

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



**Bighorn Canyon National Recreation Area
Wyoming/Montana**

**Trails and Access Plan
FINDING OF NO SIGNIFICANT IMPACT**

Background

In compliance with the National Environmental Policy Act (NEPA), the National Park Service (NPS), prepared an environmental assessment (EA), to examine various alternatives and environmental impacts associated with the Bighorn Canyon Trails and Access Plan.

Prior to the creation of Bighorn Canyon National Recreation Area as a unit of the NPS on October 15, 1966, wildlife, Native people, trappers, miners and homesteaders created a series of paths, trails and roads throughout much of the recreation area. Some of these paths and trails continue to be used by park visitors and staff for access to areas of interest or for maintenance and protection of park resources. Other paths and trails have been abandoned with little or no maintenance.

The focus of park management and visitor use has been directed toward the lake. Over the last 40 years minimal attention has been paid to the upland portions of the park which consist of over 107,000 acres, or approximately 89% of total park acreage. The focus on water resources has perpetuated a public view that the only recreational opportunities available are found on the lake or along the river. In so doing, the park has missed the opportunity to expose visitors to the richness of the natural and cultural opportunities that exist on lands within the park. Many visitors miss the opportunity to view wildlife species such as bighorn sheep, peregrine falcons, and wild horses. They also miss the incredible stories of human occupation in the dry arid uplands which supported native people for thousands of years, as well as the development of homesteads and communities in the early 20th century.

Trail and access management will be used to achieve desired future conditions and resource management objectives. The purpose in developing this Trails and Access Plan is to identify management objectives and strategies to guide the protection, management and use of resources, roads and trails in Bighorn Canyon.

Selected Action

Three alternatives were evaluated in the EA, including a No Action Alternative, Alternative A (variety of recreational trail and access opportunities would be developed), and Alternative B (redesign and maintain existing park trails). Alternative A was the NPS' preferred alternative and selected action because it best meets the purpose and need for the project, as well as the project objectives to provide the park with a comprehensive plan to establish, eliminate, improve, maintain and alter trails, roads and associated infrastructure to improve visitor access to land-based recreation in the park. These

actions will not only improve visitor enjoyment, but will help ensure visitor safety while protecting natural and cultural resources.

Under the Selected Action, established trails will be improved for ease of access and route finding purposes. New trails will be established in appropriate locations to better serve a variety of recreational users. Accessible pathways will be established at popular points of interest, using standards set by the Architectural Barriers Act in the Outdoor Developed Area Accessibility Guidelines. Designated uses on some trails will be redefined, with some trails open only to single user groups and others to multiple user groups. Mountain bike trails will be established for the first time in Bighorn Canyon, following appropriate rulemaking. This Selected Action will also allow for the reclamation of less desirable trails and unpaved roads, while public access roads will be defined and maintained.

Trail establishment and maintenance will minimize disturbance, and meet requirements to protect natural and cultural resources. Both existing and proposed trails were evaluated in terms of access to sites of interest, variety of terrain, user type, public demand and safe travel, in addition to resource protection and sustainability.

Mitigation Measures

The following mitigation measures were developed to minimize the degree and/or severity of adverse effects and will be implemented throughout the planning, implementation and maintenance efforts.

Planning:

- All proposed and existing trail corridors will receive Class III Archeological surveys.
- Routes also will be surveyed for endangered or sensitive plants, as well as other natural resource values (sheep lambing areas, etc.)

Implementation:

- A trail leader with experience in sustainable trail design and development will be hired to lead a trail crew when money is available to begin work on the trails.
- Road and trail crews will be informed about special status species. Cessation of construction activities will occur if a species is discovered in the project area, until park staff are able to re-evaluate the project. Trail crews will be trained to recognize noteworthy/significant geological features and mitigate damage or re-route trails around features.
- Should construction unearth previously undiscovered cultural resources, work will be stopped in the area of any discovery and Bighorn Canyon staff will consult with the State Historic Preservation Officer (SHPO), and the Advisory Council on Historic Preservation (ACHP), as necessary, according to 36 CFR 800.13, Post Review Discoveries.
- In the unlikely event that human remains are discovered during construction, provisions outlined in the Native American Graves Protection and Repatriation Act (1990) will be followed.
- When working in or near the historic ranches, crews will be informed of the historic nature of the landscape and buildings.

- Park staff will inform trail and road crews of the penalties for illegally collecting artifacts or intentionally damaging paleontological materials, archeological sites, or historic properties.
- Crews also will be instructed on procedures to follow in case previously unknown paleontological or archeological resources are uncovered during trail and construction/maintenance.
- To minimize the potential for impacts to park visitors, roads and trails will be maintained/constructed one at a time so that visitors will have several different opportunities to enjoy the park.
- Removal of, or impact on, native vegetation adjacent to trails will be minimized as much as possible.
- Care will be taken not to disturb any sensitive species found nesting, hibernating, estivating or living in or immediately nearby worksites
- Resource management staff will be notified of the need to move rattlesnakes or similarly dangerous species.
- Efforts will be made to reduce the potential for non-native plant species that can be transferred on clothing and tools.

Maintenance:

- New signs will identify trails, with some markers specifically identifying allowed trail use. All markers will indicate that no ATVs are allowed on trails.
- A trail log will be developed and used for each of the trails. Maintenance on the trails will be rotated through on a bi-annual rotation schedule to ensure carrying capacity is not exceeded.
- Newly constructed trails and improvements with disturbed soil will be monitored for invasive weeds and managed for such in accordance with the Invasive Weeds Management Plan of the park.

Alternatives Considered

Three alternatives were evaluated in the environmental assessment including a No Action Alternative, Alternative A (variety of recreational trail and access opportunities would be developed), and Alternative B (redesign and maintain existing park trails). Under the No Action Alternative, the trails, authorized uses, and roads addressed in this Plan would remain as they currently exist in the North and South Districts and the Yellowtail Habitat Area. Trails would be maintained minimally. Bicycles would be allowed only on paved roads and in parking lots and campgrounds. Alternative B would improve existing trails in both the North and South Districts without the addition of new trails or roads. Under Alternative B, a variety of recreational trail and access opportunities would be developed to better serve the public and protect park resources. Alternative A is the Selected Action, as described in the previous section.

Environmentally Preferable Alternative

According to the CEQ regulations implementing NEPA (43 CFR 46.30), the environmentally preferable alternative is the alternative "that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historical, cultural, and natural resources. The environmentally preferable alternative is identified upon consideration and weighing by the Responsible Official of long-term environmental impacts against short-term impacts in evaluating what is the best protection of these resources. In some situations, such as when different alternatives impact different resources to different degrees, there may be more than one environmentally preferable alternative."

Alternative A best meets much of the criteria for the environmentally preferable alternative because:

- Trails will be re-designed and established to meet visitor needs for safety, variety and aesthetic values, while limiting undesirable and unintended consequences.
- The widest range of recreational needs will be met, benefiting a diverse group of park visitors.
- Historic, cultural and natural aspects, key to our national heritage, can be managed more precisely, reducing risk and damage to them.
- The needs of an increasing visitor population can be met, while still maintaining standards for protection and preservation.

The Selected Action is also the environmentally preferable alternative because it is the alternative that will best protect the biological and physical environment by diverting park visitors away from areas with sensitive soils, wildlife breeding areas and endangered plant habitats. Use will be concentrated on specific trails, ensuring protection of the biological and physical environment as well as archeological resources.

WHY THE SELECTED ACTION WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT

As defined in 40 CFR §1508.27, significance is determined by examining the following criteria:

Impacts that may be both beneficial and adverse. A significant effect may exist even if the agency believes that on balance the effect will be beneficial.

Implementation of the Selected Action will result in some adverse impacts; however, the overall benefit of the project, particularly to park operations and visitor safety, outweighs these negative effects. Overall impacts to vegetation, wildlife, special status species, plants, soils, archeological resources, cultural landscapes, ethnographic resources, visitor experience and park operation under Alternative A would be adverse and beneficial, local, short- and long-term, and minor to moderate. While the above resources will be affected by construction of new trails, closure of excess roads, and maintenance of existing trails, the overall impacts are minimal and will result in improved visitor safety and resource protection. Please refer to table 2.3 Summary of Impacts by Alternative on page 58 in the EA for additional information.

Degree of effect on public health or safety

The Selected Action will have an overall beneficial effect on public health and safety. At present, Bighorn Canyon trails are little known and used, and are primarily used by hikers. User conflicts have not been an issue of concern; however, increased trail use and the addition of mountain bike users could bring some issues into consideration.

Poorly defined trails present safety concerns in some areas where wandering away from the path can lead visitors to areas of loose rock and soil or cause visitors to become disoriented. The lack of shade and high temperatures can quickly dehydrate visitors on summer days, creating a hazard for lost hikers who may become overexerted or dehydrated. Undefined trails also can make it difficult to see hazards like rattlesnakes or animal burrows. Off-trail hiking near the canyon edge presents a safety concern as visitors cannot be directed away from unstable cliff edges and wildlife breeding areas where animals may become defensive.

The Selected Action will not have a significant effect on the human environment. There are no unmitigated adverse effects on public health or public safety. In fact, many of the safety concerns mentioned above will be corrected with the Selected Action by improving trail conditions, defining and opening trail passages and by creating sustainable trails that direct visitors away from cliff edges and known wildlife breeding areas.

Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas

As described in the EA, negligible and minor effects to natural or cultural resources were identified for the Selected Action. There are no prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas affected.

Degree to which effects on the quality of the human environment are likely to be highly controversial

Throughout the environmental process, the proposal for the Bighorn Canyon Trails and Access plan was not highly controversial, nor are the effects expected to generate future controversy. Sixteen comments were received during the public comment period. Most were supportive of Alternative A with a few specific recommendations addressed in the comment sheet. There were no highly controversial effects identified.

Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks

Trail construction and road closures are fairly straightforward and do not pose uncertainties. All safety precautions will be taken to ensure visitor and crew safety while work is being completed. To minimize the potential for impacts to park visitors, roads and trails will be maintained/constructed one at a time so that visitors will have several different opportunities to enjoy the park. The environmental process has not identified any effects that may involve highly unique or unknown risks.

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 Selected Action is not expected to set a precedent for future actions with significant effects, nor does it represent a decision in principle about a future consideration.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts

Cumulative effects were analyzed in the environmental assessment and no significant cumulative impacts were identified.

Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

The trail and access plan may have minor adverse and beneficial site-specific effects on cultural resources, archeological resources and cultural landscapes in the park. The Montana and Wyoming SHPO offices were contacted. The Montana SHPO office responded in support of Alternative A in a letter post marked April 8, 2013. The Wyoming SHPO also responded in support of Alternative A in a letter dated April 23, 2013. Although adverse effects could occur if cultural resources are present during ground-disturbing activities, Section 106 consultation will be completed prior to implementation of these activities; therefore, no significant impacts will occur. Consultation with Montana and Wyoming SHPO staff will be ongoing during project planning and implementation, and the NPS will fulfill its obligations under Section 106 on a case-by-case basis. In a phone call on September 3, 2015, the Wyoming SHPO agreed to, in accordance to 36 CFR 800.4.b2, the phasing of identification and evaluation of Section 106 compliance and consultation with the NPS on a case-by-case, trail-by-trail, basis for each trail project. The Montana SHPO sent an email on September 2, 2015, stating that they understand that consultation for the Bighorn Canyon Trails and Access Plan EA is ongoing and that the SHPO office will be consulted on a case-by-case, trail-by-trail, basis.

Potential adverse effects will be further minimized by:

- A trail leader with experience in sustainable trail design and development will be hired to lead a trail crew.
- Should construction unearth previously undiscovered cultural resources, work will be stopped in the area of any discovery and Bighorn Canyon staff will consult with SHPO and the ACHP, as necessary, according to 36 CFR 800.13, Post Review Discoveries.
- In the unlikely event that human remains are discovered during construction, provisions outlined in the Native American Graves Protection and Repatriation Act (1990) will be followed.
- When working in or near the historic ranches, crews will be informed of the historic nature of the landscape and buildings.
- Park staff will inform trail and road crews of the penalties for illegally collecting artifacts or intentionally damaging paleontological materials, archeological sites, or historic properties.

- Crews also will be instructed on procedures to follow in case previously unknown paleontological or archeological resources are uncovered during trail and construction/maintenance.
- Before work on any trails is begun, the site will be surveyed, evaluated and planned for the protection of historic properties as defined by 36 CFR 800.16(1).

Degree to which the action may adversely affect an endangered or threatened species or its critical habitat

No federally listed threatened or endangered species or designated critical habitat will be adversely impacted. However, trail construction activities under the Selected Action have the potential to impact special status species listed in Montana and Wyoming by disturbing habitat, compacting soil, creating noise, and introducing visitors to newly opened areas. In some cases, as in the improvements at Upper Layout Creek, habitat could be improved through trail re-routing and educational signs, which would benefit sensitive plants and amphibians. In many other cases, proposed and existing trails will have little to no effect on these species. In the cases where adverse impacts are expected, most impacts are site-specific and negligible to minor, meaning that the overall viability of the species will not be affected, and if left alone, the species will recover. This, combined with surveys and mitigation measures, will ensure that no state species of special status will be significantly affected. Overall impacts to special status species are expected to have no discernible effect to adverse impacts that are site-specific, short- and long-term, and negligible to minor. The U.S. Fish and Wildlife Service (USFWS), was consulted. Based on a letter dated February 6, 2014, from the USFWS, no effects are expected for federally listed threatened or endangered species or designated critical habitat in the park in the project area. A species list was re-confirmed using USFWS' Information for Planning and Conservation (IPaC) online system (<https://ecos.fws.gov/ipac/>), on August 28, 2015, with the same finding as the letter from the USFWS.

Whether the action threatens a violation of Federal, state, or local environmental protection law

This action violates no federal, state, or local environmental protection laws.

Public Involvement and Native American Consultation

In 2009, prior to the development of the plan, public scoping meetings were held in Fort Smith, Montana (June 8), and Cody and Lovell, Wyoming (June 11 and June 17, respectively). Input from these meetings was used in plan development. The draft EA was available for public review from August 17 through September 18, 2011. Public meetings were held during this time period in Fort Smith, Montana, on September 6, 2011 (1 person in attendance), and in Lovell, Wyoming, on September 7, 2011 (10 people in attendance). Sixteen comments were received during the public review period. Nine comments were letters in support of Alternative A, two were outside the scope of the current document, and five had specific substantive comments on trail routes, locations and uses. See the Errata Sheets for individual comments and responses.

The Northern Arapaho Tribe (Wind River Reservation), Salish and Kootenai Tribes (Flathead Reservation), Northern Cheyenne Tribe (Northern Cheyenne Reservation), Shoshone Tribe (Wind River Reservation), Shoshone-Bannock Tribe (Fort Hall Reservation), and the Crow Tribe (Crow Reservation), all received a letter describing the proposed project and inviting them to a consultation

meeting held on March 21, 2009. The Crow Tribal Cultural Officer attended, and did not have concerns with the project. The Crow Tribal Tourism Officer also attended one of the initial scoping meetings in Fort Smith, Montana, in 2008, and her comments have been incorporated. The same tribes received a letter inviting comments on the draft EA/Assessment of Effect dated August 15, 2011. A response letter dated November 8, 2011, was received from the Northern Cheyenne indicating no interest in the project.

CONCLUSION

As described above, the Selected Action does not constitute an action meeting the criteria that normally require preparation of an environmental impact statement (EIS). The Selected Action will not have a significant effect on the human environment. Environmental impacts that could occur are limited in context and intensity, with generally adverse impacts that range from localized to widespread, short- to long-term, and negligible to moderate. There are no unmitigated adverse effects on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the action will not violate any federal, state, or local environmental protection law.

Based on the foregoing, it has been determined that an EIS is not required for this project and thus will not be prepared.

Approved:

Sue E. Masica

Sue E. Masica
Regional Director, Intermountain Region

Date:

9/21/15

Appendix A – Errata Sheets and Comment Responses

Bighorn Canyon Trails and Access Plan

Bighorn Canyon National Recreation Area

According to NPS policy, substantive comments are those that 1) question the accuracy of the information in the EA, 2) question the adequacy of the environmental analysis, 3) present reasonable alternatives that were not present in the EA, or 4) cause changes or revisions in the proposal.

Some substantive comments may result in changes to the text of the EA, in which case, they are addressed in the text changes section of the Errata Sheets. Other substantive comments may require a more thorough explanatory response and are addressed in the Response to Comments section. The NPS responds to all substantive comments in either or both of these sections.

Of the sixteen comments that were received during the public review of the EA, eleven are considered substantive. Substantive comments for this EA centered on trail access and visitor safety. These concerns resulted in minor changes to the text in the EA and also are explained more thoroughly in the Response to Comments section.

Text Changes

Page 30, Addition of Crosswalks – The sentence for additional parking and visitor safety at the Sykes Mountain trail head will read, “If trail use increases on the Sykes Mountain trail, additional parking space may need to be allocated nearby at the Crooked Creek Contact Station as well as a crosswalk and pedestrian crossing signage on highway 37.”

Page 36 and 45, Change to endpoint of the Power Line Trail – The description and planned ending for the Power Line trail has been changed and will read, “The trail would begin at the Mustang Flats parking area following the Western Area Power Administration (WAPA), maintenance roads south to power line pole number 15/5 where it will turn and connect into the Ranger Delight parking area.”

Page 36, Service road closed to public traffic – The service road at the lower end of the Upper Layout Creek trail will remain closed to public traffic and will read, “The service road to the Upper Layout Creek would remain closed for public vehicle use”.

Page 37, 47, 73, 107, 112, 118, 119, 126, 146, and 158, Change tense from future to past tense – In the first draft of the EA, submitted in 2013, the WAPA power line project was still in process and text associated with this project was in future tense. The WAPA power line project was completed in 2014; therefore the EA text was changed to past tense.

Page 31, 37, 40, 44, 86, and 96, Change tense from future to past tense – In the first draft of the EA, submitted in 2013, the Two Eagle Interpretive project was in the planning stages and text associated with this project was in future tense. In September of 2013 the Two Eagle Interpretive project was completed. The Two Eagle Interpretive project text was changed to past tense as the project had been completed.

Page 17, Added Special Status Species based on the 2014 USFWS letter – Added the following paragraph, “In a letter from the U.S. Fish and Wildlife Service, Bighorn Canyon National Recreation Area has potential to have six threatened, endangered, or candidate species in our area. They include Black Footed ferret (*Mustela nigripes*), Canada Lynx (*Lynx Cnadensis*), Greater sage-grouse (*Centrocercus urophasianus*), Grizzly bear (*Ursus arctos horribilis*), North American wolverine (*Gulo gulo luscus*) and the

Sprague's Pipit (*Anthus spragueii*). The letter also states that there are no critical habitats for these species in the project area. There will be no effect to these species." A species list was re-confirmed using the USFWS' IPaC online system (<https://ecos.fws.gov/ipac/>), on August 28, 2015 with the same finding as the letter from the USFWS from 2014.

Page 37 and 47, Changed the name of the trail from the Dryhead Overlook trail to Deadman to Dryhead Trail to avoid confusion.

Page 37 was rewritten to clarify that bicycling will not be allowed on sections of the trail that pass through the proposed wilderness – "Approximately 1.5 miles of this trail is in proposed wilderness on an existing road. Bicycles will not be allowed on sections of the road that go through proposed wilderness. This trail is subject to rule making process 36 CFR 4.30(b)."

Response to Comments

We received sixteen public comments on the Trails and Access Plan, mostly in favor the Selected Action, Alternative A. A summary of comments and responses is provided below.

Comment 1 Concern: Request for Cable and Dock from Box Canyon to the Dam and Visitor Center

Comment 1 Response: Prior to 9/11 visitors were allowed to park boats at Box Canyon and access the Om Ne A Trail to hike to the Visitor Center or to the Ok-A-Beh marina. Post 9/11/2001 security requirements for land near the dam were changed, and access became more limited and the Om Ne A Trail was closed. The park will continue to work with the Bureau of Reclamation and national security to possibly reopen the Om Ne A Trail as described in the EA on page 35.

Comment 2 Concern: In favor of Alternative A; keep mountain bikes out of wilderness.

Comment 2 Response: This plan does not call for mountain bike use in wilderness. Reference a new text change (Errata) noting the description of the Power Line trail on page 37 of the EA has been rewritten to clarify that bicycling will not be allowed on sections of the trail that pass through the proposed wilderness.

Comment 3 Concern: Support Alternative A; advise working with the Bureau of Land Management (BLM), on trails in Sykes Ridge Area.

Comment 3 Response: The Upper Layout Creek trail and Power Line trail are located near Sykes Ridge, the boundary between BLM land and NPS land. The Upper Layout Creek trail is second on our priority list, but only for work within the park boundary. We would work with the BLM if it was decided to develop the trail above the spring onto BLM land to Penn's cabin. At this time the terminus of the Upper Layout Creek trail is the spring.

Comment 4 Concern: (A) Would like to see Lower end of Upper Layout Creek Trail closed to vehicle. (B) Would like to see promotion of only responsible mountain bike usage.

Comment 4 Response: (A) Suggestion accepted. See text on page 36 for changes. (B) Bighorn Canyon National Recreation Area will continue to promote responsible trail use by all types of users, to limit resource damage and user conflict. New signs would identify trails, with some markers specifically identifying allowed trail use. All markers will indicate that no ATVs are allowed on trails. A trail log will be developed and used for each of the trails. Maintenance on the trails will be rotated through on a bi-annual rotation schedule to ensure carrying capacity is not exceeded. Newly

constructed trails and improvements with disturbed soil will be monitored for invasive weeds and managed for such in accordance with the Invasive Weeds Management Plan of the park.

Comment 5 Concern: (A) Protect solitude and wilderness as values, especially on proposed Power Line trail.

Comment 5 Response: (A) Bighorn Canyon will continue to follow provisions of the Wilderness Act on proposed Wilderness within the park boundaries. Section 6.3 of the NPS Management Policies require the NPS to take no action that would diminish the wilderness eligibility of an area possessing wilderness characteristics until the legislative process of wilderness designation has been completed. (This policy applies to proposed wilderness as well as designated wilderness.)

Comment 5 Concern: (B) Power Line trail does not loop or have a good end point. It may result in trespass.

Comment 5 Response: (B) See amended text on pages 36 and 45 changing and clarifying the route and endpoint of the Power Line trail.

Comment 5 Concern: (C) Move proposed parking lot for Sykes Mountain trail to same side of road for safety, and to reduce potential trespass.

Comment 5 Response: (C) Under current usage levels we believe the Crooked Creek parking lot is suitable, and will have less impact on the environment than a new lot. See amended text on page 30 allowing for a crosswalk and pedestrian sign if trail use increases.

Comment 5 Concern: (D) Clarify proposed path of Deadman to Dryhead Overlook trail.

Comment 5 Response: (D) The Deadman to Dryhead trail name has changed to avoid confusion. See amended text on pages 37 and 45. The plan for the trail is to stay in the Dryhead region of the park starting at the south district north cattle guard, going out to the canyon rim and following the rim to the end of the trail at the Dryhead overlook.

Appendix B – Non-Impairment Finding

National Park Service's *Management Policies, 2006* require analysis of potential effects to determine whether or not actions will impair park resources. 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, 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 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, including the opportunities that otherwise would be present for the enjoyment of those resources or values. An impact to any park resource or value may, but does not necessarily, constitute an impairment. An impact would be more likely to constitute an 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;
- 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.

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

The park resources and values that are subject to the no-impairment standard include:

- the park's scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals;
- appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;
- the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and
- any additional attributes encompassed by the specific values and purposes for which the park was established.

Impairment may result from NPS activities in managing the park, visitor activities, or activities undertaken by concessioners, contractors, and others operating in the park. The NPS threshold for considering whether there could be an impairment is based on whether an action will have significant effects.

Impairment findings are not necessary for visitor use and experience, socioeconomics, public health and safety, environmental justice, land use, and park operations, because impairment findings relates back to park resources and values, and these impact areas are not generally considered park resources or values according to the Organic Act, and cannot be impaired in 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 paleontological resources and historic structures.

Fundamental resources and values for the Monument are identified in the General Management Plan (*or Foundation Statement or Comprehensive Interpretive Plan*). According to that document, of the impact topics carried forward in this EA, only paleontological resources are considered necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park; are key to the natural or cultural integrity of the park; and/or are identified as a goal in the park's General Management Plan or other relevant NPS planning document.

- **Paleontological Resources** – The Monument was established to research and interpret its excellently preserved fossil flora and fauna and related geologic sites. The Selected Action involves the disturbance of two concentrations of paleontological materials within the footprint of the new administration building that will result in negligible to minor adverse impacts to paleontological resources. Although paleontological resources are a fundamental resource at the park, the Selected Action will result in only negligible to minor (impact ranges from the lowest levels of detection to noticeable), long-term, site-specific adverse impacts to paleontological resources; therefore, there will be no impairment to paleontological resources.
- **Historic Structures** – The Monument contains very few historic structures that are eligible for the National Register of Historic Places. The Selected Action involves moving the contents from the National Register eligible 1924 farmhouse during pest control activities, which has the potential to damage the historic fabric of the building to a minor degree (impact is measurable, but slight). Because the Selected Action will result in only minor, long-term, site-specific adverse effects to the historic farmhouse, there will be no impairment to historic structures.

In conclusion, as guided by this analysis, good science and scholarship, advice from subject matter experts and others who have relevant knowledge and experience, and the results of public involvement activities, it is the Superintendent's professional judgment that there will be no impairment of park resources and values from implementation of the Selected Action.