



National Park Service  
U.S. Department of the Interior

Devils Tower National Monument  
Wyoming

**FINDING OF NO SIGNIFICANT IMPACT**  
**Accessibility Improvement Project**

Recommended:

  
\_\_\_\_\_  
Rich Lambert  
Acting Superintendent, Devils Tower National Monument

3/12/19  
Date

Approved:

  
\_\_\_\_\_  
Kate H. Hammond  
Acting Regional Director, Intermountain Region, National Park Service

3/12/2019  
Date

## INTRODUCTION

In compliance with the National Environmental Policy Act (NEPA), the National Park Service (NPS) prepared an Environmental Assessment (EA) to examine alternative actions and environmental impacts associated with the proposed improvements to existing visitor facilities at Devils Tower National Monument (the Monument). The project need is to address accessibility, safety, and operational issues within the main visitor use areas at the Monument.

The statements and conclusions reached in this finding of no significant impact (FONSI) are based on documentation and analysis provided in the EA and associated decision file. To the extent necessary, relevant sections of the EA are incorporated by reference below.

## SELECTED ALTERNATIVE AND RATIONALE FOR THE DECISION

Based on the analysis presented in the EA, NPS has selected the Proposed Action Alternative (the NPS preferred alternative) for implementation. The proposed action will consist of several improvements to the parking area and visitor spaces as summarized below:

- The upper and lower parking lots will be redesigned to increase overall parking capacity and the number of accessible parking spaces, improve circulation, and reduce congestion.
- Pedestrian access routes will be redesigned to improve safety and accessibility between the parking areas and visitor spaces.
- The visitor center building will receive several changes to improve accessibility of this facility including revised grades around the outside; a new ABA-compliant automated door entrance; renovation of existing public restrooms near the Ranger Station to be ABA-compliant; improved seating areas, circulation routes, lighting, exhibits, maps, and displays within the interior to accommodate people with disabilities (e.g., tactile maps, accessible display cases).
- Existing outdoor visitor spaces (i.e., plazas) at the visitor center, Tower Trailhead, and the trail "Y" intersection will be reconstructed to improve accessibility to key observation spaces and improve the overall visitor experience. In addition, the existing orientation kiosk will be removed from the center of the parking lot and a new Interpretive Plaza will be constructed along the Tower Trail, midway between the trailhead and the Y. Removal of the existing orientation kiosk in the center of parking lot and improvement of the two plazas at the visitor center and at the Tower Trailhead are intended to encourage pedestrian flow around the parking area, not across it.
- Twelve new wayside exhibits (i.e., interpretive panels) will be installed along the new Tower Trail alignment and at new plazas to provide orientation and interpretive resources for visitors.

Further details on each of these improvements can be found under Section 2.2 of the EA.

### **Rationale**

The Proposed Action Alternative was selected because it best meets the project purpose to address accessibility, safety, and operational issues within the main visitor use areas at the

Monument. The Monument received nearly 500,000 visitors in 2017 with the highest concentration of visitor use occurring at the Monument visitor center and along the Tower Trail, which is accessed from the visitor center. The current design of this area creates congestion in the parking lot, conflict between vehicles and interpretive activities, and does not provide adequate facilities and activities to visitors with mobility, sensory, and cognitive disabilities. Therefore, improvements are needed to meet modern code requirements and federal accessibility standards and to reduce congestion and improve pedestrian safety in the parking lot.

## MITIGATION MEASURES

The selected alternative incorporates the mitigation measures listed in Appendix A of this document.

## PUBLIC INVOLVEMENT/AGENCY CONSULTATION

Initial public scoping for the project occurred from December 1, through December 31, 2017. The EA was made available for public review and comment during a 30-day period, from November 9 through December 16, 2018. The NPS received 9 separate public correspondences (including county and state government) and 2 letters from tribal governments with no substantive comments.

The Monument hosted a WebEx presentation and conference call on August 24, 2017, to provide interested tribes with information about the project and allow tribes to ask questions, share comments, and provide input regarding the project design. Following the WebEx presentation, the Monument hosted government-to-government consultation with interested tribal representatives on September 12 and 13, 2017, in Hulett, Wyoming (September 12) and at Devils Tower (September 13). A site visit to Devils Tower was also facilitated with interested tribal members in September 2017.

During consultation in September 2017, Native American tribes provided the NPS and Monument managers with specific feedback regarding Native American traditional cultural practices and lifeways at and regarding Devils Tower. This feedback was provided to inform Monument managers about what information they believe should be incorporated into the wayside exhibits to highlight and share the cultural importance of Devils Tower to their people with the public. In addition, Tribal representatives from Northern Arapaho Tribe, Northern Cheyenne Tribe, Crow Tribe, Cheyenne River Sioux Tribe, Crow Creek Sioux Tribe, Oglala Sioux Tribe, Rosebud Sioux Tribe, Yankton Sioux Tribe, Turtle Mountain Band of Chippewa, and GrosVentre and Assiniboine of Fort Belknap assisted with the Class III Cultural Resource Inventory that was conducted for this project.

Native American tribes comments have specifically been incorporated into three wayside exhibits that would be installed around the Tower Trail and comments were used in alternatives development.

A letter summarizing the project and efforts to date was sent to tribes on December 1, 2017. This letter stated that consultation under the National Historic Preservation Act (NHPA) Section 106 process pursuant to 36 C.F.R. 800.3 will be accomplished separately, but parallel to, NEPA compliance. Responses were received from the Cheyenne and Arapaho Tribes and the Confederated Salish and Kootenai Tribes. Both tribal governments expressed their support of the project.

During the public comment period, one letter was received from the Northern Cheyenne THPO office. The THPO requested that tribal monitors and/or qualified archaeologists with previous work experience with tribes for all ground disturbance activities – as described in the Cultural Resources section.

## FINDING OF NO SIGNIFICANT IMPACT

Council on Environmental Quality regulations in 40 C.F.R. 1508.27 identify 10 criteria for determining whether a selected action will have a significant effect on the human environment. The NPS reviewed each of these criteria given the environmental impacts described in the EA and determined there will be no significant direct, indirect, or cumulative impacts under any of the criteria.

The following topics were dismissed because they did not warrant a full analysis: small mammal movement; general vegetation and wildlife habitat; environmental justice and socioeconomic minority and low income populations; natural soundscapes; federally-listed threatened and endangered plant species; Indian Trust resources; and archeological resources.

As described in the EA, the selected alternative has the potential for adverse impacts on the threatened northern long-eared bat, cultural resources, and visitor use and experience. However, no potential for significant adverse impacts was identified.

### **Northern Long-Eared Bat**

The selected alternative will permanently reduce the amount of suitable northern long-eared bat summer day roosting habitat in the analysis area by removal of up to 20 bur oak and 37 ponderosa pine trees, which would represent a small fraction of the total available habitat within the analysis area as well as within the more immediate construction area which is known to contain a total of approximately 399 trees. Construction activities will temporarily cause displacement of individual northern long-eared bats into adjacent habitats of equal or greater value during the construction period (defined as approximately 1 to 3 months a year for up to 2 years). Impacts will be highly localized and the overall character and quality of forested habitats in the analysis area will not change. All of the trees to be removed have the potential to provide summer day roosting habitat for the northern long-eared bat, but none have been found to contain active day roosts in recent northern long-eared bat roosting studies performed at the Monument. No identified currently active roost trees will be removed as part of the proposed action. If tree removal is required during the summer day roosting season, trees will be inspected by a qualified biologist for signs of bat use. Occupied male roost trees will only be removed when the bats are no longer present, and no maternity roost trees will be removed, at any time of the year.

NPS initiated informal Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS) in December 2018. Consultation concluded with the submission of the *Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form*. USFWS concurred with our determination February 26, 2019.

### **Cultural Resources**

#### ***Tower Trail Cultural Landscape***

Contributing elements for the Tower Trail Cultural Landscape include the Tower Trail, the Red Beds Trail/South Side Trail, Ethnographic Resources, and the Natural Landscape. Two

additional contributing elements to the cultural landscape are the Old Headquarters Area Historic District and the Entrance Road, which are analyzed under the topic, Historic Buildings and Structures. Because the impacts on these two elements will be minimal, there will be no related impacts to the cultural landscape and, therefore, these two elements are not discussed further under this section.

Under the selected alternative the Tower Trail Cultural Landscape may experience reduced integrity with regards to location, setting, design, materials, association, and feeling. Integrity of location, design, and materials will be directly and permanently reduced, as portions of both the Tower Trail and the Red Beds/South Side Trail will be removed as part of the selected alternative. However, the selected alternative will not reduce the overall integrity of the Tower Trail Cultural Landscape to the extent that its NRHP eligibility will be changed. This is because the portions of these trails that will be removed are very small (46 and 100 feet, respectively) in comparison to the overall length of each trail (1.3 and 2.8 miles, respectively), and the original alignment of each trail will remain largely intact. In addition, design features and materials associated with the selected alternative, including architectural designs, construction materials, and landscaping features, will mimic those used historically, and as a result, will remain consistent with historic design and materials within the Tower Trail Cultural Landscape and will limit the impact to integrity of setting, feeling, and association. Similarly, the removal of up to 57 mature ponderosa pine trees and bur oak trees (of approximately 399 total trees in the area) will result in a limited and temporary reduction in the integrity of setting and feeling of the natural forested landscape within the Tower Trail Cultural Landscape, but will not result in a permanent effect on the overall integrity of the cultural landscape because the landscape will continue to be dominated by trees, and the overall landscape in the analysis area will not change.

Historic properties present within the Tower Trail Cultural Landscape, namely the Tower Trail and the Red Beds Trail/South Side Trail, will also incur temporary indirect impacts during construction (defined as approximately 1 to 3 months a year for up to 2 years). Construction activities for the ABA trail and new Interpretive Plaza, and modifications to the existing Visitor's Parking Loop and the Entrance Road will be visible from these two historic properties within the cultural landscape. However, because the indirect, visual impacts associated with construction activity will be temporary, they will not permanently adversely impact these two sites.

Finally, the selected alternative will have a beneficial impact on ethnographic resources, which are integral contributing features to the Tower Trail Cultural Landscape, by improving visitor understanding and experience of the overall historic and ethnographic uses of Devils Tower by Native Americans. This understanding encourages the preservation of these resources and provides education on Native American cultural traditions within the cultural landscape.

### ***Historic Buildings and Structures***

The EA analyzed potential impacts to the Entrance Road and the Old Headquarters Area.

The Entrance Road will be directly and permanently impacted by the selected alternative. The addition of a rock retaining wall, concrete curbing and gutters, and a concrete sidewalk and ramp within the eastern right-of-way and the removal of some asphalt at the road's junction with the parking area loop will result in minimal loss of integrity of design, materials, workmanship, setting, and feeling for the historic road. However, the portion of the Entrance Road within the project area is regularly maintained and has been modified through the addition of modern traffic signs and markings to accommodate visitor traffic through the years. Modifications to the road under the selected alternative will follow the Secretary of the Interior's Standards for the Treatment of Historic Properties and be designed to be compatible with historic design and

historic modifications to the road, thereby minimizing the direct impact. The road's integrity of location will not be affected because the road alignment will remain as it presently is.

The selected alternative will retain all of the existing historic buildings in the historic district. Remodeling of the patio area in front of the old administration building/visitor center will have design features that will be compatible with the historic character of the CCC era during which the building was constructed and with other buildings and structures in the area. In addition, the area in front of the visitor center doorway will be replaced with smooth grade flagstone in large pieces (minimizing the number of joints) that matches the color of the original stones. Revegetation around the historic buildings and within the center island will consist of native species, thereby restoring some of the natural setting around the historic buildings and largely blocking from view additional modifications to the parking area loop, the Tower Trail, restroom modifications and the addition of the Interpretive Plaza as plants grow and establish. Because of this, and because no changes will be made to either the Climber Registration and Ranger Office or the fire hose house, the area will experience minimal loss of integrity of design, setting, materials, workmanship, feeling, and association. In addition, under the selected alternative, the historic district's integrity of location will not be affected because buildings will remain where they presently are.

The presence of construction equipment will indirectly impact the integrity of feeling and setting of the Entrance Road and Historic District during the construction period (defined as approximately 1 to 3 months a year for up to 2 years). These impacts will occur anywhere the construction or staging areas will be seen for the duration of the construction. However, there will be no permanent effect on the integrity of the Entrance Road or the Historic District as a result of the construction activity.

In accordance with Section 106 of the National Historic Preservation Act of 1966, consultation was initiated with the State Historic Preservation Officer (SHPO) and tribes traditionally associated with the Monument on December 1, 2017. On December 12, 2018 NPS completed a detailed Assessment of Effect and submitted it to the SHPO and tribes. The NPS found that implementation of the proposed action will have an effect on historic properties; however, the effect will not be adverse and is in keeping with the Secretary of the Interior's Standards for the Treatment of Historic Properties. Therefore, the NPS has determined that this undertaking constitutes a determination of "no adverse effect." NPS received responses from the Rosebud Sioux Tribe on January 30, 2019, Standing Rock Sioux Tribe on December 17, 2018, Kiowa Tribe of Oklahoma on January 10, 2019, and the Northern Cheyenne Tribal Historic Preservation Office on January 21, 2019 agreeing with the NPS assessment. Concurrence from the SHPO was received on March 4, 2019.

### **Visitor Use and Experience**

Visitor use and experience will improve over the long term due to increased parking capacity, improved traffic flow, and increased accessibility of facilities for visitors with disabilities. There will also be some temporary adverse impacts on visitor use and experience during construction of the proposed action (defined as approximately 1 to 3 months a year for up to 2 years). The need for temporary closures around the monument and parking area has not yet been determined, but closures could last anywhere from a few days to the entire construction period. The introduction of construction noise will occur in and around the existing parking area and access route, where it is already common for visitors to experience vehicle noise and other human-made sounds.

## CONCLUSION

There will be no significant impacts on public health, public safety, or 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 NPS selected alternative will not violate any federal, state, or local environmental protection law.

As described above, the selected alternative does not constitute an action meeting the criteria that normally requires preparation of an environmental impact statement (EIS). The selected alternative will not have a significant effect on the human environment in accordance with Section 102(2)(c) of NEPA.

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

\*\*\*\*\*

## Appendix A Mitigation Measures

- Careful analysis of the slope and alignment of new routes and plazas has been completed to minimize the number of switchbacks and associated impacts on the Monument's ponderosa pine forest and the Monument viewshed.
- Improvements to the Tower Trail have been limited to opportunities where compatibility with Universal Design can be enhanced without disturbing Monument resources.
- Improvements to accessibility have been designed to minimize the area of ground disturbance as much as possible, reusing existing walkways and curbs where possible.
- To minimize the area of ground disturbance, construction area limits would be clearly defined, fenced, flagged, and delineated. No disturbance would occur beyond these limits other than protection measures for erosion/sediment control.
- To reduce potential impacts on the visual landscape and natural resources, all tools, equipment, barricades, signs, surplus materials, and rubbish would be removed from the project area upon project completion. Construction debris would be hauled from the Monument to an appropriate disposal location.
- To reduce potential conflicts with wildlife and visitors, Monument managers would ensure that personnel conducting trail restoration would be instructed on appropriate behavior in the presence of wildlife and on proper storage and handling of food, garbage, and other attractants.
- To the maximum extent that is feasible, potential impacts on the northern long-eared bat would be avoided by removing trees suitable for roosting outside of the summer months when bats are known to occupy trees during the day (i.e., October–March). If tree removal is required during the summer day roosting season, trees would be inspected by a qualified biologist for signs of bat use, including guano. Occupied male roost trees would only be removed when the bats are no longer present, and no maternity roost trees would be removed, at any time of the year.
- To reduce the potential for introduction of nonnative plants, all equipment entering the Monument would be cleaned and pressure washed to remove foreign soil, vegetation, and other materials that may contain nonnative seeds or vegetation.
- To reduce the potential for introduction of nonnative plants, imported fill dirt would be from a weed-free source to ensure that it is free of noxious weeds.
- To reduce potential impacts on native vegetative communities, all existing routes, plazas, and other disturbed areas would be revegetated with native species. Revegetation plantings, if necessary, would use native species from genetic stocks originating in the Monument. Revegetation efforts would focus on recreating the natural spacing, abundance, and diversity of native plant species. All disturbed areas would be restored as nearly as possible to preconstruction conditions shortly after construction activities are completed.
- To protect revegetated areas from disturbance during operation of the proposed action, barriers or signs would be used to deter visitor travel on the abandoned routes and plazas to allow restoration of these areas.
- In an effort to avoid introduction of exotic plant species, no hay bales would be used. Hay often contains seed of undesirable or harmful invasive exotic plant species. Therefore, on a



case-by-case basis, the following materials may be used for any erosion control that may be necessary: rice straw, straws determined by the NPS to be weed-free, cereal grain straw that has been fumigated to kill weed seed, and wood excelsior bales.

- To reduce the potential for their spread, any nonnative invasive plant infestations discovered in the project area would be treated on a yearly basis for a minimum of 3 years following project completion.
- To prevent erosion and protect both soil and vegetation, erosion-control measures that provide for soil stability and prevent movement of soils would be implemented, such as silt fence structures made of burlap or biodegradable mesh.
- All ground-disturbing activities would be monitored by a qualified archaeologist meeting the Secretary of the Interior's Professional Qualification Standards.
- If previously unknown archeological resources are discovered during construction, all work in the immediate vicinity of the discovery would be halted until the resources are identified and documented and an appropriate mitigation strategy developed, if necessary, in accordance with pertinent laws and regulations, including the stipulations of the 2008 Programmatic Agreement Among the NPS (U.S. Department of the Interior), the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers.
- In the event that human remains are discovered during construction activities, all work on the project would stop and as required by law, the coroner would be notified first. An NPS Intermountain Region Archeologist would also be contacted immediately. All provisions outlined in the Native American Graves Protection and Repatriation Act (1990) would be followed.
- Monument managers would ensure that all personnel who work on the project are informed of the penalties for illegally collecting artifacts or intentionally damaging archeological sites or historic properties. Personnel would also be instructed on procedures to follow in case previously unknown archeological resources are uncovered during construction. Equipment traffic would be minimized in the area of the site. Equipment and materials staging areas would also avoid known archeological resources. These measures would be implemented to reduce potential impacts on archeological or historic resources.
- Known historic and prehistoric sites and isolated occurrences would be flagged and avoided during rehabilitation/construction activities
- The following design features have been incorporated into the proposed action to minimize and avoid impacts on the viewscape at the Monument:
  - Trails, pathways, pull-outs, and seating areas have been designed and placed to enhance and accentuate historic views.
  - Placing the Y Plaza at the existing Y intersection was designed to maintain the location of the historic circulation pattern and view point.
  - Adding trash cans near north trailhead to minimize and prevent the potential for visual impacts from littering.
  - The footprint of existing asphalt trail on the east side of the plaza has been minimized.
  - Strategically placing boulders (i.e., in areas between existing and proposed trails) to minimize visual impacts.
  - Using simplified hexagonal forms at the Interpretive Plaza.

- The use of materials consistent with the existing built environment established in the visitor center area (rustic design) using materials local to the area. Examples include log construction, flagstone hardscape, and stone foundation walls and chimney.
  - Placement of tactile full-scale tower walls in the corner of the Tower Trail towards the Y.
  - Planting native vegetation along the northwest and west sides of the Lower Pavilion Plaza to block views of the pavilion from the road and parking lots, using transplanted plants from project disturbance areas as much as possible.
  - Planting native vegetation and add boulders in locations where existing trail is removed, use dead limbs to detract from use.
  - Designing the new patio area in front of visitor center to retain the character of the era and be compatible with the historic scene. This includes retaining the historic flagstone entrance area to the extent possible by removing the stones and placing them back in the same locations after grading is complete. Furthermore, the area directly in front of the visitor center doorway would be replaced with smooth grade flagstone in large pieces (minimizing the number of joints) that matches the color of the original stones.
  - Extending split rail fence along roadway to prevent access to trails and plaza spaces from roadway and RV parking area.
- To reduce potential impacts on visitors during construction, signs, press releases, and other communication methods would be used to inform visitors about trail restorations or closures during construction.
  - All construction motor vehicles and equipment would have mufflers conforming to original manufacturer specifications that are in good working order to prevent excessive or unusual noise, fumes, or smoke.
  - To reduce noise and air pollutant emissions, construction equipment would not be permitted to idle for longer than 2 minutes when not in use.
  - Dust generated by construction would be controlled as necessary by spraying water on the construction site, or other best management practices for dust control.
  - Rock dust created during cutting or shaping would be controlled by a wet method to eliminate/reduce silica exposure for workers and visitors.
  - To reduce potential impacts on public health and safety, appropriate barriers and barricades would be used to clearly delineate work areas and prevent visitor travel near construction areas. Visitors would not be allowed into construction zones.
  - To reduce potential safety hazards, construction crews would employ the hierarchy of hazard controls to protect themselves and visitors from hazards.
  - To reduce potential impacts on public health and safety, trucks hauling debris and other loose materials would be covered to prevent spillage.
  - Emergency response protocols would be developed for implementation during construction. Construction activities would be conducted in accordance with established safety protocols to reduce potential safety hazards for visitors, employees, and construction crews.
  - To reduce potential impacts on normal Monument operations during construction, employees and construction crews would be required to park their vehicles in designated locations.
  - To reduce potential impacts on normal Monument operations during construction, construction workers and supervisors would be informed about the special sensitivity of Monument values, regulations, and appropriate housekeeping.

# Non-Impairment Determination

## Devils Tower National Monument

### Accessibility Improvement Project

By enacting the NPS Organic Act of 1916 (Organic Act), Congress directed the U.S. Department of the Interior and the National Park Service (NPS) to manage units "to conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations" (54 U.S.C. 100101). NPS *Management Policies 2006*, Section 1.4.4, explains the prohibition on impairment of park resources and values:

"While Congress has given the Service the management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the National Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them."

An action constitutes impairment when its impacts "harm the integrity of park resources or values, including the opportunities that otherwise will be present for the enjoyment of those resources or values" (NPS 2006, Section 1.4.5). To determine impairment, the NPS must evaluate the "particular resources and values that will 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 constitute impairment, but 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 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 (NPS 2006, Section 1.4.5).

Fundamental resources and values for Devils Tower National Monument (the Monument) are identified in the enabling legislation for the park, as well as the park's foundation document (2014). Based on a review of these documents, the fundamental resources and values for the Monument are:

- Devils Tower Formation: Devils Tower is a universally recognized landmark having geological, cultural, and recreational significance.
- American Indian Spiritual Values and Opportunity for Personal Reflection: The land within the monument is a sacred place for many people. The Lakota (Sioux), Crow, Northern Cheyenne, Southern Cheyenne, Northern Arapaho and Southern Arapaho, Kiowa, and other tribes have significant stories and events associated with this area. It provides space for ceremonial observances, such as Sun Dance ceremonies, sweat

lodges, placement of prayer bundles, and hoop relay runs. This geologic wonder can also inspire visitors to reflect on their lives and their place in the world.

Resources that were carried forward for detailed analysis in the environmental assessment (EA) and 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 relevant NPS planning documents include the northern long-eared bat and cultural resources. While analyzed in detail in the EA, non-impairment determinations are not necessary for visitor use and experience because impairment findings relate to park resources and values, and these impact topics are not generally considered park resources or values according to the Organic Act. Accordingly, a non-impairment determination is only made for the northern long-eared bat and cultural resources.

This non-impairment determination has been prepared for the selected alternative, as described in the finding of no significant impact for the Devils Tower National Monument Accessibility Improvement Project Environmental Assessment.

### **Northern Long-Eared Bat**

Habitat for the northern long-eared bat occurs within the project area. Both adult and juvenile northern long-eared bats have been documented at the Monument, and summer roosting sites were identified within 500 feet of the project footprint. Studies of the northern long-eared bat at the Monument have shown a male-sex bias in captured individuals and all summer roost sites identified at the Monument have been male roosts; no maternity roosts have been detected within the Monument. Specifically at the Monument, male northern long-eared bats were found to roost on a variety of dead, live, and even downed trees including small bur oak snags, downed bur oak and ponderosa pine logs, and medium to large dead and live ponderosa pine.

The selected alternative will permanently reduce the amount of suitable northern long-eared bat summer day roosting habitat in the analysis area by removal of up to 20 bur oak and 37 ponderosa pine trees, which would represent a small fraction of the total available habitat within the analysis area as well as within the more immediate construction area which is known to contain a total of approximately 399 trees. Construction activities will temporarily cause displacement of individual northern long-eared bats into adjacent habitats of equal or greater value during the construction period (defined as approximately 1 to 3 months a year for up to 2 years). Impacts will be highly localized and the overall character and quality of forested habitats in the analysis area will not change. All of the trees to be removed have the potential to provide summer day roosting habitat for the northern long-eared bat, but none have been found to contain active day roosts in recent northern long-eared bat roosting studies performed at the Monument. No identified currently active roost trees will be removed as part of the selected alternative. If tree removal is required during the summer day roosting season, trees will be inspected by a qualified biologist for signs of bat use. Occupied male roost trees will only be removed when the bats are no longer present, and no maternity roost trees will be removed, at any time of the year.

Given the above impacts, the NPS has determined that the selected alternative will not result in an impairment to the northern long-eared bat or its habitat.

## **Cultural Resources**

The EA analyzed cultural resources in two subsections: The Tower Trail Cultural Landscape and Historic Buildings and Structures. A discussion of each is included below with a non-impairment determination made for cultural resources following this discussion.

Mitigation measures will be implemented to limit the impacts on cultural resources and multiple design features have been incorporated into the selected alternative to both minimize potential adverse impacts on cultural resources and to enhance the existing historic resources, viewshed, and scene of these resources.

### ***Tower Trail Cultural Landscape***

As of November 2018, the Tower Trail Cultural Landscape has not been formally evaluated for listing in the NRHP, a Tower Trail and Red Beds Trail Cultural Landscape Inventory is scheduled for completion in 2019. However, the landscape is of both ethnographic and historic importance. The landscape represents the cumulative experience of visitors to Devils Tower as they proceed toward and around the monolith through ponderosa pine forest via the Tower Trail. Both cultural and natural elements of the landscape, experienced through physical, emotional, and visual sensations, are important. During the early history of the park, and in particular during the work programs associated with the New Deal of the 1930s, great care was taken in development of the entrance road, old headquarters area, trails, and visitor use areas in regards to maintaining the natural and pristine environment surrounding Devils Tower. Contributing elements for the Tower Trail Cultural Landscape include the Tower Trail, the Red Beds Trail/South Side Trail, Ethnographic Resources, and the Natural Landscape. Two additional contributing elements to the cultural landscape are the Old Headquarters Area Historic District and the Entrance Road, which are analyzed under the topic, Historic Buildings and Structures. Because the impacts on these two elements will be minimal, there will be no related impacts to the cultural landscape and, therefore, these two elements are not discussed further under this section. Under the selected alternative the Tower Trail Cultural Landscape may experience reduced integrity with regards to location, setting, design, materials, association, and feeling. Integrity of location, design, and materials will be directly and permanently reduced, as portions of both the Tower Trail and the Red Beds/South Side Trail will be removed as part of the selected alternative. However, the selected alternative will not reduce the overall integrity of the Tower Trail Cultural Landscape to the extent that its NRHP eligibility will be changed. This is because the portions of these trails that will be removed are very small (46 and 100 feet, respectively) in comparison to the overall length of each trail (1.3 and 2.8 miles, respectively), and the original alignment of each trail will remain largely intact. In addition, design features and materials associated with the selected alternative, including architectural designs, construction materials, and landscaping features, will mimic those used historically, and as a result, will remain consistent with historic design and materials within the Tower Trail Cultural Landscape and will limit the impact to integrity of setting, feeling, and association. Similarly, the removal of up to 57 mature ponderosa pine trees and bur oak trees (of approximately 399 total trees in the area) will result in a limited and temporary reduction in the integrity of setting and feeling of the natural forested landscape within the Tower Trail Cultural Landscape, but will not result in a permanent effect on the overall integrity of the cultural landscape because the landscape will continue to be dominated by trees, and the overall landscape in the analysis area will not change.

Historic properties present within the Tower Trail Cultural Landscape, namely the Tower Trail and the Red Beds Trail/South Side Trail, will also incur temporary indirect impacts during

construction (defined as approximately 1 to 3 months a year for up to 2 years). Construction activities for the ABA trail and new Interpretive Plaza, and modifications to the existing Visitor's Parking Loop and the Entrance Road will be visible from these two historic properties within the cultural landscape. However, because the indirect, visual impacts associated with construction activity will be temporary, they will not permanently adversely impact these two sites.

Finally, the selected alternative will have a beneficial impact on ethnographic resources within the Tower Trail Cultural Landscape by improving visitor understanding and experience of historic and ethnographic resources within the cultural landscape and the past use of Devils Tower by Native Americans. This understanding encourages the preservation of these resources and provides education on Native American cultural traditions within the cultural landscape.

### ***Historic Buildings and Structures***

The EA analyzed potential impacts to the Entrance Road and the Old Headquarters Area. The entirety of the Entrance Road is included in the NRHP nomination form and consists of an approximately 3-mile-long paved road extending from the Entrance Station at the eastern monument boundary to the visitor center parking area near the Old Headquarters Historic District. It includes the associated CCC culverts along the roadway. The Entrance Road does not, however, include the parking area loop, which was constructed separately. The segment of the road within the analysis area is approximately 885 feet long and asphalt paved. This portion of the Entrance Road is regularly maintained and, along with the rest of the road, was reconstructed in 1934, graveled in 1935–1936, and oiled in 1937 to accommodate increased visitor traffic. In addition, modern road markings and traffic signs, including white and yellow paint lines, paving symbols, and stop signs, exist along this segment of the Entrance Road. It is significant under NRHP Criterion A and Criterion C. Its period of significance is 1934 to 1950, dating from the reconstruction of the original 1917 road to the end of the historic period as defined by the NRHP at the time the road was listed.

The Old Headquarters Area was listed in the NRHP in 2000 and includes three buildings located in what is now the visitor center area; both the larger designed landscape surrounding the area and the associated water and sewer systems were evaluated as noncontributing to the historic district due to loss of integrity. The Old Headquarters Area Historic District is significant under NRHP Criteria A and C for its association with the evolution of NPS planning and design theory from the 1930s New Deal period of investment, and the specific attention given to major development areas by the NPS during this period in an effort to modernize amenities and improve visitor experience. The period of significance for the historic district is 1931 to 1950.

The Entrance Road will be directly and permanently impacted by the selected alternative. The addition of a rock retaining wall, concrete curbing and gutters, and a concrete sidewalk and ramp within the eastern right-of-way and the removal of some asphalt at the road's junction with the parking area loop will result in minimal loss of integrity of design, materials, workmanship, setting, and feeling for the historic road. However, the portion of the Entrance Road within the project area is regularly maintained and has been modified through the addition of modern traffic signs and markings to accommodate visitor traffic through the years. Modifications to the road under the selected alternative will follow the Secretary of the Interior's Standards for the Treatment of Historic Properties and be designed to be compatible with historic design and historic modifications to the road, thereby minimizing the direct impact. The road's integrity of location will not be affected because the road alignment will remain as it presently is.

The selected alternative will retain all of the existing historic buildings in the historic district. Remodeling of the patio area in front of the old administration building/visitor center will have design features that will be compatible with the historic character of the CCC era during which the building was constructed and with other buildings and structures in the area. In addition, the area in front of the visitor center doorway will be replaced with smooth grade flagstone in large pieces (minimizing the number of joints) that matches the color of the original stones. Revegetation around the historic buildings and within the center island will consist of native species, thereby restoring some of the natural setting around the historic buildings and largely blocking from view additional modifications to the parking area loop, the Tower Trail, restroom modifications and the addition of the Interpretive Plaza as plants grow and establish. Because of this, and because no changes will be made to either the Climber Registration and Ranger Office or the fire hose house, the area will experience minimal loss of integrity of design, setting, materials, workmanship, feeling, and association. In addition, under the selected alternative, the historic district's integrity of location will not be affected because buildings will remain where they presently are.

The presence of construction equipment will indirectly impact the integrity of feeling and setting of the Entrance Road and Historic District during the construction period (defined as approximately 1 to 3 months a year for up to 2 years). These impacts will occur anywhere the construction or staging areas will be seen for the duration of the construction. However, there will be no permanent effect on the integrity of the Entrance Road or the Historic District as a result of the construction activity.

#### ***Non-Impairment Determination for Cultural Resources***

Given the above, the selected alternative will not impair cultural resources.

#### **Conclusion**

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 alternative. The NPS has determined that implementation of the selected alternative will not constitute an impairment of the resources or values of Devils Tower National Monument. This conclusion is based on consideration of the park's purpose and significance, a thorough analysis of the environmental impacts described in the EA, comments provided by the public and others, and the professional judgment of the decision maker guided by the direction of *NPS Management Policies 2006*.

