

DEPARTMENT OF THE INTERIOR
National Park Service

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Record of Decision

Final General Management Plan and Environmental Impact Statement;

Pipestone National Monument, Minnesota

The Department of the Interior, National Park Service (NPS), has prepared this Record of Decision on the *Final General Management Plan and Environmental Impact Statement* for Pipestone National Monument, Minnesota. This Record of Decision includes a description of the background of the project, a statement of the decision made, synopses of other alternatives considered, the basis for the decision, a description of the environmentally preferable alternative, a discussion of impairment of park resources or values, a listing of measures to minimize environmental harm, and an overview of public involvement in the decision-making process.

BACKGROUND OF THE PROJECT

Pipestone National Monument (Monument) was established on August 25, 1937, by an act of Congress, and is located in southwestern Minnesota in Pipestone County. The Monument encompasses 281.78 acres. The Monument protects quarries of pipestone (catlinite) used by American Indians from prehistoric times to the present. The pipestone continues to be carved into objects, most notably pipes, for use in sacred rituals.

The quarries remain a site of sacred importance to American Indians. Besides the quarries, the Monument contains examples of prairie vegetation types that have been lost elsewhere in the plains states. The site is also significant in the history of American botany, as the Nicollet expedition stopped here to record the native plant life. The paved Circle Trail allows visitors to observe the quarries and other locations associated with American Indian use of the site, Winnewissa Falls, a plaque commemorating the Nicollet expedition, approximately 150 years of names carved into rock, several unique rock formations, and the native tallgrass prairie. A visitor center provides information and orientation to site resources before visitors start to walk along the trail.

The purpose of the *General Management Plan / Environmental Impact Statement* is to clearly define a direction for resource preservation, visitor experience, and American Indian cultural use at the Monument. The approved plan provides a framework for proactive decision-making, including decisions about managing cultural and natural resources and about visitor use and development allowing managers to address future opportunities and problems effectively.

The plan prescribes the resource conditions, visitor experiences, and American Indian cultural uses that are to be achieved and maintained in the Monument over time. What must be achieved according to law and policy will be clarified on the basis of review of the Monument's purpose, significance, special mandates, and the body of laws and policies directing management. Management decisions that must be made where law, policy, or regulations do not provide clear guidance or limits will be based on the Monument's purpose, the range of public expectations and concerns, resource analysis,

the evaluation of the cultural, natural, and social impacts of alternative courses of action, and consideration of long-term economic costs.

The concepts presented in the *Final General Management Plan / Environmental Impact Statement* for the park are based on a thorough consideration of the best available information on park resources and visitor experience. Alternative 1, the preferred alternative in the final plan, presents a distinct vision for preserving the resources that contribute to the Monument's cultural and natural values while making the resources available to people for their enjoyment, education, and spiritual needs.

DECISION (SELECTED ACTION)

The NPS will implement the preferred alternative as described in the *Final General Management Plan / Environmental Impact Statement* issued on March 28, 2008. Alternative 1, the preferred alternative, will reduce the development in the heart of the national monument, preserving its setting, site history, and spiritual significance as the source of pipestone. The visitor center and parking will be removed, enabling visitors to see the site much as it appeared prior to 1937. The Monument will acquire a parcel of school district land to the northeast and will seek a cooperative agreement with the U.S. Fish and Wildlife Service (FWS) and the Minnesota Department of Natural Resources (MDNR) to coordinate management of the 100-acre Pipestone Wildlife Management Area. American Indian ceremonial use of the Three Maidens area will be unchanged. The Hiawatha Club will continue to use the Three Maidens as a backdrop for its pageant under permit restrictions, and the area will be restored to prairie. Sun Dances will continue, but modifications of use might be made on the basis of impact and the sustainability of resources. The NPS will not acquire the Pipestone Indian School superintendent's house but will seek to assist with preservation and interpretation. Quarries will continue to be allocated by permit. Razing the visitor center will cause a major adverse effect on a historic structure and one historic cultural landscape. Removal of the structures is addressed in an agreement with the State Historic Preservation Office. Environmental impacts of this alternative are summarized below.

OTHER ALTERNATIVES CONSIDERED

The no-action alternative would continue the current management of the Monument. Maintenance, the visitor center, trails, the entry road, and parking would have been unchanged, as would onsite housing for a law enforcement ranger. American Indian ceremonial use of The Three Maidens rock formation would have been unchanged, as would use by the Hiawatha Club as a backdrop for its annual pageant. No land would have been acquired. Adverse effects on floodplains would have continued, and if flooding occurred there could have been some danger to visitors and employees.

Two other action alternatives for managing the park were evaluated in the *Final General Management Plan / Environmental Impact Statement*. Alternative 2 would have been focused on the significance of the pipestone quarries, the quarrying process, and its importance in American Indian culture. The entry road and housing for a law enforcement ranger would have been unchanged. Sun Dances would have been discontinued, and the area would have been restored to tallgrass prairie. This would have decreased soil compaction and allowed remnant prairie to recover. The bridge below Winnewissa Falls would have been replaced downstream, removing a restriction to the creek's natural flow. The NPS would have acquired the Pipestone Indian School superintendent's house, the school district parcel, and the Pipestone Wildlife Management Area, adding 116 acres of wildlife habitat and

resulting in an overall increase of about 112 acres of restored prairie, a long-term major beneficial effect. Acquiring the FWS/MDNR land would have expanded visitors' opportunities to learn about cultural and natural resources and prairie restoration. American Indian ceremonial use of the Three Maidens would have been unchanged. The Hiawatha Club would have continued to use the Three Maidens as a backdrop for its pageant under permit restrictions. The visitor center would have been rehabilitated, and measures would have been taken to protect it against flooding. The Pipestone Indian School superintendent's house would have been rehabilitated and interpreted to explain its relationship to the Monument and the Indian school phenomenon in general.

Alternative 3 was developed to meld the best features of the other alternatives into a preferred alternative. The visitor center would have been rehabilitated to better accommodate visitor services, exhibits, American Indian demonstrators, the cooperating association, and the Monument staff. The museum collections would have been moved from the visitor center to a location out of the floodplain. The use of the Three Maidens by American Indians and the Hiawatha Club would continue as in alternative 2. Sun Dances would have been permitted, but modifications of use may have been made. The bridge below Winnewissa Falls would have been replaced downstream, removing a restriction to the creek's natural flow. The NPS would have acquired the school district parcel and would have sought a cooperative agreement to coordinate management of the FWS/MDNR wildlife management area. The NPS would not have acquired the Pipestone Indian School superintendent's house but would have sought to assist with preservation and interpretation.

BASIS FOR DECISION

In reaching its decision to select the preferred alternative, the NPS considered the purposes for which the Monument was established and other laws and policies that apply to the management of the park. The NPS also integrated public comments including tribal consultations received during the planning process.

Seven primary criteria were used in making the decision to select the preferred alternative. The alternatives were evaluated based on how well they:

1. protected natural resources and natural processes
2. protected cultural resources and cultural processes
3. protected and enhanced the sensitive landscape within and surrounding the Monument
4. provided visitor access and recreational opportunities
5. protected the health, safety, and welfare of the public and park employees
6. improved Monument relationships with American Indians groups
7. fully respect the sensitivity of the resource to those who quarry at the Monument

The advantages and costs of each alternative were considered in determining which alternative provided the NPS with the greatest overall benefit for the most reasonable cost.

Based on its analysis, the planning team determined that alternative 1 provides the greatest advantages and therefore was selected as the preferred alternative. The selection of alternative 1 was based on striking the best balance between a high standard of natural and cultural resource protection with improved opportunities for visitors.

Compared with the action alternatives, the no-action alternative would have kept in place all of the structures and infrastructure of the Monument. There would be no additional space provided for classrooms, interpretation, or exhibits. The existing efforts to maintain native prairie would continue but there would be limited opportunities to expand the restoration efforts. The bridge would remain in its current location, which would have impinged upon the floodplain functions. No efforts on the part of NPS would be made to assist in the preservation of the Indian School superintendent's house. Fragmentation of wildlife habitat and the alteration of wildlife movement would have continued, but there would have been no effect on endangered or threatened species.

The differences between the action alternatives were relatively minor. The most important beneficial impacts of the preferred alternative are to move a net of about 5 acres of modern intrusions from the core of the Monument and allow the focus to shift to the ethnographic resources. It better preserves and enhances the ethnographic landscape and associated resources for which the Monument was created. However, this alternative has adverse impacts in the form of moving administrative and maintenance functions out of existing quarters and the demolition of National Register-eligible structures. Alternative 2 would have acquired land partially for new facilities and partially for additional restored prairie. The Indian School superintendent's house would have been acquired and rehabilitated, but current impacts to the ethnographic landscape would continue. Additional impact could be seen from the enlargement of the visitor center facilities, and the development of a demonstration quarry at the visitor center. Alternative 3 was a combination of some of the features of alternatives 1 and 2, with some of the benefits and adverse impacts. However, under alternatives 2 and 3, the Visitor Center facilities would continue to be an intrusion on the ethnographic resources of the Monument.

FINDINGS ON THE ENVIRONMENTALLY PREFERABLE ALTERNATIVE

The environmentally preferable alternative is the alternative that will promote national environmental policy as expressed in Section 101 of the National Environmental Policy Act (NEPA). Ordinarily, this means the alternative that will cause the least damage to the biological and physical environment; it also means the alternative that will best protect, preserve, and enhance historic, cultural, and natural resources. Alternative 1, which has been selected as the preferred alternative, is also the environmentally preferable alternative. The six criteria listed in the National Environmental Policy Act follow:

1. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
2. Assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
3. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
4. Preserve important historic, cultural, and natural aspects of our national heritage, and, wherever possible, maintain an environment that supports diversity and variety of individual choices;
5. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities;
6. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

The NPS has determined that the environmentally preferable alternative is alternative 1. Although some specific actions of other alternatives might achieve levels of protection for certain cultural resources, natural resources, or the visitor experience similar to alternative 1, in aggregate this alternative would best achieve the six prescribed conditions listed above.

FINDINGS ON IMPAIRMENT OF PARK RESOURCES AND VALUES

The NPS may not allow the impairment of park resources and values unless directly and specifically provided for by the legislation or proclamation establishing the park. 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. In determining whether impairment would occur, NPS managers examine the duration, severity, and magnitude of the impact; the resources and values affected; and direct, indirect, and cumulative effects of the action. According to NPS policy, "An impact will be more likely to constitute an impairment to the extent that it affects a resource or value whose conservation is (a) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park; (b) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (c) identified as a goal in the park's general management plan or other relevant NPS planning documents" (Management Policies 2006).

Management Policies does not prohibit all impacts on park resources and values. The NPS has the discretion to allow impacts on park resources and values when necessary and appropriate to fulfill the purposes of a park, so long as the impacts do not constitute impairment. Moreover, an impact is less likely to constitute impairment if it is an unavoidable result, which cannot be further mitigated, of an action necessary to preserve or restore the integrity of park resources or values.

After analyzing the environmental impacts described in the *Final General Management Plan / Environmental Impact Statement* (and public comments received on the draft document), the NPS has determined that implementing the preferred alternative will not constitute an impairment of the Monument's resources and values. Implementation of the preferred alternative will protect and enhance the park's natural and cultural resources, and provide for high-quality visitor experiences. None of the impacts of alternative 1 will adversely affect resources or values to a degree that will prevent the NPS from fulfilling the purposes of the park, threaten the integrity of the park, or eliminate opportunities for people to enjoy the park.

MEASURES TO MINIMIZE ENVIRONMENTAL HARM

The NPS has investigated all practical means to avoid or minimize environmental impacts that could result from implementation of the selected alternative. The measures for minimizing environmental impacts are presented in the park's *Final General Management Plan / Environmental Impact Statement* and include:

- The impacts from the removal of the visitor center were considered and provided for in an executed Programmatic Agreement between the NPS and Minnesota State Historic Preservation Officer. The agreement describes mitigation and recordation measures to be conducted prior to removal of the structure.

Mitigation measures will also be applied to future actions that are guided by this approved plan. In addition, NPS staff will prepare appropriate compliance reviews for future actions.

PUBLIC AND AGENCY INVOLVEMENT

This *Final General Management Plan / Environmental Impact Statement* for the Monument represents input and ideas presented by the NPS, other agencies, American Indian tribes, and the public. Consultation and coordination among the tribes, agencies, and the public were vitally important throughout the planning process.

Public Meetings and Outreach

Public meetings and newsletters were used to keep the public informed and involved in the planning process for the Monument. A mailing list was compiled consisting of American Indian tribes, governmental agencies, nongovernmental organizations, businesses, legislators, local governments, and interested citizens.

A notice of intent to prepare an environmental impact statement was published in the *Federal Register* on September 25, 2000, followed by a news release on September 29, 2000. The NPS conducted two open house meetings at the Monument on October 11 and 12, 2000. A total of 25 people attended those meetings.

A short newsletter issued in February 2002, followed by a news release in April 2002, described the planning effort and status of the project. A total of twenty comments were received in response to that newsletter. Another newsletter distributed in June 2002 outlined alternative concepts and sought public comment. Twelve written comments were received in response to this newsletter.

Public Comment

The public comment period for the *Draft General Management Plan / Environmental Impact Statement* for the Monument began with the publication of a notice of availability of the document in the March 16, 2007, *Federal Register*. The draft document was sent to all agencies and organizations on the planning team's mailing list, a total of 237 individuals, agencies, and organizations, and was posted on the Internet (<http://parkplanning.nps.gov/>).

The NPS received oral comments at public meetings held in four locations in Pipestone and Marshall, Minnesota and Yankton and Pierre, South Dakota. Forty persons in total attended those meetings. In addition, meetings were held with the Pipestone County Commissioners, Lakota and Dakota elders, and elders from Lower Brule Reservation.

A total of 25 separate written comments were received during the comment period. The comments were from federal and state agencies, state agency, city and county government officials, and tribal governments. They were reproduced in the *Final General Management Plan / Environmental Impact Statement* along with NPS responses to substantive comments. Where appropriate, the *Final General Management Plan / Environmental Impact Statement* was revised to address the comments on the Draft.

A final GMP/EIS was released to the public on March 28, 2008. Copies were provided to all persons and groups on the mailing list.

Agency and American Indian Consultation and Coordination

Consultation with State Historic Preservation Officer. The NPS sent letters to the Minnesota State Historic Preservation Office and the Advisory Council on Historic Preservation in October, 2000, inviting their participation in the planning process. Both offices were sent all the newsletters, with a request for their comments.

The NPS, in consultation with the state historic preservation officer, is required to make a determination about programmatic exclusions, and all other undertakings, and potential effects on those resources to seek review and comment under 36 CFR 800.4 through 800.6 during the plan review process. The specific undertakings are listed in the *Final General Management Plan / Environmental Impact Statement*, along with the NPS's determination of how those individual undertakings relate to the 1995 programmatic agreement.

The Minnesota State Historic Preservation Officer was actively engaged throughout the planning process. A draft Programmatic Agreement detailing mitigation for the removal of eligible historic resources has been negotiated and signed by all parties.

Consultation with American Indian Groups. The NPS sent letters to the following affiliated American Indian groups to invite them to participate in the planning process:

Cheyenne River Sioux Tribe	Crow Creek Sioux Tribe
Flandreau Santee Sioux	Fort Peck Assiniboiné and Sioux Tribes
Iowa Tribe of Kansas and Nebraska	Iowa Tribe of Oklahoma
Lower Brulé Sioux Tribe	Lower Sioux Indian Tribe
Oglala Sioux Tribe	Omaha Tribe of Nebraska
Otoe-Missouria Tribe	Ponca Tribe of Nebraska
Ponca Tribe of Oklahoma	Rosebud Sioux Tribe
Santee Sioux Tribe	Shakopee-Mdewakanton Nation
Sisseton-Wahpeton Oyate Tribe	Spirit Lake Tribe
Standing Rock Nation	Three Affiliated Tribes
Upper Sioux Community of Minnesota	Yankton Sioux Tribe

In addition, the NPS sent letters or other materials to 16 other American Indian Tribes and Organizations. A full list of those groups contacted can be found in the *Final General Management Plan / Environmental Impact Statement*.

Tribal comments favored both alternative three and alternative one. Tribal comments in support of alternative three were predicated on the NPS removing Agency operations from the heart of the national monument and allowing Tribal use of the visitor and administrative facilities. Adopting such an action would have necessitated the NPS establish another location to orient visitors to the site while still leaving "modern" structures within the heart of the primary resource. This met none of the goals

of restoring the prairie landscape: minimizing overall development and subsequent maintenance costs or re-establishing site sacredness. Tribal comments supporting the adoption of alternative one as the preferred pointed to the restoration of the national monument to as natural a state as possible in order to respect the sacredness of the site and to support the traditional practice of quarrying.

Consultation with the U.S. Fish and Wildlife Service. The Endangered Species Act of 1973, as amended, requires in section 7 (a) (2) that each federal agency, in consultation with the Secretary of the Interior, ensure that any action the agency authorizes, funds, or carries out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat.

The NPS initiated informal consultation with the U.S. Fish and Wildlife Service in October 2000 to determine the presence of federally listed threatened and endangered species in Pipestone National Monument. To remain up to date about listed and proposed threatened and endangered species, the NPS has consulted that agency's web site. Copies of the newsletters also were provided for the U.S. Fish and Wildlife Service, and the agency was given a copy of the draft document for review. The U.S. Fish and Wildlife Service concurred with the NPS' findings in a letter dated July 2, 2007 that the actions described in all three alternatives may effect but are not likely to adversely effect either of the two listed species occurring at the Monument.

CONCLUSION

Alternative 1 provides the most comprehensive and effective method among the alternatives considered for meeting the park's purpose, mission, and goals for managing the Monument, and for meeting national environmental policy goals. The selection of Alternative 1, as reflected by the analysis contained in the environmental impact statement, will not result in the impairment of park resources or values and will not violate the NPS Organic Act. All practical means to avoid or minimize environmental harm from implementing the selected alternative have been adopted. Actions directed by the General Management Plan or in subsequent implementation plans are accomplished over time. Budget restrictions, requirements for additional data or regulatory compliance, and competing National Park System priorities prevent the immediate implementation of many activities. Major, or especially costly, actions could be implemented ten or more years into the future, or may not be realized at all.

Approved:



Ernest Quintana, Regional Director
Midwest Region, National Park Service

9-30-2000

Date