

**Finding of No Significant Impact**  
**Chilton Creek Area Boat Ramp and Parking**  
**Ozark National Scenic Riverways, Van Buren, MO**  
**August 2009**

## **Introduction and Background**

### **BACKGROUND**

The project area addressed is located on the Current River approximately six miles upstream from Van Buren, Missouri, in the vicinity of Chilton Creek. Chilton Creek enters the Lower Current River 2.2 miles above the park boundary. Traveling downstream from the boundary the Current River enters the Van Buren 'gap' (a four mile stretch of the river which lies outside the park). The park maintains two semi-developed sites which provide access to the Current River in the Chilton Creek area – Raftyard and Waymeyer Landing. Both of these sites are designated “put-ins” for commercial outfitters, contractors to the National Park Service (NPS) who provide rentals and shuttle service to the visiting public. In addition to providing a launch area for canoes, rafts, kayaks, and tubes, one of these sites, Waymeyer Landing, also provided a gravel boat launch ramp which accommodated motorboat access. This ramp, and the traditional access it provided to motorboat visitors, was washed out during the large floods of March 2008. Vehicles reach the Chilton Creek area via State Hwy. M traveling north off State Hwy. 60 just west of Van Buren. Crossing the park boundary Hwy. M continues as a gravel road (Carter County Rd. 151). The project area is approximately eight miles from the city of Van Buren traveling by vehicle. (Figure 1 – Vicinity Location map. Enlarged Vicinity/ Location map in Appendix 1)

**Citizens Petition** - In February of 2006, the Superintendent of ONSR received a petition signed by eighty-nine local residents requesting that the park install and maintain a permanent boat ramp and parking area upstream and separate from Waymeyer Landing. The petition voiced concern that overcrowding on the river downstream between Waymeyer Landing and Van Buren presented potentially hazardous conditions for everyone – boaters and floaters alike.

### **PURPOSE**

The purpose of creating Ozark National Scenic Riverways (ONSR) as stated in the park's enabling legislation is for “...conserving and interpreting unique scenic and other natural values and objects of historic interest, including preservation of portions of the Current River and Jacks Fork River in Missouri as free-flowing streams, preservation of springs and caves, management of wildlife, and provisions for use and enjoyment of the outdoor recreation resources thereof by the people of the United States.” (P.L. 88-492) Using this legislation as guidance, the purpose that has been defined for this are:

- Provide a safe and maintainable boat ramp that preserves an existing and traditional use for this area of the river (relocating the ramp site at Waymeyer Landing or constructing an alternative ramp at another location within the vicinity of Chilton Creek area) for motorboat access.
- Provide clearly delineated and designated/hardened parking spaces for a number of day-use visitors who arrive in their private vehicles. Spaces shall accommodate standard vehicles with a boat trailer.
- Provide adequate signing to clarify and define ‘use patterns’. Possible examples of signing might include: identifying temporary loading/drop-off zone; delineating canoe storage areas for concessions; posting non-commercial ‘day-use’ parking spaces for both single vehicles and boat trailers.
- Reduce or eliminate resource impacts that currently exist at the site.
- Reduce visitor use conflicts and congestions, and enhance visitor experiences.
- Improve visitor safety at the site.

### **NEEDS**

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The following needs have been identified in association with river access within the Chilton Creek project area and will be addressed to achieve the stated purpose of this project:

- Reestablish a safe and maintainable motorboat access to the project area damaged by the flood.
- Address site conditions concerning visitor safety, reduce the potential for visitor use conflicts and congestion at the site, and to enhance the potential for a variety of visitor experiences.

As a result of the public and internal scoping process, the no-action alternative and two action alternatives for addressing the purpose and need were selected for analysis in this EA. Each of the alternatives has been analyzed independently. The alternatives that have been evaluated are:

#### **Alternative A – No action**

**Alternative B** – Restore previously existing boat launch access ramp at Waymeyer Landing—separate from the floater launch area, construct separate access road, establish/define use patterns providing additional signing and designated parking for 10 private vehicles with boat trailers and 8 cars.

**Alternative C (Preferred)**— Restore the previously existing boat launch access in the Chilton Creek area by relocating the boat ramp to a separate site along a segment of Current River upstream from Waymeyer Landing (approximately 1.1 mile), and provide access and parking for 10 boat trailers. Maintain existing facilities at Waymeyer Landing to serve visitor floater access (canoes, tubes, kayaks, rafts), providing additional signing and designated parking for 10-14 vehicles.

#### **Selected Alternative**

**ALTERNATIVE C** – Restore the previously existing safe and maintainable boat launch access in the Chilton Creek area by relocating the boat ramp to a separate site along a segment of Current River upstream from Waymeyer Landing (approximately 1.1 mile), and provide access and parking for 10 boat trailers. Maintain existing facilities at Waymeyer Landing to serve visitor floater access (canoes, tubes, kayaks, rafts), providing additional signing and designated parking for 10-14 vehicles.

#### Site Improvements/Upgrades

This alternative proposes modest upgrades at Waymeyer Landing with clearly defined and designated visitor use. Basic layout would remain the same. The full length of the gravel river bank at Waymeyer Landing would be allocated for 'floater' access. A boat ramp with parking for 10 boat trailers would be constructed upstream at a separate site location.

#### *Construct Separate Safe and Maintainable Boat Ramp*

A separate boat ramp would be constructed 1.1 mile upstream from Waymeyer Landing, restoring existing safe and maintainable boat launch access in the Chilton Creek area. Access to the separate ramp would entail constructing approximately 420 feet of gravel access road, 250 feet of which would require the removal of forest vegetation. Cutting a ramp into the 8' high river bank in order to create a gradient to accommodate a boat ramp would require the removal of an estimated 10,680 cu. ft. of material, gravel and soil. Side slopes of the cut bank would be revegetated and secured with geomat to hold soil in place as the vegetation takes hold. In this location an articulated concrete mattress (ACM) would be used. An articulated concrete mattress or ACM is a semi-flexible system of interlocked concrete blocks that is laid over a substrate of rip rap and set in place and secured to provide a safe and maintainable ramp surface. The ACM would provide good traction, thus keeping vehicles from "spinning out" and becoming imbedded in unstable loose gravel. Unlike a solid concrete ramp, the ACM can be reset or reconfigured as needed over time.

#### *Delineate Parking, and Install Regulatory and Guide Signs*

At Waymeyer Landing designated hardened gravel parking pads for 10-14 standard vehicles would define and limit parking. Wheelstops, or other solid barriers, could be set in place, coupled with appropriate regulatory

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signage to clarify parking restrictions. Signing would provide additional vehicular guidance, safety and regulatory information to visitors, and assist in maintaining a steady flow of concession shuttle traffic during the peak periods of use on summer weekends. Signs would be posted to notify motorboat traffic that the site no longer accommodates boats and would direct boaters to the north on Co. Rd. 151 to where the new motorboat ramp site is located.

At the location of the proposed separate boat ramp upstream, a gravel parking area would be constructed within an existing agricultural field to accommodate 10 boat trailers. The number of boat trailer parking spots is the number typically observed by park rangers on a busy weekend. Wheelstops, or other solid barriers, could be set in place to indicate each parking space, coupled with appropriate regulatory signage to clarify parking restrictions. Parking would be contained with the installation of 'typical' post/wire fencing and allowed to revegetate at the perimeter— thus allowing hedgerows to grow which would eventually screen the site from Co. Rd. 151 and would serve to delineate the parking area from the agricultural field. Signing would provide additional safety and regulatory information to visitors.

#### **Environmentally Preferable Alternative**

The environmentally preferable alternative is determined by applying the criteria suggested in NEPA. The Council on Environmental Quality (CEQ) provides direction in its guidance 'Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations (1981)' that "...the environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA's Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources."

*Criterion 1 – Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations.*

*Criterion 2 – Assure for all generations safe, healthful, productive, and aesthetically and culturally pleasing surroundings.*

*Criterion 3 – Attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences.*

*Criterion 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.*

*Criterion 5 – Achieve a balance between population and resource use that will permit high standards of living and wide sharing of life's amenities.*

*Criterion 6 – Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.*

Using the criteria from Section 101, Alternative A – No action was determined to be the environmentally preferable alternative of those evaluated in this EA, because it has no additional impact to the natural and cultural resources.

Although Alternative A – No action is the environmentally preferred alternative, it does not satisfy the needs and purposes produced during the scoping period. In addition, Alternative A – No Action offers no beneficial impacts of the resource areas analyzed in the environmental assessment. The agency has chosen Alternative C because it fulfills the goals outlined in the purpose and need while causing the least amount of resource damage of the build alternatives. Issues having a strong impact on the decision making process were the safety of visitors, maintaining an existing facility and traditional use for that area, reduce the resource impacts that are currently occurring, and enhancing visitor experience. Input from IDT members noted that the selection of Alternative C had the following additional advantages:

- Alternative C moves the access to a more historically stable stretch of the river.
- It separates user groups into two manageable accesses, alleviating safety, traffic, and user conflict issues.

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- Alternative C calls for less removal of riparian vegetation, 7,520 s.f., versus the Alternative B proposal at up to 23,000 s.f.
- Alternative C impacts a smaller wetland footprint, 480 s.f. or .011 acres, versus the Alternative B proposal, at 4950 s.f. or .114 acres.
- Alternative C is viewed as a better long-term solution, considering all of the factors analyzed.

#### **The Selected Alternative and Significance Criteria**

The intensity or severity of impacts resulting from implementation of the Selected Alternative is evaluated below using the ten (10) significance criteria as defined by the Council on Environmental Quality's regulations for implementing NEPA (40 CFR § 1508.27). Resource areas selected for analysis included: riparian vegetation, floodplain, wetlands, water quality, threatened, endangered, and species of special concern, natural fluvial processes, cultural resources, visual quality, soundscape, visitor use and experience, park operations.

*1. 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.*

It was determined that none of the adverse impacts will be significant under the selected alternative (Alternative C). The relocation of the boat ramp and improvements in parking would have some short-term adverse impacts during and immediately after the construction phase for the riparian vegetation, wetland, water quality, soundscape, and park operations (maintenance). Minor to moderate long-term adverse impacts would occur for the same resource areas in addition to minor long-term adverse impact for the soundscape at Pin Oak. The selected alternative was also found in the analysis to offer the most long-term beneficial impacts, which include the resource areas of visual quality, soundscape, visitor use and experience (including safety), park operations-law enforcement. Alternative B offered fewer beneficial impacts. Alternative A – No action offered no beneficial impacts and does not address any of the issues that are defined in the Purpose and need statement.

*2. The degree to which the proposed action affects public health and safety.*

By relocating the boat ramp, with delineated parking and signage, the congestion and user group conflict that currently exists would be alleviated. Along with that the safety of visitors and their experience would be enhanced.

*3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, wild and scenic rivers, ecologically critical areas, wetlands or floodplains, park lands, and so forth.*

Both the Current River and Jacks Fork River are designated as Outstanding National Resource Waters (ONRW) under Missouri's water quality standards. They are Tier III waters (i.e. they are provided with the highest level of protection by prohibiting the lowering of water quality) with anti-degradation restrictions.

*4. The degree to which the impacts on the quality of the human environment are likely to be highly controversial.*

During the preparation of the environmental assessment, there has been involvement from other agencies, private organizations and other interested individuals including elected officials. The National Park Service received 8 comments on the public scoping letter sent out on September 7, 2007 and 11 comments on the environmental assessment that was opened for public comment from April 8 – May 9, 2009.

One comment stated concerns of motorboat access to the river in this area and the congestion on the river. It should be noted that motorboat access has historically been available at this area of the river and that this is a replacement of a previously existing facility. Also, that concessions operations are working within the density levels defined in the River Use Management Plan (RUMP) and the commercial use agreements as they are

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currently written for canoes and tubes. The RUMP also has restrictions on the horsepower for boat motors within designated zones in ONSR, and those restrictions are enforced. The interdisciplinary team did not find that the restoration of a safe and maintainable boat ramp in the Chilton Creek area is going to add to the river use or density levels in Zone 7 that have been historically observed for this stretch of the river.

No comments from the public challenged the analysis of impacts or suggested information that will result in changes to the analysis, or resulted in the recognition of significant impacts to resources.

*5. Degree to which the potential impacts on the quality of the human environment are highly uncertain or involve unique or unknown risks.*

The relocation of the boat ramp and associated designated parking will result in improvements to the facilities and to the safety of visitors. Park law enforcement will need to ensure that ad hoc parking no longer occurs and that user groups use the appropriate sites. No other unique or unknown risks were found to impact the environment.

*6. 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.*

One comment stated concerns about this facility replacement and the pending revision of the General Management Plan (GMP) for the park and the effects on future planning. The replacement of the boat ramp would not be inconsistent with any of the alternatives under consideration for the GMP, would not interfere with any management decisions made in the future, and is a replacement in kind project and is not adding additional accesses.

Under the selected alternative, none of the actions will establish a precedent for future actions with significant effects. The actions are a replacement and relocation, with safety improvements, of an existing use and facility.

*7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

This action is not related to any other actions or projects occurring within the park. The issues addressed in the environmental assessment are limited to this site.

*8. The degree to which the action may adversely affect historic 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.*

Over a period of years, the Ozark National Scenic Riverways archeologist has conducted pedestrian surveys including shovel testing in the Chilton Creek project area for the purpose of inventorying cultural resources sites, particularly prehistoric archeological sites. The park archeologist's knowledge combined with personal observation was employed to determine that no archeological sites lay within the project areas of the three alternative locations. The Chilton Creek Area was first surveyed for archeological resources in 1985-1986. On June 30, 2000 the park archeologist again visited the area and conducted pedestrian survey in the present boat launch locale prior to construction of a new vault toilet. Subsequent visits to the Chilton Creek Area were conducted on November 29, 2007, and January 1, 2008. These were Interdisciplinary Team visits at which time the park archeologist conducted pedestrian archeological surveys in the three alternative areas. In all investigations, no archeological sites were discovered in the direct impact zones of the alternative areas. No archeological sites or architecture in the area are listed on The National Register of Historic Places. The project as planned will have no adverse impact on any historic districts, sites, highways, structures, or objects currently listed or eligible for listing on The National Register of Historic Places.

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9. *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.*

The U.S. Fish and Wildlife Service (USFWS) sent a response to our public scoping letter to the Superintendent of ONSR dated October 18, 2007. In it the USFWS noted that there is one species of conservation concern that occurs within the project area, the Ozark hellbender (*Cryptobranchus alleganiensis bishopi*), which is a candidate for federal listing under the Endangered Species Act. Records indicated that Ozark hellbenders were identified approximately four miles upstream and downstream from the proposed project area on the Current River. The recommendation was to take appropriate measures to minimize siltation during the construction of a new boat ramp. A second response letter was received on July 2, 2008, indicating a preference for alternative B. The issues addressed in the letter were analyzed in the environmental assessment.

A copy of the *Environmental Assessment for Chilton Creek Area Boat Ramp and Parking* was sent to the USFWS Field Officer on April 8, 2009 with a request for any additional comments. A response was received by the park on June 8, 2009, stating that the action will not impact any priority fish and wildlife resources.

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

The Selected Alternative is not thought to violate any environmental protection laws or regulations. Completion of the following consultations has solidified this conclusion.

#### Section 7 – Endangered Species Act Consultation

On September 6, 2007 a letter regarding the intended action was sent to the U.S. Fish and Wildlife Service (USFWS) Field Supervisor in Columbia, Missouri to obtain information on Threatened and Endangered species within the vicinity of the Chilton Creek project area. A response to this request was received on October 18, 2007. In it the USFWS noted that there is one species of conservation concern that occurs within the project area, the Ozark hellbender (*Cryptobranchus alleganiensis bishopi*), which is a candidate for federal listing under the Endangered Species Act. Records indicated that Ozark hellbenders were identified approximately four miles upstream and downstream from the proposed project area on the Current River. The recommendation was to take appropriate measures to minimize siltation during the construction of a new boat ramp.

As the planning process proceeded, and information regarding site specific development for three alternatives was presented to the U.S. Fish and Wildlife Service for comment, a second response letter was received on July 2, 2008. In reviewing the alternatives, as presented at that time, the response indicated that alternative B would appear to have less of an impact to the Ozark Hellbender. There was concern that alternative C would create a river access where previously none has existed. However, based on the impact analysis in section 5.5, Threatened, Endangered, and Species of Special Concern, of the *Environmental Assessment for Chilton Creek Area Boat Ramp and Parking*, it was determined that both Alternative B and C “may affect/not likely to adversely affect” Ozark hellbenders within the project area. Under Alternative C, less bottomland forest vegetation would be removed, there is a lack of suitable Ozark Hellbender habitat in the immediate vicinity, and siltation would be kept at a minimum through mitigation measures. Therefore it was determined that neither Alternative B nor C held more significant impact over the other, and both were considered to have minimal impact on the Ozark Hellbender.

A copy of the *Environmental Assessment for Chilton Creek Area Boat Ramp and Parking*, with the agency preferred alternative indicated, was sent to the USFWS Field Officer in Missouri to obtain input on threatened and endangered species and habitat in the vicinity of the proposed action. A response was received by the park on June 6, 2009 stating that the action will not impact any priority fish and wildlife resources.

#### Section 404 – Clean Water Act and State Water Quality Certification through Section 401 of the Act

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In September of 2008 the Biological Technician for ONSR, consulted with the U.S. Army Corps of Engineers(USACE), Little Rock District, to accurately identify the OHWM for the impact analysis of this EA. Since the area below the OHWM will be impacted in the two construction alternatives, a permit from the USACE and Water Quality Certification from the Missouri Department of Natural Resources will be obtained if Alternative B or C is selected.

#### Ethnographic Review

An ethnographic tribal identity study has been completed for Ozark National Scenic Riverways by Dr. Maria Zedeno which identified those Native American Tribes that have historic cultural affiliation with lands now included in the park. Native American groups having demonstrable affiliation to the region are:

- a. Cherokee Nation
- b. Keetoowah Band Cherokee
- c. Osage Nation
- d. Delaware Tribe
- e. Delaware Nation
- f. Eastern Shawnee Tribe
- g. Shawnee Tribe
- h. Absentee Tribe

In August 2003, the Superintendent and the Archeologist of ONSR, consulted with leaders of these Tribes in Oklahoma in compliance with Section 101(d)(6)(b) of the NHPA. No historic accounts or archeological evidence have been found associating these Tribes with the subject tracts of land within the Chilton Creek area. In October 2006 the Superintendent, Deputy Superintendent, and Archeologist of ONSR, consulted with leaders of the above Tribes to request input on the development of the park's new General Management Plan.

#### **Public Involvement**

On September 7, 2007 a public scoping letter was used to notify local, State, and Federal representatives, interested agencies, and the general public of the proposed action to construct a safe and maintainable boat ramp in the area of Chilton Creek. This letter was electronically posted on the Planning, Environment, and Public Comment (PEPC) website along with contact information on how to obtain more information or comment on the action. Mailings were also sent to a select list of interested parties and stakeholders. A total of eight responses to the scoping letter were received. The responses were reviewed and filed in the administrative record kept at ONSR headquarters in Van Buren, Missouri.

A 30-day public comment period was held for the *Environmental Assessment for Chilton Creek Area Boat Ramp and Parking* from April 8 – May 9, 2009. A letter was mailed to approximately 33 local, State, and Federal representatives, interested agencies and the general public notifying them of the availability of the EA for review. The letter also instructed recipients how to comment on the EA through the PEPC website or in writing to the Superintendent at ONSR. A news release was also submitted to local newspapers. Approximately 11 comments were received in response to the EA. Eight of the eleven were either supportive or had no concerns with the selected alternative. None of the comments challenged the analysis of the impacts or were significant enough to make any changes to the selection.

#### **Impairment**

In addition to reviewing the list of significance criteria, the NPS has determined that implementation of the proposal will not constitute impairment to the critical resources and values of the ONSR. This conclusion is based on a thorough analysis of the environmental impacts described in the *Environmental Assessment for Chilton Creek Area Boat Ramp and Parking*, public comment, relevant scientific studies, and the professional

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judgment of the decision-maker guided by the direction in NPS Management Policies 2006. The Selected Alternative will not result in any major, adverse impacts on environmental resources. Overall, the Selected Alternative will result in benefits to park resources and values and opportunities for enjoyment; it does not result in impairment.



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**Finding of No Significant Impact and No Impairment**

Based on the analysis contained in the environmental assessment, the Selected Alternative for the restoration of the previously existing safe and maintainable boat launch access in the Chilton Creek area by relocating the boat ramp to a separate site along a segment of Current River upstream from Waymeyer Landing (approximately 1.1 mile), and provide access and parking for 10 boat trailers, and maintain the existing facilities at Waymeyer Landing to serve visitor floater access (canoes, tubes, kayaks, rafts), providing additional signing and designated parking for 10-14 vehicles, will not have significant impacts on the human environment either by itself or considering cumulative impacts. Accordingly, the requirements of the National Environmental Policy Act, regulations promulgated by the President's Council on Environmental Quality, and provisions of National Park Service Director's Order-12 and Handbook (Conservation Planning and Environmental Impact Analysis and Decision-Making) have been fulfilled. Furthermore, the Selected Alternative chosen for implementation will not impair park resources or values and will not violate the NPS Organic Act. There are no significant impacts on public health, public safety, threatened and endangered species, sites, or districts listed in or eligible for listing in the NRHP, 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. The Selected Alternative supports the enabling legislation establishing the Current River as a National Scenic Riverway under Public Law 88-492 with the intended purpose of "conserving and interpreting unique scenic and other natural values and objects of historic interest... and provisions for use and enjoyment of the outdoor recreation resources."

Based on the foregoing, it has been determined that an environmental impact statement is not required for this project and thus will not be prepared for implementation of the Selected Alternative.


Recommended:

  
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Superintendent, Ozark National Scenic Riverways

AUG - 4 2009

\_\_\_\_\_  
Date

Approved:

  
\_\_\_\_\_  
Deputy Regional Director, Midwest Region

8/13/09  
\_\_\_\_\_  
Date