



FINDING OF NO SIGNIFICANT IMPACT

Interim Site Management Plan

Sand Creek Massacre National Historic Site

Project Purpose

In compliance with the National Environmental Policy Act, the National Park Service prepared an Interim Site Management Plan/ Environmental Assessment in April 2007 to provide some direction for the Sand Creek Massacre National Historic Site until a more comprehensive, 20-year General Management Plan is developed and implemented. An interim plan is needed because 1) completion of a General Management Plan is several years away, and 2) park dedication and opening to the public is scheduled for April 2007, which presents near-term needs to accommodate visitor use, National Park Service management, and tribal activities.

Selection of the Preferred Alternative

The Environmental Assessment evaluates two alternatives: 1) *Alternative A – No Action* under which no interim plan will be developed, and 2) *Alternative B – Interim Site Management Plan*, which consists of developing and implementing an interim site management plan that proposes activities to be conducted and facilities to be constructed until a more comprehensive General Management Plan can be completed.

Alternative B – Interim Site Management Plan is the National Park Service's selected alternative because it best meets the purpose and need for the project as well as the project objectives to 1) address temporary needs for public access, National Park Service management, and tribal activities; 2) consider affordable solutions to allow for short-term implementation, and flexible solutions so that actions could be reversed if the General Management Plan proposes something different, and 3) protect resources and values for which the park unit was established so as to not impair or cause unacceptable impacts to these resources. In summary, the interim plan includes:

- Public Access: opening the park unit to the public (currently it is closed); constructing a temporary on-site visitor contact station; installing toilets; developing two pedestrian trails; erecting signage; acquiring adjacent state land and constructing an overlook; and improving roads and parking.
- National Park Service Management: constructing a temporary on-site park support services building to hold a few employee offices (this doubles as the visitor contact station); re-using existing buildings for maintenance and storage purposes; and installing utilities.
- Tribal Activities: continued use of the site for ceremonies; relocating the existing 1950s stone monument and erecting a new one; designating a cemetery (repatriation site), and re-using existing buildings on-site for tribal storage.

The majority of development-related activities within this plan would occur in three distinct areas: 1) in the former Dawson Ranch area, 2) near the overlook that contains the existing 1950s stone monument, and 3) along the former ranch roads. Actions in the interim site management plan are intended to be temporary in nature and fully reversible. That way, actions or facilities implemented or constructed under the interim site management plan could be reversed if the future General Management Plan calls for something different and to provide maximum opportunities to the future general management planning process. In general, the interim plan would favor resource protection in lieu of visitor experience to ensure significant park resources are preserved for future planning opportunities. Facility construction and infrastructure improvements of any kind are meant to be kept to a minimum to support the park staff and public visitation, as needed.

The following mitigation measures will be adhered to during implementation of the preferred alternative:

- Any ground-disturbing work will be monitored by a National Park Service cultural resource professional. Tribal monitors will be permitted, upon request from the tribes. Should construction unearth previously undiscovered cultural resources, work will be stopped in the area of any discovery and the park will consult with the state historic preservation officer and the Advisory Council on Historic Preservation, as necessary, according to §36 CFR 800.13, *Post Review Discoveries*. In the unlikely event that human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered during construction, provisions outlined in the Native American Graves Protection and Repatriation Act (1990) will be followed.
- Construction activities will be scheduled to minimize construction-related impacts upon visitors and tribes. Areas not under construction will remain accessible to visitors and tribes as much as is safely possible.
- Construction zones including staging areas will be identified and demarcated with construction tape or some similar material to define the work zone and to confine the activity to the minimum area needed for implementing the project. All protection measures will be clearly stated in the construction specifications and workers will be instructed to avoid conducting activities beyond the zone as defined by the fencing. In addition, the National Park Service will ensure that all workers are informed that damage to resources outside the scope of work is subject to prosecution, fine, restitution costs, and other penalties.
- To minimize the amount of ground disturbance, staging and stockpiling areas will be located in previously disturbed sites, away from visitor use and resource protection areas to the extent possible. All staging and stockpiling areas will be returned to pre-construction conditions following construction. Existing vegetation at the site will not be disturbed to the extent possible.
- The National Park Service will ensure that all workers are informed of the penalties for illegally collecting artifacts or intentionally damaging archeological sites and historic properties. Workers will also be instructed on procedures to follow in case a previously unknown archeological resource is uncovered during construction. Construction workers and supervisors will be informed about the special sensitivity of the Historic Site's values and regulations.
- Any new construction will meet National Park Service *Management Policies* for construction within a cultural landscape. Contemporary alterations and additions to a cultural landscape will not radically change, obscure, or destroy its significant spatial organization, materials, and features. New buildings, structures, landscape features, and utilities will be designed and sited to preserve the landscape's integrity and historic character; and the new construction will be differentiated from, yet compatible with, the landscape's historic character.

Environmentally Preferred Alternative

The environmentally preferred alternative is determined by applying the six criteria suggested in §101 of the National Environmental Policy Act. According to these criteria, the environmentally preferred alternative should 1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations; 2) assure for all generations safe, healthful, productive, and esthetically and culturally pleasing surroundings; 3) attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences; 4) preserve important historic, cultural and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice; 5) achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities; and 6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

The preferred (selected) alternative is the environmentally preferred alternative because it best addresses these six evaluation factors. This alternative strikes a balance between resource preservation and visitor use and experience (#2, 3, 5). This alternative will eventually allow for public access during its scheduled hours of operation at the Historic Site, thereby providing the widest range of beneficial uses without degradation of the primary resource. This alternative also best meets the criteria for resource protection because it limits development and visitor access to the Dawson Ranch area, the overlook area, and the roadways (#1, 4). Finally, with on-site facilities, staff will not have to commute from Eads, and less fuel will be consumed (#6). Therefore, the preferred alternative best provides for visitor use and other opportunities in addition to resource protection, and it is the environmentally preferred alternative.

Why the Preferred Alternative 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

Resource topics that were addressed in the Environmental Assessment include cultural landscapes; ethnographic resources; visitor use and experience; and park operations. All other resource topics were dismissed from further evaluation in the document because the associated impacts will be minor or less.

Cultural Landscapes – The preferred alternative includes the construction of new buildings or structures, which will have negligible to minor, adverse, long-term effects to the cultural landscape because it will introduce non-contributing elements or features to the cultural landscape which will alter the viewshed. Effects from new construction on the cultural landscape will remain minor or less because any new buildings or structures will 1) be situated in previously disturbed areas that do not contribute to the significance of the site, 2) be designed to be conducive to and blend in with the natural and historic setting, 3) not directly impact any significant features of the site. This alternative also perpetuates the continuation or existence of non-contributing features in the cultural landscape such as the existing ranch roads, the 1950s stone marker, and the Dawson Ranch buildings which will have a negligible to minor, adverse, long-term effect on the cultural landscape. In addition, negligible, adverse, temporary impacts are expected from the construction of ceremonial features, such as tepees; however, these impacts will persist only as long as the features are present. While these actions have adverse effects to the cultural landscape, they are not expected to modify the significance or the integrity of the historic cultural landscape.

Ethnographic Resources – Construction of visitor access amenities and National Park Service management facilities will primarily have negligible effects on the ethnographic resource because construction will occur in previously disturbed areas outside the ethnographically significant areas of the park unit. In addition, constructing some features requested by the tribes, such as a repatriation cemetery or a new monument to replace the existing 1950s monument, will have a minor to moderate, beneficial, long-term effect on the ethnographic resource by facilitating tribal practices. Access to and use of the site by tribes will not change under this alternative, which is in accordance with the enabling legislation.

Visitor Use and Experience – Beginning in April 2007, Sand Creek Massacre National Historic Site shall be open to the public, which will have a minor to moderate beneficial effect to visitor use and experience, because until now, the site has not been open to the public. Public access is less limited, both temporally and geographically, under this alternative when compared with Alternative A because this alternative provides trails to access previously closed areas of the park plus the park will eventually be open during scheduled hours of operation. The preferred alternative also includes the construction of basic amenities such as a visitor contact station, toilets, or water; improvements to existing infrastructure at the site such as the roads; and additional visitor opportunities such as trails, an overlook, or an interpreted tribal cemetery. With these basic amenities, infrastructure improvements, and additional opportunities, this alternative will have a minor to moderate, beneficial effect on visitor use and experience.

Park Operations – On-site facilities, including a park support services building, will be constructed, which will provide greater efficiencies to park operations to a minor to moderate degree because of less commuting time from Eads and/or Bent's Old Fort National Historic Site. Visitors will eventually be allowed access to the Historic Site during scheduled hours of operation, which also improves the efficiency of park operations because of not having to facilitate individual visitor appointments and guided tours of the park unit. Temporarily, the workload of employees will increase to a minor degree from having to pack and move their offices from Bent's Old Fort National Historic Site to the park unit. Also, with the construction of new buildings and structures, the employee workload will increase in the long-term to a minor degree due to the maintenance and upkeep required on new facilities.

Degree of effect on public health or safety

The preferred alternative will provide basic amenities to the park unit including water, toilets, and a visitor contact station which will improve the health and safety aspect of the site to a minor to moderate degree for the long-term. Short-term construction effects include increased noise, dust, and emissions which will have a minor adverse effect on public health and safety; however, normal conditions will resume following the construction period.

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 preferred alternative will not impact unique characteristics of the geographic area including historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas because these resources do not exist in the project area.

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

Throughout the environmental process, the proposal to implement an interim site management plan was not highly controversial, nor are the effects expected to generate future controversy. The initial 30-day scoping period for the project did not generate public controversy nor did the 30-day public review of the Environmental Assessment.

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

The effects of implementing the interim site management plan are fairly straightforward and do not pose uncertainties. 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 preferred alternative 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 because the actions cited in the interim site management plan will be re-evaluated during the general management planning process. Actions in the interim site management plan are intended to be temporary in nature and fully reversible. That way, actions or facilities implemented or constructed under the interim site management plan could be reversed if the future General Management Plan calls for something different and to provide maximum opportunities to the future general management planning process. In general, the interim plan will favor resource protection in lieu of visitor experience to ensure significant park resources are preserved for future planning opportunities.

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 Sand Creek Massacre site (Site # 5SW28) is listed on the National Register of Historic Places. It is considered a cultural landscape and also an ethnographic resource. In compliance with Section 106 of the National Historic Preservation Act, a letter was sent to the Colorado State Historic Preservation Officer requesting concurrence on the determination of *no adverse effect* to historic properties from the implementation of the interim site management plan. The Colorado State Historic Preservation Officer concurred with this determination on March 5, 2007.

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

In compliance with the Endangered Species Act, the National Park Service submitted a letter to U.S. Fish and Wildlife Service requesting concurrence on a determination of *no effect* to federally-listed species, and concurrence was received in a letter dated March 7, 2007. Similarly, in accordance with National Park Service policies, the National Park Service submitted a letter to the Colorado Department of Wildlife requesting concurrence on a determination of *no effect* to state-listed species, and concurrence was received March 26, 2007.

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

The preferred alternative will be implemented in accordance with all Federal, state, and local environmental protection laws.

Impairment

The National Park Service has determined that implementation of the proposal will not constitute an impairment to the resources and values at Sand Creek Massacre National Historic Site. This conclusion is based on a thorough analysis of the environmental impacts described in the Environmental Assessment, the comments received, relevant scientific studies, and the professional judgment of the decision-maker guided by the direction provided in the 2006 National Park Service *Management Policies*. Although the plan/project has some negative impacts, in all cases these adverse impacts are the result of actions taken to preserve and restore park resources and values. Overall, implementation of the plan will benefit park resources and values, provide opportunities for their enjoyment, and will not result in their impairment.

Public Involvement

The Environmental Assessment was made available for public review and comment during a 30-day period ending May 17, 2007. To notify the public of this review period, the National Park Service distributed a letter to the tribes and members of the public on the National Historic Site's mailing list. Copies of the document were sent to the tribes; made available at the National Historic Site's visitor center; and posted on the internet at the National Park Service Planning, Environment, and Public Comment website (<http://parkplanning.nps.gov/>). During this review period, one comment letter was received from the general public, which was not in support of some elements of this plan. Substantive comments are addressed in the attached *Comment Response*. Native American tribes did not offer

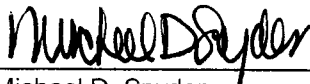
comment, but have been involved in the planning process and have indicated their favor for the actions in the interim plan.

Conclusion

The preferred alternative does not constitute an action that normally requires preparation of an Environmental Impact Statement (EIS). The preferred alternative will not have a significant effect on the human environment. Negative environmental impacts that could occur will be negligible, minor, or moderate in intensity. There will be no significant impacts 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, the National Park Service has determined that an EIS is not required for this project and thus will not be prepared.

Approved:



Michael D. Snyder
Director, Intermountain Region, National Park Service



Date

COMMENT RESPONSE

For the Interim Site Management Plan/ Environmental Assessment Sand Creek Massacre National Historic Site

The following section is a response to substantive comments received during the public review of the Environmental Assessment. The comments below are paraphrased from the originals. The responses resulted in no changes to the text of the Environmental Assessment.

Comment: The park should not be used exclusively by Native Americans.

Response: Sand Creek National Historic Site will be open to the general public during scheduled hours of operation once the dedication ceremony in April 2007 has occurred. These hours of operation will be established based on visitor use needs and park staffing.

In addition, the enabling legislation for the National Historic Site allows reasonable rights of access to members of a tribe (the Cheyenne and Arapaho tribes of Oklahoma, the Northern Cheyenne tribe, or the Northern Arapaho tribe) whose ancestors were affected by the Sand Creek Massacre. The National Park Service interprets this to mean that these tribes will have access to the National Historic Site for ceremonial purposes, and that this access may extend beyond scheduled public hours of operation.

Comment: The National Park Service should erect a granite marker for the military soldiers that died there.

Response: The National Historic Site's authorizing legislation stipulates commemorative needs for tribes and their descendents (*Sand Creek Massacre National Historic Site Establishment Act of 2000*, Public Law 106-465, 106th Congress, November 7, 2000). Based on this, the selected alternative is to relocate the existing 1950s stone monument from its current location on the hill to another area in the park or curation, and to replace it with a new monument that will commemorate the victims of the Sand Creek Massacre of November 29, 1864.

Comment: Interpretive information provided at the park should accurately reflect the actual events.

Response: Interpretive information at the National Historic Site will be developed in accordance with 2006 *Management Policies* which state that the National Park Service shall provide understandable interpretation of the major features in the National Historic Site and the events that occurred there, with an emphasis on experiences that will lead visitors to appreciate the park unit's authentic qualities. Interpretation will encourage dialogue and accept that visitors have their own individual points of view. Factual information will be current, accurate, based on current scholarship and science, and delivered to convey park meanings, with the understanding that audience members will draw their own conclusions.