



May 26, 2023

Finding of No Significant Impact

Pedestrian Access Trail Environmental Assessment

Pipestone National Monument

Background

The National Park Service (NPS) has completed a comprehensive planning effort to construct a pedestrian access trail into Pipestone National Monument (the Monument) from North Hiawatha Avenue. In compliance with the 1969 National Environmental Policy Act (NEPA), as amended, the impacts of the proposed action were analyzed in the Pedestrian Access Trail Environmental Assessment (EA), which was open for public comment from April 3 to May 3, 2023. Comments were solicited online through the NPS [Planning, Environment, and Public Comment \(PEPC\)](#) system or by U.S. mail.

This Finding of No Significant Impact (FONSI) and associated EA constitute the record of the environmental impact analysis and decision-making process. The NPS selected Alternative B: Construct Southside Pedestrian Access Trail. The proposed action was selected after careful analysis of potential impacts to resources and the visitor experience, and in consultation with affiliated Tribes, the U.S. Fish and Wildlife Service (USFWS), the Minnesota Department of Natural Resources, Minnesota State Historic Preservation Office (SHPO), and review and consideration of public comments.

This document records (1) a Finding of No Significant Impact as required by NEPA; (2) compliance with Section 7 of the Endangered Species Act; and (3) compliance with Section 106 of the National Historic Preservation Act, as it relates to the development of this design concept plan. Implementation of specific elements of this plan will require further Section 106 consultation, as described in the Council on Environmental Quality (CEQ) and Advisory Council on Historic Preservation (ACHP) Handbook for Integrating NEPA and Section 106 (CEQ and ACHP 2013). This FONSI is available on the PEPC website at: https://parkplanning.nps.gov/PIPE_PedAccess

Selected Alternative

The EA analyzed two alternatives: Alternative A - No Action, and Alternative B - Construct Southside Pedestrian Access Trail, and the associated impacts on the environment of each alternative. Based on the analysis, the NPS has selected Alternative B - Construct Southside Pedestrian Access Trail for implementation, see Chapter 2 of the EA for a complete detailed description of the selected alternative. Alternative B will allow safe pedestrian access into the Monument and provides a pedestrian connection between the Monument and the local community.

Rationale for Decision

The NPS has selected Alternative B as described and analyzed in the EA for implementation. Alternative B meets the project's purpose and need, which is to provide safe & accessible pedestrian access into the Monument from North Hiawatha Avenue, while also protecting the Monument's fundamental resources and values.

Mitigation Measures

The NPS places a strong emphasis on avoiding, minimizing, and mitigating potentially adverse impacts to affected resources, whether under the jurisdiction of the NPS or as a result of an NPS decision. To help ensure the protection of cultural and natural resources and the quality of the visitor experience, the NPS will implement mitigation measures to avoid and/or minimize impacts.

The selected alternative incorporates the mitigation measures listed in Chapter 4 of the EA. These mitigation measures will be included as conditions for construction. The Authority for mitigation for this project come from the following laws and policies: NPS Organic Act (16 United States Code 1), NPS Management Policies (NPS 2006), Archeological Resources Protection Act (16 United States Code [U.S.C.] 1B), and the Native American Graves Protection and Repatriation Act (NAGPRA 1990).

SIGNIFICANCE CRITERIA REVIEW

Potentially Affected Environment

The project area begins at the intersection of North Hiawatha Avenue, a city-owned road, and Reservation Avenue, an NPS-owned road, and will conclude where the South Quarry Trail meets Reservation Avenue, approximately 0.35 miles west of the park entrance (figure 3). The project area has the potential to impact some resources such as archeological sites, sensitive vegetation, and an interpretation & visitor area. The first approximately 200 feet of land on the south side of Reservation Avenue is owned by the City and would require a right-of-way or easement at the corner of Reservation Avenue and Hiawatha Avenue, which the City has expressed a willingness to issue.

Some impacts of the proposed action will occur during construction of the project, including noise, aesthetics from equipment and operations at the project site and staging area, and temporary road traffic alterations (flaggers, construction vehicles etc.).

The selected alternative has the potential to impact several resources, which were retained for further analysis and discussed in detail in Chapter 3 of the EA. The following resource topics were retained for analysis: cultural and historic resources, ethnographic resources, human health and safety, Indian trust resources and sacred sites, viewsheds/visual resources, and visitor use and experience.

Degree of Effects of the Action

The NPS considered the following actual or potential project effects in evaluating the degree of the effects (40 CFR 1501.3(b)(2)) for this proposed action.

a. Beneficial and adverse, short-term, and long-term effects of the proposed action

No significant impacts to resources were identified that would require analysis in an environmental impact statement (EIS). Whether taken individually or as a whole, the impacts of the selected alternative do not reach the level of a significant effect because most adverse impacts associated with implementation would be minimal and temporary, lasting only as long as management actions are being executed. The overall beneficial impact to visitor health and safety, and resource protection would be long-term. Best management practices identified in Chapter 2 and Chapter 4 of the EA would further minimize any potential adverse impacts.

Impacts associated with the action include short-term temporary impacts due to traffic alterations during the construction phase for safety and traffic control during construction. A long-term beneficial impact is anticipated by providing safe and accessible pedestrian access into the Monument from the entrance.

b. Degree to which the proposed action affects public health and safety

Current pedestrian access into the Monument presents a safety hazard for visitors, park staff and anyone utilizing the road. Currently, no sidewalk, trail or adequate road shoulder exists on Reservation Ave. (entrance road), creating a conflict between pedestrians and vehicles. Monument staff observe visitors walking on the entrance road daily. A hill restricts visibility on the road and drivers are often distracted by the scenery, making for a potentially unsafe situation. The proposed action will reduce safety hazards to Monument visitors.

c. Effects to Federal, State, Tribal or Local Environmental Protection Laws

The selected alternative does not threaten or violate applicable Federal, State, Tribal or Local environmental laws or requirements imposed for the protection of the environment. ***Tribal Partners***

The NPS consulted with twenty-three (23) Tribes associated with the Monument. Informational meetings were held virtually on September 28, 2021, and October 7, 2021. The Superintendent discussed the project during an informal meeting with Yankton Sioux Tribe community members in Fort Randall, South Dakota on April 20, 2022. A formal letter was sent via hard-copy and email to the 23 Tribes on May 11, 2022, initiating formal consultation. The project was discussed with representatives of 12 Tribes that attended an in-person inter-tribal meeting at Pipestone National Monument on June 14 and 15, 2022, one Tribe attended by phone on June 16, 2022, and four Tribes attended an in-person meeting on December 7, 2022. On December 14, 2022, the Tribes were provided a copy of the draft EA and given 60 days to review. Comments were received and were incorporated during the planning process.

Federal Agencies

The NPS consulted with the US Fish and Wildlife Service using the Information Planning and Consultation (IPaC) tool on December 12, 2022, in compliance with Section 7 with the Endangered Species Act of 1973 (ESA). Three (3) species were identified in the project area: the *Notropis topeka* (Topeka Shiner), *Danaus plexippus* (Monarch Butterfly), and the *Platanthera Praeclara* (Western Prairie Fringed Orchid). It has been determined there would be no effect to these species due to this action.

State Agencies

The National Park Service initiated early Section 106 consultation with the Minnesota State Historic Preservation Office (SHPO) on May 11, 2022. The SHPO responded on May 17, 2022, recommending consultation with their office to identify character-defining features and assess potential effects. The NPS sent a letter on February 27, 2023, initiating the 30-day pre-public review of the draft EA and requesting concurrence with the NPS determination that the project would have *No Adverse Effect* on historic properties. The SHPO responded via email on March 14, 2023, requesting additional information. The NPS responded with the requested information and extended the review period for an additional 30-days. The SHPO provided concurrence with the NPS *No Adverse Effect* determination on April 28, 2023 under the condition that SHPO be provided with the opportunity to review and comment on the trail plans during the design process.

Local Agency

Consultation with the city of Pipestone was initiated through an in-person meeting in mid-2021 and has continued through all stages of planning. The city participated in the public meeting on October 19, 2022.

Public Engagement

The NPS hosted a public scoping meeting on October 19, 2022, at the Monument's visitor center. Six (6) members of the public attended. A 30-day public scoping comment period was open from October 5 to November 10, 2022, using PEPC. Two (2) comments were received. The Monument released the draft EA for a 30-day public comment period from April 3, 2023, to May 3, 2023, via PEPC, and social media and a press release were used to notify the public of the public review period. During public review, five correspondences were received through the PEPC website or by mail, and these comments can be found in appendix A. The NPS only includes responses to substantive comments.

FINDING OF NO SIGNIFICANT IMPACT

Based on the information contained in the EA, I have determined that the proposed action does not constitute a major federal action having a significant effect on the human environment. Therefore, an Environmental Impact Statement (EIS) will not be required.

This finding is based on consideration of the Council on Environmental Quality criteria for significance (40 Code of Federal Regulations [CFR] 1501.3 [b] [2020]), regarding the potentially affected environment and degrees of effects of the impacts described in the Environmental Assessment (which is hereby incorporated by reference).

Recommended: _____

Lauren Blacik, Superintendent
Pipestone National Monument

Date

Approved: _____

Herbert C. Frost, Ph.D., Regional Director
National Park Service, DOI Regions 3, 4, and 5

Date

Attachment: Response to Comments and Errata

ATTACHMENT A: Response to Comments and Errata

On April 3, 2023, Pipestone National Monument released the Pedestrian Access Trail Environmental Assessment (EA) for public comment. The public was invited to provide comments online through the NPS [Planning, Environment, and Public Comment \(PEPC\)](#) system or by U.S. mail.

This report summarizes comments received during the public comment period and provides NPS responses to substantive comments. The comments do not change the outcome of the impact analysis, nor do they affect the final decision documented in the Finding of No Significant Impact. Minor edits to the EA resulting from comments received during the public review period are shown below under Errata.

During public review of the EA, five correspondences were received through the NPS Planning, Environment, and Public Comment (PEPC) website and no correspondences were received by U.S. mail. Two (2) of the five correspondences received were duplicate entries and were combined in the summary below. Some correspondences include multiple comments.

Response to Comments

1. **COMMENT:** Commenter suggests that the park “construct wide shoulders on both sides of Reservation Avenue - This option is my proposed alternative to this project. While constructing the Southside Pedestrian Access Trail may negatively impact undisturbed areas and taking no action may continue to jeopardize public safety, widening Reservation Avenue to include a shoulder on both sides would likely minimize the risks associated with the other alternatives. Wide shoulders on both sides of a road create separation between vehicles and pedestrians while also providing space for inoperable vehicles to pull out of the travel lane (California Department of Transportation 2019). Not only might pursuing this option prevent undisturbed areas from being degraded, but it will also eliminate the concern that pedestrians are sharing the road with vehicles.”

NPS RESPONSE: The NPS did not consider the suggested alternative to widen the shoulders of the roadway to resolve the safety issue described in the EA. As stated in the 2018 [NPS Active Transportation Guidebook](#), Types of Pedestrian Infrastructure, “*Pedestrian lanes, or exclusive pedestrian walking areas designated on a roadway lacking sidewalks, provide interim or temporary pedestrian accommodation.*” Because the Monument is seeking a long-term solution, widening was not an option that met the purpose and need or NPS guidance for appropriate pedestrian transportation. Also, Architectural Barriers Act (ABA)/Americans with Disabilities Act (ADA) standards apply to NPS projects, and the slope of the road shoulder would not comply with these standards. The NPS also did not consider this alternative due to the sensitivity of resources on the north side of the road, which are described in more detail in Section 2.3 of the EA.

2. COMMENT: Commenter suggests working alongside the City of Pipestone to implement the city trail, which was an alternative considered but dismissed in Section 2.3 of the EA and exploring additional funding options for the city trail. Commenter also suggests fully analyzing this alternative in an EA.

NPS RESPONSE: The NPS at Pipestone National Monument (the Monument) and the city of Pipestone (the City) work closely on matters that impact the City, the Monument, the local and Tribal communities, this includes working together to come up with mutually beneficial trail options both inside and outside the Monument boundary. The City is supportive of the proposed south side Reservation Avenue pedestrian access trail. The Monument has been active in helping the City explore funding opportunities for the proposed city trail alternative. The preferred alternative described in the EA does provide the potential to connect to the proposed city trail if funding for the trail is secured. Bicycle travel is only allowed on paved roads and parking lots inside the Monument, due to resource protection and visitor safety concerns. The American Association of State Highway and Transportation Officials (AASHTO) recommends multi use trails be a minimum of 10 feet wide. Current trails at the Monument are between 3 feet and 6 feet wide. For consistency and to minimize impacts of the proposed south side Reservation Avenue pedestrian access trail, its width will be the minimum needed for ADA access. To allow bicycle travel on Monument trails would require a separate environmental assessment and rulemaking which the Monument does not intend to explore. To construct only a route through the City property would not provide direct enough access to the Monument and, therefore, would not mitigate the safety hazard of pedestrians on the roadway.

3. COMMENT: Commentor suggests using the park website and signage to provide a safe cycling and walking environment for visitors.

NPS RESPONSE: The park website and appropriate signage will be used to provide trail information to park visitors, which will contribute to a safe environment.

4. COMMENT: [Commenter] suggests that the future location of the visitor center be considered when planning the proposed trail.

NPS RESPONSE: The proposed pedestrian access trail aligns with most probable locations for the future visitor center.

Errata

An errata contains factual or editorial corrections to the EA. These corrections do not increase the degree of effects described in the EA or change the determination that no significant impacts will occur under the selected alternative. Existing text to remain in the EA is found in *italics* and additions to the text are underlined.

Page 28, Section 5.3 – State Agencies

Minnesota State Historic Preservation Office (SHPO)

A letter was sent on May 11, 2022, initiating formal consultation. The SHPO responded on May 17, 2022, that they recommend consultation with their office to identify character-defining features and assess potential effects.

A letter was sent on February 27, 2023, initiating the 30-day pre-public review of the draft EA. SHPO responded via email on March 14, 2023, requesting additional information. The NPS responded and extended the review period for an additional 30-days. On April 28, 2023, the SHPO sent a letter of concurrence and requested the opportunity to review the trail plans during the design process.

Page A-2, Appendix A - Mitigation Measurements and Best Management Practices

Cultural & Ethnographic, Indian Trust Resources & Sacred Sites

- *Identify and delineate archeological or other cultural resources near the project area prior to project work. Coordinate with Tribal partners to ensure Tribal monitors are present during construction and restoration. Share monitoring results with all affiliated Tribes.*
- *Continue to coordinate with the State Historic Preservation Office throughout the course of the project if unknown cultural resources are discovered as a result of the actions associated with the action alternative.*
- *Continue to consult with affiliated Tribes regarding site monitoring needs, and if unknown cultural resources or sacred sites are discovered as a result of the actions associated with the action alternative.*
- *Tribal monitoring procedures would be put in place to address any inadvertent discoveries of artifacts or human remains. If discoveries were made, construction underway would be stopped immediately, the superintendent would be notified, and proper consultation would be initiated with the State Historic Preservation Office (SHPO) and Native American Tribes traditionally associated with the Monument.*
- *Stop all work on the project and contact the Superintendent immediately if human remains are discovered during construction activities. As required by law, notify the coroner. Follow all provisions outlined in the Native American Graves Protection and Repatriation Act (1990).*
- *Ensure imported fill material are devoid of invasive species or cultural materials before transporting into the Monument.*
- *Coordinate construction to occur outside of the busiest times for ceremonial use (for example, avoid July and August).*
- *Provide SHPO the opportunity to review the trail plans during the design process*



May 26, 2023

DETERMINATION OF NON-IMPAIRMENT PEDESTRIAN ACCESS TRAIL ENVIRONMENTAL ASSESSMENT

Pipestone National Monument

National Park Service (NPS) Management Policies 2006 (Section 1.4) requires analysis of potential effects to determine whether proposed actions will impair a national park's resources and values. NPS decision makers must always seek ways to avoid or to minimize, to the greatest degree practicable, adverse impacts on park resources and values. The NPS has the management discretion to allow impacts on park resources and values when necessary and appropriate to fulfill the purposes of the park, although that discretion is limited by the statutory requirement that the NPS must leave resources and values unimpaired unless a particular law directly and specifically prescribes otherwise.

An impairment is an impact that, in the professional judgment of the responsible NPS decision maker, will harm the integrity of park resources or values, including the opportunities that otherwise will be present for the enjoyment of those resources or values. An impact on any park resource or value may, but does not necessarily, constitute impairment. An impact will be more likely to constitute 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, or
- 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.

An impact may be less likely to constitute impairment if it is an unavoidable result of an action necessary to preserve or restore the integrity of park resources or values, and it cannot be further mitigated.

Impairment may result from visitor activities; NPS administrative activities; or activities undertaken by concessioners, contractors, and others operating in the park. Impairment may also result from sources or activities outside the park. An impairment determination is not made for subject matters such as visitor experience, public health and safety, socioeconomics, environmental justice, land use, and park operations because impairment determinations only relate to resources and values that maintain the park's purpose and significance.

The consideration of impairment to resources at Pipestone National Monument applies to the resources evaluated in the *Pedestrian Access Trail Environmental Assessment* (EA). Additionally, this determination applies only to NPS lands.

Cultural and Historic Resources

Under the selected alternative, construction activities would cause ground disturbance, however the project will occur mostly within previously disturbed areas, such as the utility corridor and road ditch. Traditional Cultural Specialists will be on-site during any ground-disturbing activities to monitor and stop construction if any unforeseen resource impacts are encountered. Alternative B has the potential to have a short-term, temporary adverse impact to the Three Maidens resource as a result of noise and visible equipment during construction. There would be no adverse impact to the Monument's National Register of Historic Places (NRHP) eligibility. The selected alternative could have a long-term beneficial impact to cultural resources as a result of greater public awareness generated by interpretive signage along the trail and by constructing a designated pedestrian trail that provides a physical barrier between visitors and the resources. There would be few measurable adverse impacts as a result of construction, such as vegetation removal and the visual impact of active construction within the cultural landscape. Impacts would be temporary and would be minimized as a result of mitigation measures, and best management practices. The Monument will continue to consult with affiliated Tribes and the City of Pipestone. The preferred alternative will not constitute an impairment to the Monument's cultural or historic resources.

Ethnographic Resources

The selected alternative could have a short-term adverse impact to the Three Maidens resource by temporarily changing the experience of the resource during construction (from noise and viewshed impacts). However, this alternative could also have a long-term beneficial impact to ethnographic resources through greater public awareness generated by interpretive signage along the trail and by constructing a designated pedestrian trail that provides a physical barrier between visitors and the resources.

Indian Trust Resources and Sacred Sites

The selected alternative could have both short- and long-term, beneficial, and adverse impacts to the resource. Analysis has been informed through consultation with Tribes during scoping and the development of this EA. The development of a new trail on sacred ground could have short- and long-term adverse impacts to Indian Trust Resources and Sacred Sites due to increased visibility and access. The Monument would continue to work with Tribes to reduce impacts through thoughtful discussion and collaboration, such as Tribal monitoring during construction. Some Tribes and American Indian visitors could experience a long-term beneficial impact from safe pedestrian access to the sacred sites of the Three Maidens and quarries.

Viewsheds and Visual Resources

The selected alternative could result in a slight increase in long-term adverse impacts to views between the entrance of the Monument and the South Quarry Trail along Reservation Avenue. However, this alternative could also have a long-term beneficial impact to the view by decreasing unauthorized visitor-created trails along Reservation Avenue between Hiawatha Avenue and South Quarry Trail.

Conclusion

In conclusion, as guided by the expected outcomes noted above, implementing the selected alternative does not constitute impairment of any of the Monument's resources or values whose conservation is: (1) necessary to fulfill specific purposes identified in establishing legislation or proclamation of the Monument; (2) key to the natural or cultural integrity of the Monument or to opportunities for enjoyment of the Monument; or (3) identified as a goal in the Monument's General Management Plan or other relevant National Park Service planning documents as being of significance. This conclusion is based in the consideration of the purpose and significance of the Monument, a thorough analysis of the environmental impacts described in the and environmental assessment, relevant scientific studies, the comments provided by the public and others, and the professional judgment of the decision-maker guided by the direction of National Park Service.