action), Alternative B, Alternative C (the selected action described above), and Alternative D.

Alternative A – Continuation of Current Management Trend (No-Action Alternative):

Alternative A is the no-action alternative, which represents the continuation of current management trends at the Waco Mammoth Site and serves as a base-line measurement for comparing three proposed alternative management strategies. The existing cooperative management arrangement between the City of Waco and Baylor University would continue. The local community would continue to play a key partnership role in supporting current preservation and public access initiatives. Additional staffing, new programs, activities, or site development beyond the efforts currently underway by the Waco community are not considered in this alternative.

Alternative B – Partnerships Led by the City of Waco: The existing cooperative management arrangement between the City of Waco and Baylor University would be expanded with additional partners, with the city taking a lead role. National natural landmark status would be actively pursued, allowing the city to seek technical assistance from the National Park Service for site resource preservation, interpretation, and educational research. Additional partnerships, such as local community initiatives, land trusts, foundations, federal, state, and local governments, and nongovernmental organizations, would also be sought to assist with developing and managing the site. This alternative would protect, provide opportunities for research, and interpret core paleontological resources. It also would give the city freedom to pursue possible broader ideas such as providing environmental education and recreational opportunities. An option under this alternative could include pursuing designation as a “National Park Service affiliated area” to further strengthen National Park Service involvement.

Alternative D – Managed as a Focused Unit of the National Park System: Waco Mammoth Site would be a new unit of the national park system. Ownership of all paleontological resources (*in situ* fossils and the collection of fossils currently housed at Baylor University) and their associated documentation would be transferred to the federal government and management would be by the National Park Service. The National Park Service would focus on a core mission of protection, scientific study, and interpretation of paleontological resources. The National Park Service would not likely expand beyond this core focus to initiate other projects such as environmental education or other recreational opportunities. Partners would still play a role in educational outreach, interpretive programs, and site security to assist the National Park Service with achieving its core mission.

Alternatives Considered but Dismissed: During the study process, some additional management alternatives were raised through public comment or National Park Service concerns that were considered but dismissed. These included a number of scenarios in which the site would be managed by a single entity other than sole management by the National Park Service. This could include sole management by Baylor University, sole management by the City of Waco, sole management by the Texas Parks and Wildlife Department, or sole management by another entity such as a scientific association or other nonprofit group.

Both the City of Waco and Baylor University expressed concern that this approach would not be a viable management option. Transferring the sole management responsibilities to either the city or the university would compromise the effectiveness of maintaining the current level of resource stewardship. Both the City of Waco and Baylor University view their existing partnership as utilizing the strengths of each institution's expertise. With the recently chartered Waco Mammoth Foundation, a nonprofit organization and community advisory board for the site, the partnership has grown. The city and university view this expanded partnership as a strong one, which has made great strides in advancing protective measures for the site as well as in developing opportunities for public access and appreciation.

Conversations with personnel at the Texas Parks and Wildlife Department (TP&W) revealed that they are currently downsizing personnel and decommissioning a significant number of state park units due to fiscal constraints. At this time, it does not appear to be economically feasible for TP&W to assume the sole management responsibility for the site given the department's current financial challenges with maintaining their existing state park system.

The City of Waco and Baylor University do not see any advantage in transferring the sole management responsibility to another scientific association or nonprofit group, as they anticipate that a single entity would still rely on the existing partners to function successfully. However, the city and university did acknowledge the power of collaboration with other universities and scientific institutions to conduct research and enhance the understanding of the site, and that this type of partnership would always be an available option.

ENVIRONMENTALLY PREFERRED ALTERNATIVE

The environmentally preferred alternative is determined by applying criteria set forth in NEPA, as guided by direction from the Council on Environmental Quality (CEQ). The CEQ has stated that the environmentally preferred alternative is the alternative that will promote the national environmental policy as expressed in NEPA, Section 101, by meeting the following objectives:

- 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.
- Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

This special resource study evaluates management options and not detailed development proposals; therefore, the last objective, "Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources" would be more appropriately evaluated when subsequent implementation planning is developed, although all alternatives could incorporate this as a goal for future development proposals.

As the site is already under the stewardship of the City of Waco and Baylor University and is being protected from incompatible uses, each of the alternatives would fulfill the responsibilities of this generation as trustee of the site for succeeding generations. Similarly, the other goals listed above would be satisfied, only to a slightly greater or lesser degree, by each of the alternatives. However, alternatives B and C attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences. Under these alternatives, the lands surrounding the core paleontological resources accommodate expanded opportunities for enhanced visitor enjoyment of the other resources of the site. Therefore, alternatives B and C are considered the environmentally preferred alternatives.

RATIONALE FOR THE SELECTED ACTION

The 1998 Omnibus Parks Management Act (*Public Law 105-391 §303*) and NPS policy mandates that each special resource study identify the alternative or combination of alternatives which would, in the professional judgment of the director of the National Park Service, be most effective and efficient in protecting significant resources and providing opportunities for appropriate public enjoyment. For the purposes of this study, effectiveness and efficiency are defined as the capability to produce desired results with a minimum expenditure of energy, time, money, or materials.

While all of the alternatives provide for protection and public enjoyment of the special resources of the Waco Mammoth Site, there are distinct differences between the alternatives with regard to the degree of management effectiveness and efficiency.

A comparison of costs associated with each alternative indicates that alternative A, the no-action alternative that continues current management trends, would require the least expenditure of energy, time, money, and materials. However, alternative A does not include increases in staffing or operational funding; consequently accommodating visitor access to the site is limited under this alternative to only monthly scheduled events. This is not a reasonable level of public enjoyment for such a nationally significant treasure, and as such, alternative A is the least effective of all the alternatives.

Of the three action alternatives, alternative D requires the least expenditures of energy, time, money, and materials, although the range of visitor opportunities is limited to just those associated with the core paleontological resources. Alternatives B and C provide a greater range of visitor enjoyment opportunities without compromising resource integrity. Under

both alternatives, the lands surrounding the core paleontological resources are used to accommodate expanded opportunities for visitor understanding of the geological context of the site, establishing environmental education programs, and providing recreational access along the Bosque River. Alternatives B and C are more effective in providing a greater range of appropriate public enjoyment opportunities at the Waco Mammoth Site than alternative D.

When comparing the projected costs of alternatives B and C, alternative B requires a lower expenditure of energy, time, money, and materials, which would be supported from a number of funding sources: federal, municipal, and private. Under this City of Waco led partnership approach, NPS expertise is leveraged by providing technical assistance and guidance from NPS specialists to the existing managers of the site. This arrangement results in a very effective and efficient approach for protecting and enhancing the conditions of paleontological collection, enhancing interpretive and educational programs, and enabling an expanded level of scientific research and study related to the special resource.

While the range of visitor opportunities are similar under alternatives B and C, alternative C provides a greater level of assurance for maintaining long-term resource protection. Alternative C assumes a full time, onsite commitment of NPS specialists with experience in the management and interpretation of paleontological resources. The day-to-day efforts of NPS resource managers and interpreters under this alternative has the potential to provide a more stable and consistent approach for protecting and enhancing the conditions of paleontological collection, enhancing interpretive and educational programs, and enabling an expanded level of scientific research and study related to the special resource in comparison to the periodic NPS technical assistance provided under alternative B. Assuming initial and continued funding is made available to support this level of resource stewardship, alternative C is the most effective and efficient management alternative.

SIGNIFICANCE CRITERIA

Section 1508.27 of the Council on Environmental Quality regulations requires federal decision-makers to consider ten criteria in determining whether the impacts of an action may be significant. These criteria, and a brief synopsis of their application to this project, are listed below.

- 1) *Impacts that may have both beneficial and adverse aspects and which on balance may be beneficial, but that may still have significant adverse impacts which require analysis in an EIS.* As fully discussed in the EA, none of the management alternatives will have major adverse impacts on natural or cultural resources that would require further environmental analysis through an environmental impact statement.
- 2) *The degree to which the proposed action affects public health or safety.* Public health and safety are not affected by any of the management alternatives under consideration.
- 3) *Any unique characteristics of the area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.* All of the management alternatives under consideration would protect nationally significant paleontological resources as well as a full range of other resources found on the site. Only negligible to minor adverse affects on prime farmlands are anticipated to accommodate park development. There are no federal actions

contemplated that would affect floodplains or wetlands. There are no wild and scenic rivers in close proximity to the study area.

- 4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial.* Public comments indicate that this study and its impacts are not controversial.
- 5) *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.* The potential impacts of this study are fairly predictable and do not involve unique or unknown risks.
- 6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.* The NPS recommendation formulated through the special resource study process does not represent a precedent for future actions nor does it represent a decision in principle about future considerations.
- 7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* None of the management alternatives contribute to cumulatively significant adverse impacts.
- 8) *The degree to which the action may adversely affect historic properties in or eligible for listing in the National Register of Historic Places, or other significant scientific, archeological or cultural resource.* There are no known ethnographic resources associated with the Waco Mammoth Site. On October 25, 2005, the study team met with representatives of the Texas Historical Commission, (the umbrella agency for the State Historic Preservation Office). Attending the meeting included Mark H. Denton, Director, State & Federal Review Section, Archeology Division, Dr. James Bruseth, Director, Archeology Division, and Dr. Ernest Lundelius, Professor Emeritus, University of Texas at Austin. Mr. Denton noted that an archeological investigation was previously conducted within the excavation area of the site. The archeologist did not find any signs of human interaction with the mammoth herd. The State Historic Preservation Officer is supportive of the study and the possibility of the site becoming a unit of the national park system; however, with this general level of planning, the state does not see a need to enter into 106 consultations concerning the special resource study. They would prefer to revisit the 106 consultation during future undertakings such as additional archeological surveys at the site or during implementation activities for park development. When more detailed park development planning is initiated, additional archeological investigations would be needed as well as consultations with the Texas State Historic Preservation Officer to assess the potential for affects on archeological and historic properties in or eligible for listing in the National Register of Historic Places.
- 9) *The degree to which an action may adversely affect an endangered or threatened species or its critical habitat.* None of the management alternatives considered through this study would result in adverse effects on federally or state-protected species. When more detailed park development planning is initiated, consultation with U.S. Fish and Wildlife Service and the State of Texas would be needed to assess the potential for affects on special status species.

- 10) *Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.* All of the management alternatives comply with known federal, state and local laws.

IMPAIRMENT

From the facts presented in the special resource study report and analysis in the EA and summarized here, the National Park Service recognizes that all of the alternatives would promote long-term resource protection of the fundamental resources or values of the Waco Mammoth Site and, as a result, any of these options would not impair these resources and is consistent with the *National Park Service Organic Act*.

PUBLIC INVOLVEMENT

The special resource study report / environmental assessment was distributed to a project mailing list of over 400. A press release issued by Lyndon B. Johnson National Historical Park was issued on August 20, 2008 announcing the availability of the study / environmental assessment for public review and comment. A stakeholders meeting was attended by 39 individuals representing the City of Waco, Baylor University, and the Waco Mammoth Foundation. A public meeting was held at Baylor University's Mayborn Museum on September 4, 2008, which was attended by over 80 participants. At the conclusion of the public comment period on September 20, 2008, the National Park Service had received written comment from 41 participants.

Public comment received during the study process and after publication of the report were overwhelmingly in favor of NPS designation and expanding the existing partnership between Baylor University and the City of Waco to include the National Park Service so that the strength of each organization could focus on the stewardship of this special resource. A summary of public involvement in the study effort is attached.

CONCLUSION

Based on the foregoing, and with due consideration for public comment and other agency coordination, it has been determined that the recommended action of the Waco Mammoth Site Special Resource Study does not constitute a major federal action significantly adversely affecting the quality of the human environment and an EIS will not be required for this study and thus will not be prepared.

Approved:

Michael D. Snyder
Michael D. Snyder, Regional Director
Intermountain Region

10/1/08

Date