

Finding of No Significant Impact

East Branch Little Calumet River Use Management Plan and Environmental Assessment

Indiana Dunes National Lakeshore

SUMMARY

Pursuant to the National Environmental Policy Act (NEPA), the National Park Service (NPS) prepared an Environmental Assessment (EA) evaluating the potential impacts associated with expanded recreational opportunities within the East Branch of the Little Calumet River corridor. Proposed developments were advanced to address a regional desire for recreation including, but not limited to, paddling, hiking, and fishing within Indiana Dunes National Lakeshore (National Lakeshore). Based upon the analysis in the EA, the NPS finds that the implementation of the Selected Alternative would not constitute a significant impact upon the environment or the National Lakeshore's resources.

The NPS prepared the EA in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, the President's Council on Environmental Quality regulations implementing NEPA [40 Code of Federal Regulations (CFR) 1500-1508]; the Department of the Interiors regulations (43 CFR Part 46), NPS Director's Order #12 (*Conservation Planning, Environmental Impact Analysis, and Decision-making, 2011*) and NEPA Handbook (2015); and the National Historic Preservation Act of 1966 as amended, and implementing regulations of the President's Council on Historic Preservation, 36 CFR Part 800.

PARK INFORMATION

The National Lakeshore is located approximately 50 miles southeast of Chicago, Illinois, in the counties of Lake, Porter, and LaPorte in Northwest Indiana's industrial-urban corridor. It encompasses approximately 15 miles of Lake Michigan's southern shoreline, and is bordered by Michigan City to the east and the City of Gary to the west. The National Lakeshore is at the southernmost tip of Lake Michigan. The National Lakeshore shares its boundaries with various residential, agricultural, and industrial developments.

PROJECT BACKGROUND

The East Branch Little Calumet River Use Management Plan (Plan) and EA has been prepared to provide alternatives for the development of recreational opportunities along those sections of the East Branch Little Calumet River (EBLC) within the boundaries of the National Lakeshore. The intent of the Plan/ EA is not to provide specific and detailed answers to every issue facing the National Lakeshore, but rather to provide a framework to assist NPS managers, stakeholders, and local governing bodies in making current and future decisions.

The Plan amends the current 1997 General Management Plan (GMP) that had dismissed the idea of opening logjams within the EBLC to facilitate paddling. During development of the GMP the public demand for paddling in this area was not great enough to warrant maintaining the river (cutting logjams/managing woody debris) for paddling. The situation has changed since 1997, hence the need to amend the GMP.

The current Plan/EA was developed in response to a growing regional desire for expanded recreational opportunities within the river corridor including, but not limited to, paddling, hiking, and fishing. Of particular note is the existence of volunteer groups willing to conduct the necessary labor and maintenance of instream woody debris management, which has previously been too labor intensive for park staff to undertake.

For the purpose of the Plan/EA, the EBLC was divided into four segments or Reaches, based on logical divisions (park boundaries, major roads, or landmarks). Reach 1 is the furthest upstream, and is entirely confined by the East and West boundaries of the Heron Rookery Unit of the National Lakeshore. Reaches 2 and 3 are contiguous, bounded upstream by U.S. Highway 20 and downstream by the Izaak Walton Property, and are divided at the intersection with Indiana State Road 149. Reach 4 extends from the Izaak Walton Property to Lake Michigan.

THE SELECTED ALTERNATIVES

For each Reach, three alternatives were considered; a 'no action' alternative, a minimal development alternative, and a high development alternative. The overall conditions and impacts in each Reach were considered somewhat independently given that: the surrounding environment ranges from heavily agricultural to highly industrial; access to areas along the EBLC ranges from easy to difficult; and there is a range of recreational availability both up and downstream. While the Plan/EA seeks to look at the entire EBLC, the conditions were considered varied enough to warrant a more segmented approach to Alternative development, analysis and selection.

For Reach 1, the three alternatives described above were developed for analysis. Both Alternatives B (Low Development) and C (High Development) provide for some degree of increased visitor use and access (trail access, parking, paddling access, and river passage for paddling). Alternative B is the selected alternative for this Reach because it will maximize trail enhancements and river passage, and provide the opportunity for paddling consistent with other portions of the EBLC (outside of park property). It will also limit the development of facilities (well defined parking options and trash receptacles) to only those deemed essential to provide a balance between visitor impact and the protection of resources.

Alternative C (High Development) is the selected Alternative for Reaches 2 and 3 due to the anticipated high frequency of use that is likely to occur at the Dunes Learning Center (located adjacent to Reach 2), and the direct educational benefits associated with introducing youth to river processes and recreating on rivers. Over 5,000 youth per year attend camp and other programs at the center. The National Lakeshore believes the advocacy garnered through both formal programs at the Center, and through all visitors using the river, will lead to improvements in water quality and practices that support clean water. Alternative C for both Reaches 2 and 3 include Architectural Barriers Act (ABA) accessible boat launches as well as new trails, trail improvements, and woody debris management.

For Reach 4, only two alternatives were considered, the no-action alternative and Alternative B (Low Development). Alternative B is the selected alternative for this Reach. Reach 4 exists within a highly developed landscape. The Alternative B will modify the existing infrastructure to facilitate better access to the river for recreational paddling.

THE SELECTED ALTERNATIVES AND SIGNIFICANCE CRITERIA

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 Federal agency believes that on balance the effect will be beneficial.

The Selected Alternatives for each Reach results in moderate impacts to certain resource areas as discussed below under other individual criteria. For the Selected Alternative for Reaches 1, 2, and 3, the focus on the removal of selected portions of woody substrates from the river channel may have short-term, local, impacts to Water Resources in the form of increased turbidity as well as long-term, widespread impacts that would alter and/or remove a portion of the in-stream habitat for macro-invertebrates and fish. The Selected Alternative for all Reaches provides for an increase in visitor use and access, which could increase the frequency of the potential for spread of non-native vegetation, an impact on Terrestrial Habitat. However, increased access could also result in positive impacts on visitor satisfaction and experience.

The degree to which the proposed action affects public health or safety.

The Selected Alternatives for each Reach would provide for a safer visitor experience, because each Selected Alternative increases official river access for park visitors and/or provides safer passage for non-motorized watercraft through areas of the EBLC with woody debris.

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.

The Selected Alternatives take into consideration the unique characteristics of the geographic area of each reach as discussed below under other individual criteria. This includes Water Resources, Floodplains and Terrestrial Habitats, and Cultural Resources. The Selected Alternatives would not impact prime farmlands, but the areas within each Reach do contain Cultural Resources, wetlands, a river, and potentially ecologically critical areas.

Cultural Resources located within Reach 2 include numerous archeological sites; the Bailly Homestead, a National Historic Landmark; one late nineteenth century Swedish home site; and the Good Fellow Club Youth Camp, originally a summer camp. Indirect impacts to the Historic Sites include increased visitation, increased traffic, and demand for parking. The impact intensity would vary with the degree of visitor use, and could be mitigated by increasing park staff presence and opening the sites on a daily basis. In Reaches 1, 3, and 4 there is a possibility for impacts to archeology; an archeological inventory could be required prior to the implementation of the Selected Alternative. For Reach 2, there would be direct impacts to archeological resources, and an archeological inventory would be required prior to the implementation of the Selected Alternative.

All Selected Alternatives impact the East Branch Little Calumet River. The Selected Alternatives for Reaches 1, 2, and 3 include woody debris management which will increase water turbidity and decrease fish and macroinvertebrate habitat. However, the Selected Alternatives for all four Reaches increase river access points, which in turn increase visitor access to the EBLC.

Portions of the Reaches are habitat to the endangered Indiana bat (*Myotis sodalis*), and can be considered ecologically critical areas. However, measures will be taken to prevent habitat damage or take of the two listed bat species as described below.

The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

The National Lakeshore, in consultation with the Midwest Regional Office of the NPS, pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470t), 36 C.F.R. Part 800, and the Programmatic Agreement between the NPS and the National Conference of State Historic Preservation Officers, determined that there will be *No Adverse Effect* on the historic properties within the area of effect by the project. The National Lakeshore initiated consultation with the State Historic Preservation Office (SHPO), and will submit further documentation as each part of the project is implemented.

The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

Federally listed species potentially present in the area surrounding the EBLC include the endangered Indiana bat (*Myotis sodalis*), the threatened northern long-eared bat (*Myotis septentrionalis*), and the threatened massasauga rattlesnake (*Sistrurus catenatus*). In terms of effects to the rattlesnake, the actions proposed in the Plan would not likely alter the habitat nor cause incidental take of the rattlesnake. An individual of this species has never been detected in the proposed project area, and critical habitat for this species has not been identified within the EBLC corridor.

In each of the Selected Alternatives, the most protective measures will be taken to prevent habitat disturbance or take of the two listed bat species. Both species roost and reproduce in trees, particularly along river corridors as the habitat is excellent for hunting insects. Direct impacts to these species would be possible if tree felling is needed to implement a selected alternative. However, in order to reduce the possibility of incidental take of northern long-eared bats or Indiana bats, all tree cutting projects would be accomplished during the period from October 1 through March 30. Indiana bats and northern long-eared bats are not likely to be present during this time and thus the potential for any direct "take" of bats will be avoided. Tree thinning on a scale that might reduce habitat is not proposed in this Plan under any of the alternatives. Indirect impacts from habitat degradation are not expected under any of the proposed alternatives either. All impacts would be local in scope.

Two additional federally listed species occur within the National Lakeshore, but no suitable habitat exists within the project area covered by this Plan. The Karner blue butterfly (*Lycia melissa samuelis*) occurs in oak savanna, and Pitcher's thistle (*Cirsium pitcheri*) occurs only in open dune habitat. None of the actions proposed within this assessment occur in these habitats.

Consultation with the U.S. Fish and Wildlife Service concluded with a letter dated August 1, 2016, in which they concurred with the NPS determination for special status species and critical habitat found within the proposed project area (which encompasses those sections of the EBLC within the boundaries of the National Lakeshore).

PUBLIC INVOLVEMENT

The National Park Service actively engaged the public, stakeholders, and government officials at the federal, state, and local levels throughout the planning process. Scoping is an early and open process for determining the scope of a proposed action or project and for identifying issues related to the project. During scoping, NPS staff provides an overview of the project, including the purpose and need, in addition to preliminary issues. The public is then asked to submit comments, concerns, and suggestions relating to the project and preliminary issues. The public had two primary avenues for participating during the development of this Plan/EA: 1) attending a public meeting and providing comment verbally or by submitting a comment form; and 2) providing comments via mail, or by electronic submission through the NPS planning website.

FINDING OF NO SIGNIFICANT IMPACT

Based on my review of the facts and analysis contained in the EA, which is incorporated by reference herein, I conclude that the Selected Alternatives for the East Branch Little Calumet River within the National Lakeshore would not have a significant impact on the human environment either by itself or when considering cumulative impacts. The Selected Alternatives will have some negative environmental impacts, relatively small in scale and limited to the immediate project area. In addition, the Selected Alternatives support the enabling legislation establishing the National Lakeshore with the intended purpose of preserving for the educational, inspirational, and recreational use of the public certain portions of the Indiana dunes and other areas of scenic, scientific, and historic interest and recreational value in the State of Indiana. The Selected Alternatives do not constitute an action that normally requires preparation of an Environmental Impact Statement and one will not be prepared. Accordingly, the requirements of the National Environmental Policy Act have been fulfilled.

Recommended:


Superintendent, Indiana Dunes National Lakeshore

7-17-17
Date

Approved:


Midwest Regional Director, National Park Service

7/17/17
Date

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Use Management Plan and
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APPENDIX 1: DETERMINATION OF NON-IMPAIRMENT

In accordance with National Park Service *Management Policies 2006* an NPS decision-maker "...must consider the impacts of the proposed action and determine, in writing, that the activity will not lead to an impairment of park resources and values" (section 1.4.7). 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 adverse 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 parks, 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's threshold for considering whether there could be impairment is based on whether an action will have significant effects.

Impairment findings are not necessary for visitor use and experience, because impairment findings relate 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 topic, topics remaining to be evaluated for impairment include Water Resources, Floodplains, Terrestrial Habitat, Threatened and Endangered Species and Special Concern, and Cultural Resources.

Fundamental resources and values for the National Lakeshore are identified in the 1997 General Management Plan. According to that document, all of the impact topics carried forward in this EA are necessary to fulfill specific purposes identified in the establishing legislation of the park; are key to understanding 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.

Water Resources

The National Lakeshore encompasses the major surface water resources of the EBLC, the mouth of Salt Creek, and the Portage-Burns Waterway. The EBLC drains a total of 47,330 acres of land in Northwest Indiana, and makes up over 12 percent of Northwestern Indiana's Little Calumet-Galien watershed. Salt Creek, which enters the EBLC near the town of Portage, drains a total of 49,557 acres of land just south of the National Lakeshore. Both the EBLC and Salt Creek drain via the Portage-Burns Waterway, which also drains other areas not addressed in this Plan. All of the alternatives proposed in this Plan are either in or adjacent to the river and therefore impacts to Water Resources are analyzed in this EA.

In Reaches 1, 2 and 3, the impacts Selected Alternatives (Alternatives B and C) are essentially the same. Short-term, local impacts to Water Resources from initial woody debris management and maintenance would occur under these alternatives in the form of increased turbidity (short-term) caused by the removal of woody debris to facilitate passage. The specific extent of this impact is impossible to quantify; however, studies completed in 2012 on targeted woody debris manipulation indicate that these impacts are short lived and extend less than one hundred feet downstream from the point of disturbance (Morris n.d.).

Long-term, widespread impacts would occur from the management of woody debris and trail enhancements that would alter and/or remove a portion of the in-stream habitat (woody substrates) for macro-invertebrates and fish (Bilby and Likens 1980, Dolloff and Warren 2003). With its focus on the removal of selected portions of woody substrates from the river channel causing long-term reductions in habitat availability for fish and macro-invertebrates, this impact differs from the short-term impacts resulting from the physical action of managing woody debris piles.

In Reach 4, Alternative B, there will be long-term, local impacts to Water Resources from trail enhancements, from the increase in visitor use of direct access to the harbor embayment for launching/removing non-motorized watercraft in the form of habitat loss and increased turbidity. These impacts will be confined to the already-degraded area immediately surrounding the access site and thus, though long-term, these impacts will be minor and can potentially be mitigated by using boardwalks.

The impacts discussed above do not meet the level of impairment for water resources.

Floodplains and Terrestrial Habitat

Presidential Executive Order 11988 mandates floodplain management. Numerous water channels and historic oxbows lie within the floodplain of the EBLC. Overall, the floodplain averages 600 to 1,800 feet

wide. All of the alternatives proposed in this Plan would be implemented in the floodplain. Additionally, all of the proposed alternatives, if implemented, would either expand or enhance the human footprint within the park and therefore have an impact on terrestrial habitats, which in the EBLC is primarily floodplain and floodplain forest of varying quality and condition. Terrestrial Habitats and thus Floodplains are analyzed in the EA.

Reach 1 has a lower total species number than Reaches 2 and 3, but also has a much higher incidence of rare species. The additional trails proposed in Alternative C have the potential to impact the current vegetation through the spread of invasive species or cause direct impacts to rare plant species over the proposed 1.29 miles. The impacts would be local in scope.

Reach 2 is of good quality but suffers from impacts related to invasion by non-native vegetation. Adoption of the Selected Alternative B would allow for the addition of new trails resulting in the possibility of spreading invasive species to additional lands. The impacts would be local in scope.

In Reach 3 the Selected Alternative C would replace volunteer trails with a formal trail system alleviating conditions under which non-native vegetation can spread or be introduced. The use of this Reach is likely to increase, further increasing the frequency of the potential for spread of non-native vegetation. Reach 3 impacts from trail building are both adverse and beneficial and will be considered offset. The impacts of both action alternatives are local in scope. Conversely, Reach 3, with over three miles of volunteer trails, would suffer long-term negative impacts under the No-Action Alternative because no mitigation actions would be undertaken to address the desired visitor use.

Reach 4 is entirely within an existing visitor use foot-print and impacts at this Reach can be mitigated by using boardwalks or other foot traffic management tools suggested in the Selected Alternative (B).

The impacts discussed above do not meet the level of impairment for floodplains and terrestrial habitat.

Threatened and Endangered Species & Species of Special Concern

A number of threatened and endangered species are known or likely to occur in and near the EBLC within the National Lakeshore including state listed species (Appendix D).

Federally listed species potentially present in the area surrounding the EBLC include the endangered Indiana bat (*Myotis sodalis*), and the threatened northern long-eared bat (*Myotis septentrionalis*). The actions proposed in the Plan would not likely alter the habitat nor cause incidental take of the proposed threatened massasauga rattlesnake (*Sistrurus catenatus*). Habitat for this species has not been identified within the EBLC corridor, nor has one ever been detected in the proposed project area.

Two additional federally listed species occur within the National Lakeshore, but no suitable habitat exists within the project area covered by this Plan. The Karner blue butterfly (*Lycaeides melissa samuelis*) occurs in oak savanna and Pitcher's thistle (*Cirsium pitcheri*) occurs only in open dune habitat. None of the actions proposed within this assessment occur in these habitats.

Threatened and endangered species are retained as an impact topic in order to ensure the most protective measures are taken to prevent habitat damage or take of the two listed bat species. Both species roost and reproduce in trees, particularly along river corridors as the habitat is excellent for hunting insects. Direct impacts to these species would be possible if tree felling is needed to implement a selected alternative. However, in order to reduce the possibility of incidental take of NLEBs or Indiana bats, all tree cutting projects would be accomplished during the period from October 1 through March 30. Indiana bats and NLEB are not likely to be present during this time and thus the potential for any direct "take" of bats will be avoided. However, there is some potential for indirect negative effects to bat roosting habitat should large-scale tree removal alter the forest structure or available habitat. Thinning on this scale is not proposed in this Plan under any of the alternatives. Indirect impacts from habitat degradation are not expected under any of the proposed alternatives. All impacts would be local in scope.

For the Reach 1, 2, and 3 Selected Alternatives, the following applies:

The cutting of dead standing ash trees will be limited to less than one hundred per river mile within the immediate river corridor to provide for visitor safety. The cutting of the dead standing trees may cause local loss of habitat for bats that is not considered substantial enough to cause a negative impact on bats. Provided the methods and timing referenced above are adhered to during implementation there would be no impacts to listed species.

For the Reach 4 Selected Alternative, no impacts to threatened and endangered species from tree removal are anticipated.

The impacts discussed above do not meet the level of impairment for threatened and endangered species, and species of special concern.

Cultural Resources

The National Historic Preservation Act, as amended (16 USC 470 *et seq.*), the National Environmental Policy Act (42 USC 4321 *et seq.*), the National Park Service Director's Order #28: *Cultural Resource Management Guideline* (NPS 1998), *Management Policies 2006* (NPS 2006), and the National Park Service Director's Order #12: *Conservation Planning, Environmental Impact Analysis, and Decision-making* (NPS 2011), require the consideration of potential impacts on archeological resources, historic structures, cultural landscapes, museum collections, and ethnographic resources listed on or eligible for listing on the National Register of Historic Places (NHRP).

With the establishment of the National Lakeshore the NPS acquired properties associated with: the early settlement of the region; nineteenth century immigration; twentieth century corporate welfare projects; twentieth century architecture; and the creation of the National Lakeshore. This section examines the existing environmental conditions in and around some of these sites, and specifically discusses the resources that could be impacted by any proposed action.

Cultural Resources located within the Area of Effect include: numerous archeological sites; the Bailly Homestead, a National Historic Landmark; one late nineteenth century Swedish home site; and the Good Fellow Club Youth Camp, originally a summer camp.

In Reaches 1, 3, and 4 there is a possibility for impacts to archeology, and so an archeological inventory could be required prior to the implementation of the action alternatives. This differs from Reach 2 where archeological resources are known to be present. Consequently, for Reach 2 there would be direct impacts to archeological resources, and an archeological inventory would be required prior to the implementation of the action alternatives.

In Reaches 1, 3, and 4 there are no Historic Sites within the Area of Effect.

In Reach 2 there are Historic Sites within the Area of Effect (Bailly Homestead, Chellberg Farm, and Good Fellow Club Youth Camp), however they are located outside of the immediate impact area of the project, and there would be no direct impacts to the sites.

There could be long-term beneficial impacts to the Bailly Homestead due to increased visitation, because this could lead to opening the site on a daily basis for public use and/or the rehabilitation of the site for contemporary use.

The impacts discussed above do not meet the level of impairment for cultural resources.