



National Park Service
U.S. Department of the Interior
Coronado National Memorial
Hereford, Arizona

Finding of No Significant Impact Ranger Office and Trail Construction

Background

In compliance with the National Environmental Policy Act, the National Park Service (NPS) prepared an environmental assessment to examine various alternatives and environmental impacts associated with the proposal to construct a new law enforcement office building and a handicapped accessible trail at Coronado National Memorial, a unit of the National Park Service. Congress has made security along our International borders a priority and is considering legislation to increase law enforcement staff in border areas. In 2009, funding increases are anticipated that will enable the law enforcement staff at the Memorial to nearly triple in size. The law enforcement rangers at the Memorial currently operate out of two small offices (approximately 200 sq. ft.) in the Headquarters building. The Headquarters building is a remodeled 1966 era 3 bedroom house that holds offices for the Superintendent, Law Enforcement, Maintenance, Administration and Resource Management Divisions.

Action related to the construction of the law enforcement center is a development of a handicapped accessible trail. Once the grasslands are considered safer for visitors and staff an interpretive trail will be constructed in the area close to the law enforcement center. The Memorial does not currently provide a handicapped accessible trail for visitors. The NPS will construct a 1.5 mile handicapped accessible trail with views into Mexico and toward the San Pedro River where Coronado was believed to have crossed into what is now the United States of America.

Selection of the Preferred Alternative

Two alternatives were evaluated in the environmental assessment including alternative A (No Action) and alternative B (construction of a law enforcement operations facility). Alternative B is the National Park Service's preferred alternative because it best meets the purpose and need for the project, as well as, the project objectives to provide a safe healthy work environment for employees and cooperating agencies that will be functional and efficient for Memorial law enforcement staff.

The project objectives are as follows:

- Meet federal and state requirements for a safe healthy work environment for employees and cooperating agencies. This could increase the ability of the Memorial to retain law enforcement employees for a greater length of time, leading to a reduction in recruitment and hiring expenses.
- Consolidate divisional emergency response equipment and storage into a secure accessible location within the park.
- Decrease response time to border related incidents and increases visibility of law enforcement in the area. The proposed construction site is located less than a mile from the International border.

- Place law enforcement in an area of the park that has historically experienced a high level of illegal activity associated with the International border including illegal immigration and drug smuggling.
- The proposed construction site is in a disturbed area that requires rehabilitation. Historically used as a cattle ranch the land is disturbed and is largely composed of exotic vegetation. The abandoned ranch buildings were recently demolished. The site has been cleared for use as a staging area for the International border fence construction. Existing development currently in the ranch area includes a camera tower that is monitored by the Border Patrol.
- The preferred alternative will make the grassland area considerably safer for visitors and employees. The grasslands of the park are underutilized by visitors because there are no trails, parking or facilities in that area. Making the area safer through increased law enforcement presence will enable staff to develop an interpretive trail through the grasslands. The park plans to move forward on the development of a 1.5 mile handicapped accessible trail identified in the 2004 General Management Plan.
- Ensure the site for the new law enforcement building minimizes impacts to park resources and will not result in impairment or unacceptable impacts to these resources.
- Allow the NPS to design an office facility that will follow NPS guidelines for energy sustainability and efficiency.

Under alternative B, a new law enforcement operations facility will be constructed in a previously disturbed area of the Memorial and close to the International border. This area has been disturbed by historic farming, a ranch, outdoor storage, vehicle traffic, utility lines and most recently as a staging area for International border fence construction. This alternative will increase the ability for the NPS to plan and coordinate more effectively with the USBP.

Mitigation Measures

The following mitigation measures have been developed to minimize the degree and/or severity of adverse effects, and will be implemented during construction of the action alternative, as needed:

- To minimize the amount of ground disturbance, staging and stockpiling areas will be located in previously disturbed sites, away from visitor use areas to the extent possible. All staging and stockpiling areas will be returned to pre-construction conditions following construction.
- Construction zones will be identified and fenced with construction fence, snow fencing, or some similar material prior to any construction activity. The fencing will define the construction zone and confine activity to the minimum area required for construction. All protection measures will be clearly stated in the construction specifications and workers will be instructed to avoid conducting activities beyond the construction zone as defined by the construction zone fencing.
- All state permits will be obtained as needed prior to construction. For example a stormwater discharge permit will be requested from Arizona Pollutant Discharge Elimination System (AZPDES) program, and a Stormwater Pollution Prevention Plan (SWPPP) will be implemented. When building plans are finalized the NPS will contact the Drinking Water Section Drinking Water Facility Review Unit and discuss whether a permit will be required. A permit will be obtained for the planned wastewater septic system from Cochise County.
- Revegetation and recontouring of disturbed areas will take place following construction, and will be designed to minimize the visual intrusion of the structure and enhance native species composition. Revegetation efforts will use native species and materials. All disturbed areas

will be rehabilitated to reduce soil exposure. Weed control methods will be implemented to minimize the introduction of noxious weeds.

- If the horse corrals and kennels are constructed they will be cleaned on a daily basis and the waste removed from the Memorial on a weekly basis to reduce insect and wildlife pest problems. The NPS will request that horses used on the Memorial be fed a weed free hay feed 3 days prior to and during their time at the park. This action is requested to prevent the spread of noxious invasive weeds in the Memorial.
- If the helispot is constructed the following mitigation measures will be taken to protect resident threatened and endangered species. The Mexican spotted owl and the lesser longed nosed bat use the grasslands for hunting. During the summer months while these species may be foraging in the grassland the helispot will be closed at night with the exception of life threatening emergencies.
- Because disturbed soils are susceptible to erosion until revegetation takes place, standard erosion control measures such as silt fences and/or sand bags will be used to minimize any potential soil erosion.
- Fugitive dust generated by construction will be controlled by spraying water on the construction site, if necessary.
- To reduce noise and emissions, construction equipment will not be permitted to idle for long periods of time.
- To minimize possible petrochemical leaks from construction equipment, the contractor will regularly monitor and check construction equipment to identify and repair any leaks.
- Construction workers and supervisors will be informed about special status species. Contract provisions will require the cessation of construction activities if a species were discovered in the project area, until Memorial staff re-evaluates the project. This will allow modification of the contract for any protection measures determined necessary to protect the discovery.
- Should construction unearth previously undiscovered cultural resources, work will be stopped in the area of any discovery and the Memorial will consult with the Arizona 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 are discovered during construction, provisions outlined in the Native American Graves Protection and Repatriation Act (1990) will be followed.
- The National Park Service will ensure that all contractors and subcontractors are informed of the penalties for illegally collecting artifacts or intentionally damaging archeological sites or historic properties. Contractors and subcontractors will also be instructed on procedures to follow in case previously unknown paleontological or archeological resources are uncovered during construction.
- Construction workers and supervisors will be informed about the special sensitivity of Memorial's values, regulations, and appropriate housekeeping.
- According to *2006 Management Policies*, the National Park Service will strive to construct facilities with sustainable designs and systems to minimize potential environmental impacts. Development will not compete with or dominate Memorial's features, or interfere with natural processes, such as the seasonal migration of wildlife or hydrologic activity associated with wetlands. To the extent possible, the design and management of facilities will emphasize environmental sensitivity in construction, use of nontoxic materials, resource conservation, recycling, and integration of visitors with natural and cultural settings. The National Park Service also reduces energy costs, eliminates waste, and conserves energy resources by using energy-efficient and cost-effective technology. Energy efficiency will be incorporated into the decision-making process during the design and acquisition of buildings, facilities, and transportation systems that emphasize the use of renewable energy sources.

Alternatives Considered

Two alternatives were evaluated in the environmental assessment including the no-action alternative and one action alternative. Under alternative A, No-Action, the law enforcement operation facility will not be constructed. Alternative B, Construct a law enforcement operation facility, is the preferred alternative, as described in the previous section.

Environmentally Preferred Alternative

The environmentally preferred alternative is determined by applying the criteria suggested in the National Environmental Policy Act of 1969 (NEPA), which guides the Council on Environmental Quality (CEQ). The CEQ provides direction that “[t]he environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA’s Section 101:

- fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- assure for all generations safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences;
- 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;
- achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life’s amenities; and
- enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

Alternative B is the environmentally preferred alternative because it best addresses these six evaluation factors. Alternative B, *Montezuma Ranch Development Project* will provide a working environment for Memorial staff that meets health and safety recommendations, while minimizing environmental impacts to the extent possible. It is believed that a modern office facility will improve the working conditions for current staff and aid in the retention of ranger staff. The previously disturbed area will be rehabilitated and re-vegetated with native species. Visitor and staff health and safety will be improved by providing a law enforcement presence in a critical area of the Memorial. The new building will also be more energy efficient and more environmentally-friendly than any of the existing buildings at the Memorial. The potable water system will be upgraded and sewage disposal capacity will be increased and improved. The efficiency of Memorial operations will be improved. This alternative also contributes to improving environmental education by means of the construction of a handicapped accessible trail. This alternative also enables the NPS to better coordinate with Border Patrol thus providing better protection for the Memorial.

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. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

Implementation of the preferred (selected) alternative will result in some adverse impacts; however, the overall benefit of the project, particularly to park operations, outweighs these negative effects. An adverse effect to the Memorial's viewshed was identified in the Environmental Assessment. Any construction activities have potential to affect visitor use and experience. Ultimately, however, these actions will have a beneficial effect on visitor use and experience because of long-term improvements to the human health and safety aspects of the Memorial; interpretive opportunities; and functionality of the Memorial. Adding a handicapped accessible trail will have a beneficial effect on visitor use and experience. Under this alternative, visitors may notice the operation center within the viewshed when viewed from Montezuma Pass but the impact will be minor. The impact to the viewshed will be mitigated through the placement of the building and by selecting construction materials that will camouflage the structure. Therefore, cumulatively, the impact from construction of the operation center is expected to be minor, beneficial and long-term due to improved efficiency of law enforcement.

Construction of a new operations facility under the Preferred Alternative will have a moderate beneficial impact on employees at the Memorial because the new building will rectify inefficiencies associated with longer response times to border incidents and problems with the existing storage facilities. First aid assistance for visitors and illegal migrants will be available. There will be improved productivity of the law enforcement staff in providing visitor services and border security. Cumulatively, the improvements associated with this alternative will have a moderate beneficial effect on park operations when considered with other past, present, and reasonably foreseeable future actions.

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

The preferred alternative will have an overall beneficial effect on public health and safety, particularly for the Memorial's employees that will regularly use the new law enforcement facility. A private first aid station will be available. The detention of illegal migrants will be separated from general visitor use areas. A central office for law enforcement will allow for better coordination and communication among park staff and with Border Patrol thus providing increased visitor and staff safety.

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 area including park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas because these resources do not exist in the project area.

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

Throughout the environmental process, the proposal to construct a new law enforcement facility was not highly controversial, nor are the effects expected to generate future controversy.

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

The effects of constructing a new law enforcement facility are fairly straightforward and do not pose uncertainties. The environmental process has not identified any effects that may involve highly unique or unknown risks.

The 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.

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

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

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

No historic or cultural resources have been identified in the project area. A letter dated May 26, 2005 from the Arizona State Historic Preservation Office confirms the NPS determination of *no adverse effect* per §106 of the National Historic Preservation Act. There was also a concurrence by National Park staff on no adverse effect on July 8, 2008.

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

There are no records of threatened or endangered species in the project area, and that no further consultation under §7 of the Endangered Species Act is considered necessary. Park staff sent letters to US Fish and Wildlife and Arizona

Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment

The action will not violate any federal, state, or local laws or environmental protection laws.

Appropriate Use, Unacceptable Impacts, and Impairment

Sections 1.5 and 8.12 of NPS *Management Policies* underscore the fact that not all uses are allowable or appropriate in units of the National Park System. The proposed use was screened to determine consistency with applicable laws, executive orders, regulations, and policies; consistency with existing plans for public use and resource management; actual and potential effects to park resources; total costs to the Park Service; and whether the public interest will be served. An administration building is a common and vital structure in most park units. Proper location, sizing, as well as construction materials and methods will ensure that unacceptable impacts to park resources and values will not occur. The proposed administration building is consistent with the park's general management plan and other related park plans. With this in mind, the NPS finds that a law enforcement facility is an acceptable use at Coronado National Memorial.

The impact threshold at which impairment occurs is not always readily apparent. Therefore, the Service applies a standard that offers greater assurance that impairment will not occur. The Service will do this by avoiding impacts that it determines to be unacceptable. These are impacts that fall short of impairment, but are still not acceptable within a particular park's environment. Park managers must not allow uses that will cause unacceptable impacts; they must evaluate existing or proposed uses and determine whether the associated impacts on park resources and values are acceptable. Because the application of mitigating measures is expected to be successful in ensuring that no major adverse impacts will occur and that satisfactory reclamation of the disturbed area is expected to be achievable, implementation of the preferred alternative will not result in any unacceptable impacts.

In analyzing impairments in the NEPA analysis for this project the NPS takes into account the fact that if impairment were likely to occur, such impacts will be considered to be major or significant under CEQ regulations. This is because the context and intensity of the impact will be sufficient to render what will normally be a minor or moderate impact to be major or significant. Taking this into consideration, NPS guidance documents note that "Not all major or significant impacts under a NEPA analysis are impairments. However, all impairments to NPS resources and values will constitute a major or significant impact under NEPA. If an impact results in impairment, the action should be modified to lessen the impact level. If the impairment cannot be avoided by modifying the proposed action, that action cannot be selected for implementation." "Interim Technical Guidance on Assessing Impacts and Impairment to Natural Resources" National Park Service, Natural Resource Program Center, July 2003.

In addition to reviewing the definition of "significantly" under the NEPA regulations, the NPS has determined that implementation of the preferred alternative will not constitute an impairment to the integrity of Coronado National Memorial's resources or values as described by NPS *Management Policies* (NPS 2006 § 1.4). This conclusion is based on the NPS's analysis of the environmental impacts of the proposed action as described in the EA, the public comments received, relevant scientific studies, and the professional judgment of the decision-maker guided by the direction in 2006 NPS *Management Policies*. Overall, the plan results in benefits to park resources and values, opportunities for their enjoyment, and it does not result in their impairment.

Public Involvement

The environmental assessment was made available for public review and comment during a 30-day period ending October 29, 2008. To notify the public of this review period, a press release was mailed to stakeholders, affiliated Native American tribes, interested parties, and newspapers. Copies of the document were sent to certain agencies and interested parties; and posted on the internet. Four comments were received during this review period. The comments were all supportive of the proposal.

Conclusion

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

Based on the foregoing, 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 Date 1/5/09
Director, Intermountain Region, National Park Service