



JULY 19, 2023

Finding of No Significant Impact
Create Accessible Ramp at Meyers Beach and New Trail Network at Little Sand Bay
Environmental Assessment
Apostle Islands National Lakeshore (Wenabozho Ominisan)

Background

The National Park Service (NPS) has completed comprehensive evaluation of a proposal to create an accessible ramp at Meyers Beach and develop a new trail network at Little Sand Bay at Apostle Island National Lakeshore (park). In compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, the impacts of the proposed action were analyzed in an environmental assessment (EA). The EA was open for public comment from April 12 – May 12, 2023, and comments were solicited online through the Planning, Environment, and Public Comment (PEPC) system or by U.S. mail. A public meeting was also held on April 26, 2023. A summary of the public comments received and responses to all substantive comments are provided in Attachment A.

The EA and this associated Finding of No Significant Impact (FONSI) constitute the record of the environmental impact analysis and decision-making process. The NPS selected Alternative B: Create Accessible Ramp at Meyers Beach and New Trail Network at Little Sand Bay, which is comprised of four components; Meyers Beach Accessible Lake Access, Mashkiig (wetland) Boardwalk, Nelson Cabin Trail, and Minisi (island) Overlook Trail. This alternative was selected after careful analysis of potential impacts to resources and to the visitor experience, and in consultation with associated tribes, the U.S. Fish and Wildlife Service (USFWS), the Wisconsin 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 (ESA); and (3) compliance with Section 106 of the National Historic Preservation Act (NHPA). This FONSI is available on the NPS Planning, Environmental and Public Comment (PEPC) website at:
https://parkplanning.nps.gov/APIS_LSBMBAccess_EA_PubCom.

Selected Alternative

The EA analyzed two alternatives: Alternative A- No Action Alternative and Alternative B – Create Accessible Ramp at Meyers Beach and New Trail Network at Little Sand Bay, and the associated impacts of each alternative. Based on the analysis, the NPS has selected Alternative B for implementation. Alternative B will create an accessible ramp at Meyers Beach, a small overlook, and two new stairways. At Little Sand Bay, it would create an accessible raised boardwalk (the Mashkiig Boardwalk), an earthen trail near Nelson Cabin, and an earthen trail between Allen Road and the park's northern boundary. See Chapter 2 of the EA for a complete description of the selected Alternative.

Rationale for the Decision

Alternative B best meets the purpose and need of the project, which is to provide recreational, interpretive, and educational opportunities meeting the various abilities of park visitors on the mainland, while increasing tribal connections, safety, and resource protection. The selected alternative will increase opportunities for visitors of all abilities to experience natural, cultural, and historic resources on the mainland of the park through the enhancement and creation of recreational opportunities.

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 authorities 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 proposed action is made up of four project sites, within two project areas. Little Sand Bay (LSB) and Meyers Beach (the two project areas) are located on the Mainland Unit of APIS. The Mainland Unit is a 12-mile coastal strip located in northwestern Wisconsin along the south shore of Lake Superior in Bayfield County. The eastern two-thirds of the park's Mainland Unit is within the Red Cliff Reservation and the remaining westernmost third is within Ceded Territory of the Lake Superior Ojibwe. At LSB, the Town of Russell owns a parcel that includes the Little Sand Bay Recreation Area. This FONSI only applies to impacts on resources within the project sites. The Meyers Beach accessible lake access project would have a limit of disturbance (LOD) of approximately 0.732 acres. LSB is made up of three project sites; Mashkiig (wetland) boardwalk (\approx 0.448 acres LOD), the Nelson Cabin Trail (\approx 0.20 acres LOD), and the Minisi (island) Overlook Trail (\approx 0.037 acres LOD).

To evaluate the potential for significant impacts, agencies must consider the setting, or potentially affected environment, in which impacts may occur. In this case, the selected alternative may have beneficial or adverse impact on, cultural and historic resources, ethnographic resources, soils and topography, vegetation (native plant communities and invasive species), viewsheds and visual resources, visitor use, experience and safety, and water resources (floodplains and wetlands). Some impacts will only occur during construction, including noise, aesthetics from equipment, operations staging areas at the project site, temporary road and/or parking lot traffic alterations (flaggers, construction vehicles etc.) and visitor use restrictions (mainly at Meyers Beach). The NPS determined that the action would not result in any significant impacts, however it was determined that minimal or minor long-term adverse impacts would occur for a majority of the impact topics, with a beneficial long-term impact on visitor use, experience, and safety. Table 1 summarizes the

impact topics and the degree of impact. Chapter 3 of the EA discusses each impact topic in greater detail and is incorporated here by reference.

TABLE 1: IMPACT TOPICS AND DEGREE OF IMPACT SUMMARY

Impact Topic	Degree of Impact
Cultural and Historic Resources	Minor long-term impacts to the Nelson Cabin due to the projected increase in visitation.
Ethnographic Resources	No change anticipated to existing conditions; potential for beneficial impacts by providing visitors with knowledge of local Tribal culture and history.
Soils and Topography	Minimal long-term impacts to the natural soils and topography of the project areas. In general, construction activities and compaction would occur in all areas where the earthen trails will be constructed; however, the impacts would be minimal to soils and topography.
Vegetation (Native Plant Communities and Invasive Species)	Minor adverse short-term impacts during construction and some long-term beneficial impacts to the vegetation within the project footprint. Adverse impacts are anticipated from vegetation clearing and disturbance of native vegetation. No adverse impacts from the introduction of invasive species as long as mitigation measures (Chapter 4) are closely followed. In the Meyers Beach project site, the selected alternative could have a beneficial long-term impact on invasive species control.
Viewsheds and Visual Resources	Minor long-term adverse impact on viewsheds and visual resources due to the additions to the built environment and increased visitor traffic through the previously inaccessible location in the park.
Visitor Use, Experience and Safety	Beneficial long-term impacts by providing more visitor experiences on the mainland and increasing safety and accessibility. .
Water Resources (Floodplains and Wetlands)	Minimal long-term adverse impacts to water resources, specifically at Meyers Beach and Mashkiig Boardwalk project sites. The Mashkiig Boardwalk would impact less than 0.1 acres of wetlands.

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. Most impacts associated with implementation would be minimal/minor and short-term (only during construction and restoration of the project sites). Long-term minor impacts are anticipated as well as long-term beneficial impacts. Best management practices identified in Chapters 2 and 4 of the EA would further minimize any potential impacts. Moderate short-term impacts are anticipated to soils during construction of the trails, boardwalk, and accessible beach ramp. Minor long-term impacts to vegetation are anticipated during construction, vegetation restoration will take place post construction. Minor long-term adverse impact on viewsheds and visual resources are anticipated due to the additions to the built environment and increased visitor traffic through the previously inaccessible location in the park which may take away from the natural viewsheds. Impacts to water resources would have minimal long-term adverse impacts, due to the impacts associated with the Mashkiig Boardwalk project. Long-term beneficial impact to ethnographic resources would result from providing visitors knowledge on the local Tribal culture and history through collaboration with local Tribal communities. Negligible short-term impacts to archeological sites are anticipated due to avoidance of sites found during the 2022 survey. The project has been determined to have No Adverse Effect on historic properties under NHPA Section 106.

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

Visitor experiences on the mainland are currently limited due to a lack of recreational opportunities and accessibility. The selected alternative will enhance visitor experience and safety by creating an accessible beach ramp and boardwalk, and by creating footpaths and trails that provide opportunities to exercise, experience a variety of landscapes and learn about the history of the area.

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

The selected alternative does not threaten or violate applicable Federal, Tribal, State, or Local environmental laws or requirements imposed for the protection of the environment. The NPS consulted internally as well as with U.S. Fish and Wildlife Service (USFWS), Red Cliff Band of Lake Superior Chippewa, Wisconsin Department of Natural Resources (WDNR), Wisconsin State Historic Preservation Office (SHPO), Wisconsin Town of Russel (TOR), Bayfield County, the public.

Tribal Partners

Prior to the start of the NEPA process for the proposed action, the park and the Red Cliff Band of Lake Superior Chippewa (Red Cliff Band) had several verbal conversations about the potential to develop trails in the LSB area and Meyers Beach Ramp. Little Sand Bay lies within an NPS inholding within the Red Cliff Reservation. The Red Cliff Band was and continues to be supportive of these proposed projects.

The NPS initiated informal Section 106 consultation with the Red Cliff Band of Lake Superior Chippewa on April 14, 2022, describing the proposed actions. Formal consultation between the park Superintendent, Management Team and the Red Cliff Chair and Council occurred on April 20, 2022, in which they were informed the EA NEPA process would be starting. Copies of a draft EA were sent on April 27, 2022, to ascertain tribal interests or concerns in the undertaking and extend the opportunity to monitor during construction. As a result of this consultation, park staff worked with Red Cliff's Treaty Natural Resource (TNR) Director on tribal community outreach. A flyer was developed for distribution to the tribal community, including in the Miisaninawiind Newsletter, to encourage input and invite tribal members to a site visit which was held on June 9, 2022. The draft EA was also sent to the tribe during the pre-public review period for their input. Discussion of the trail proposal was also included during consultation between the park's Superintendent and Bad River chair that occurred February 17, 2023. No additional comments were received. In addition, informal consultation continues to occur between the Park Superintendent and Red Cliff Chair as well as park and tribal staff.

U.S. Fish and Wildlife Service (USFWS)

The NPS used the Information for Planning and Consultation (IPaC) tool to consult with USFWS and comply with ESA Section 7, for both the LSB and Meyers Beach project areas.

On March 3, 2023, the IPaC system was used to identify six listed, candidate, or proposed species in the LSB project area. The NPS determined that the project would have no effect on two of these species and may affect but is not likely to adversely affect (NLAA) the remaining five (see Table 2 for species list). A verification letter was generated through IPaC indicating the USFWS had 30 days to review the NLAA determinations, and if no notification was received from USFWS within those 30 days the project could proceed under the terms of the NLAA concurrence provided. No notification was received within the 30 days; therefore, the proposed action can proceed under the NLAA determination.

On May 26, 2023, the NPS resubmitted the IPaC system DKey for the northern long-eared Bat (NLEB) due to the recent uplisting to endangered. A NLAA determination was made. A verification letter was generated through IPaC indicating the USFWS had 15 days to review the determination; if no notification was received from USFWS within those 15 days the project could proceed under the terms of the NLAA concurrence provided. No notification was received within the 15 days; therefore, the proposed action can proceed under the NLAA determination.

TABLE 2: USFWS SPECIES LIST FOR THE LITTLE SAND BAY PROJECT AREA

Species	Listing Status	Determination
Canada Lynx (<i>Lynx canadensis</i>)	Threatened	NLAA
Fassett's Locoweed (<i>Oxytropis campestris</i> var. <i>chartacea</i>)	Threatened	No effect
Monarch Butterfly (<i>Danaus plexippus</i>)	Candidate	No effect
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Endangered	NLAA
Piping Plover (<i>Charadrius melodus</i>)	Endangered	NLAA
Red Knot (<i>Calidris canutus rufa</i>)	Threatened	NLAA
Tricolored Bat (<i>Perimyotis subflavus</i>)	Proposed Endangered	NLAA

On June 12, 2023, the IPaC system was used to identify eight listed, candidate, or proposed species in the Meyers Beach project area. The NPS determined that the project would have no effect on two of these species and a NLAA the remaining six (see Table 3 for species list). The IPaC determination key (DKey) was used to assist in the NLAA determination for one species, the northern long-eared bat (*Myotis septentrionalis*). A verification letter was generated through IPaC indicating the USFWS had 15 days to review the determination; if no notification was received from USFWS within those 15 days the project could proceed under the terms of the NLAA concurrence provided. No notification was received within the 15 days; therefore, the proposed action can proceed under the NLAA determination.

For the remaining five species, a verification letter was generated through IPaC indicating the USFWS had 30 days to review the NLAA determinations. If no notification was received from USFWS within those 30 days, the project could proceed under the terms of the NLAA concurrence provided. No notification was received within the 30 days; therefore, the proposed action can proceed under the NLAA determination.

TABLE 3: USFWS SPECIES LIST FOR THE MEYERS BEACH PROJECT SITE

Species	Listing Status	Determination
Canada Lynx (<i>Lynx canadensis</i>)	Threatened	NLAA
Fassett's Locoweed (<i>Oxytropis campestris</i> var. <i>chartacea</i>)	Threatened	No effect
Gray Wolf (<i>Canis lupus</i>)	Endangered	NLAA
Monarch Butterfly (<i>Danaus plexippus</i>)	Candidate	No effect
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Endangered	NLAA
Piping Plover (<i>Charadrius melodus</i>)	Endangered	NLAA
Red Knot (<i>Calidris canutus rufa</i>)	Threatened	NLAA
Tricolored Bat (<i>Perimyotis subflavus</i>)	Proposed Endangered	NLAA

An ESA Section 7 effect determination is not required for the monarch butterfly (*Danaus plexippus* – candidate species) or tricolored bat (*Perimyotis subflavus* – proposed endangered), however the park will reconsult with USFWS on the project before implementation when/if those species are listed. Also, the northern long-eared bat interim consultation framework is only in place until April 1, 2024. If the project has not yet been implemented by that date, the park will need to reconsult under the new guidance.

Wisconsin Department of Natural Resources

On March 31, 2023, the NPS received a letter from the Wisconsin Department of Natural Resources (WI DNR) stating they have completed the review of the proposed project. They suggested a rare plant survey be completed of the project sites, that their water management specialist be contacted for wetland/waterway permitting, that a stormwater permit would likely not be needed if best management practices are implemented and they have concerns that additional social trails could result if formal trails are constructed. The NPS did conduct a plant survey in August 2022 and no Federal or Wisconsin state-listed endangered, threatened species or other rare plants were located along any of the proposed trail routes. The park will continue to consult with the WI DNR when the project moves forward into final design and construction, and will coordinate with WI DNR to obtain all required permits.

Wisconsin State Historic Preservation Office

The NPS determined that the project would have No Adverse Effect on historic properties and initiated Section 106 consultation with the Wisconsin State Historic Preservation Office (SHPO) on March 7, 2023. On March 8, 2023, SHPO concurred with the NPS determination, provided that all imported materials are from existing sources. These mitigations are listed in Chapter 4 of the EA. The park would monitor all activities and if previously unknown archeological resources are discovered during the implementation of the proposed action, all work in the immediate vicinity of the discovery shall be halted until the resources are identified and documented.

Public Communication

The NPS initiated public outreach on April 12, 2023, when the park released the Create Accessible Ramp at Meyers Beach and New Trail Network at Little Sand Bay Environmental Assessment EA for public comment. Additionally, on April 12, 2023, the park issued a press release requesting input and providing a link to the document through the NPS Planning, Environment, and Public Comment (PEPC) site with an announcement of a public meeting date and time. The public was asked to review the EA and share their comments for 30 days between April 12 and May 12, 2023. On April 26, 2023, the park hosted a public meeting, eight members of the public attended, four of the attendees commented during the Q&A session. During public review, 58 correspondences were received through PEPC, and no comments were received by mail.

FINDING OF NO SIGNIFICANT IMPACT

Based on the information provided in the EA, 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 EA (which is hereby incorporated by reference).

Recommended: _____

Lynne Dominy, Superintendent
Apostle Islands National Lakeshore

Approved: _____

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

ATTACHMENT A:

Response to Comments

On April 12, 2023, the NPS released the Create Accessible Ramp at Meyers Beach, and New Trail Network at Little Sand Bay 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. The NPS also held a public meeting on April 26, 2023.

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.

During public review of the EA, 58 correspondences were received through the NPS Planning, Environment, and Public Comment (PEPC) website and no correspondences were received by U.S. mail. Some of these correspondences included substantive comments. Substantive comments are those that question the accuracy of information in the NEPA document, question the adequacy of the environmental analysis, present reasonable alternatives other than those presented in the NEPA document, or cause changes or revisions in the proposal. Comments that merely support or oppose the proposal are not considered substantive.

51 correspondences expressed support for the proposed actions. Some of the supportive correspondences included substantive recommendations or suggestions, which are combined below in one concern statement and addressed with a single response due to their similarity. The remaining seven correspondences expressed opposition to the proposed action. Some of these correspondences included substantive comments, which were consolidated in two concern statements due to their similarity and provided with combined responses.

Response to Comments

- **COMMENT:** With the way the shoreline changes at Meyers I don't think it makes sense to build an expensive accessible route. You could build the whole thing, than [sic] the shoreline changes and you have a 4 foot drop to the lake, or the end of it gets torn apart in a storm. It makes more sense to make the kayak input at LSB completely accessible since the shore is more stable there, and it is relatively in close proximity to the caves. I know accessibility is important but you don't have to make every place 100% when there is an alternative.

NPS RESPONSE: The Meyers Beach location is a popular destination due to its close proximity to the sea caves. The distance from Little Sand Bay (LSB) to the sea caves is much further (>6 miles vs. 1 mile), along a more exposed route, rendering this an unsuitable option for providing access to the sea caves.

- **CONCERN STATEMENT 1: General support and design recommendations for the Meyers Beach lake access ramp**

NPS RESPONSE: The NPS is in the compliance phase of the project, which uses a schematic/conceptual design to help analyze impacts. More detailed final designs will be completed during the design and construction phase of the project. The NPS is currently seeking funding for design and construction, and the design team will consider the recommendations received from the public during that phase. During the detailed design and construction phase, elements such as erosion and sediment control plans and revegetation plans will be finalized. Options such as boat rails down the stairs, onsite boat carts to move boats down the ramp, and the location of the overlook will also be determined during that phase. If the final design would result in different impacts than those analyzed in the EA, additional compliance and consultation will take place.

- **CONCERN STATEMENT 2: Issues and concerns with the development of Little Sand Bay area due to Tribal lands and Treat Rights.**

NPS RESPONSE: Thank you for sharing your concerns and perspectives. We share your concerns about maintaining privacy on Tribal lands, honoring Treaty Rights, and encouraging respectful behaviors by park visitors. Both projects are currently unfunded. We will continue our consultation with Tribal leadership as this project progresses.



JULY 19, 2023

Determination of Non-Impairment
Create Accessible Ramp at Meyers Beach and New Trail Network at Little Sand Bay
Environmental Assessment
Apostle Islands National Lakeshore – Wenabozho Ominisan

The National Park Service's *Management Policies 2006* require a written analysis of potential effects to determine whether actions would impair park resources. The fundamental purpose of the national park system, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, begins with a mandate to conserve park resources and values. National Park Service (NPS) managers must always seek ways to avoid, or to minimize to the greatest degree practicable, adversely impacting park resources and values.

Although Congress has given the NPS the management discretion to allow certain impacts within parks, that discretion is limited by the statutory requirement that the NPS must leave park resources and values unimpaired, unless a particular law directly and specially provides otherwise. The prohibited 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 and values. To determine impairment, the NPS must evaluate "the particular resources and values that will be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts" (NPS 2006).

This determination of impairment has been prepared for the Selected Alternative (Alternative B) as described in the Environmental Assessment (EA) and Finding of No Significant Impact (FONSI). An impairment determination is made below for all resource impact topics analyzed in the EA, except visitor use, experience, and safety. An impairment determination is not made for these impact topics because impairment determinations only relate to resources and values that maintain the park's purpose and significance.

Cultural, Historic and Ethnographic Resources

Under Alternative B, cultural, historic, and ethnographic resources were not identified within the project limits of three of the proposed action components. Cultural resources were identified within the project limits of the Mashkiig (wetland) Boardwalk; however, the boardwalk alignment was modified to avoid these resources. The impacts from the proposed action, combined with the mitigation measures and best management practices described in the EA and FONSI, and through continued consultation with local Tribes and the SHPO, would result in few measurable impacts as a result of the selected alternative. Therefore, the selected alternative will not constitute an impairment to the park's cultural, historic, and ethnographic resources.

Soils and Topography

Alternative B would have a minimal adverse impact to soil and topography during construction, however, the impacts will be short-term and contained to the construction area. The impacts from construction, combined with the mitigation measures and best management practices described in the EA and FONSI, would result in few measurable impacts as a result of the selected alternative. Therefore, the selected alternative would not constitute an impairment to the park's soil and topographic resources.

Vegetation

Alternative B would have a minimal adverse impact to existing vegetation during construction, however; the impacts would be contained to the construction area and erosion control measures would be employed during and following construction. The impacts from construction, combined with the mitigation measures and best management practices described in the EA and FONSI, would result in few measurable impacts as a result of the selected alternative. Therefore, the selected alternative would not constitute an impairment to the park's vegetation resources.

Viewsheds and Visual Resources

Under Alternative B, there would be minimal impacts to the existing viewsheds and visual resources. Minor visual impacts would be created with the increase in visitor traffic, however; natural vegetation shielding will aid in minimizing permanent adverse impacts. The impacts from the proposed action, combined with the mitigation measures and best management practices described in the EA and FONSI, would result in few measurable impacts as a result of the selected alternative. Therefore, the selected alternative would not constitute an impairment to the park's viewsheds and visual resources.

Water Resources

Alternative B would result in minimal impacts to water resources. The Mashkiig (wetland) Boardwalk would impact less than 0.1 acres of wetlands, and the other three projects would avoid wetlands. The impacts from proposed action, combined with the mitigation measures and best management practices described in the EA and FONSI, would result in few measurable impacts as a result of the preferred alternative. Therefore, the preferred alternative would not constitute an impairment to the park's water resources.

Conclusion

As guided by the expected outcomes noted above, implementing the preferred alternative does not constitute impairment of any resource or park value whose conservation is: (1) necessary to fulfill specific purposes identified in establishing legislation or proclamation of the park; (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (3) identified as a goal in the park's general management plan or other relevant NPS planning documents as being of significance. This conclusion is based on the consideration of the purpose and significance of the park, a thorough analysis of the environmental impacts described in the management plan 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 NPS.