

ATTACHMENT A

**Final EA / Errata
Badlands National Park**

**Final Environmental Assessment for an Air Tour
Management Plan for
Badlands National Park**

November 15, 2023

Introduction

The Federal Aviation Administration (FAA) and the National Park Service (NPS) (collectively, "the agencies") published a draft Environmental Assessment (EA) and draft Air Tour Management Plan (ATMP) for Badlands National Park (the Park) on May 16, 2023. This document represents the final EA for the ATMP and describes comments that resulted in changes to the draft EA and draft ATMP and the nature of those changes.

The FAA published a notice of availability of the draft EA and draft ATMP for the Park in the Federal Register on May 18, 2023. Notice of Availability of Draft Air Tour Management Plans and Draft Environmental Assessments (EA) and Public Meetings, 88 Fed. Reg. 31,840 (May 18, 2023). The agencies held the public meeting for the draft EA and draft ATMP for the Park on May 24, 2023 and accepted public comments between May 16, 2023 and June 20, 2023. During the public review period, the agencies received 2,594 correspondences on the draft EA and draft ATMP, some of which resulted in changes or updates to the draft EA or draft ATMP. Comments that resulted in changes to the draft EA are presented in this final EA/errata sheet along with a description of the comment and rationale for the change. The comments and agencies' responses to substantive comments received are included in Appendix K.

There were no comments that resulted in substantive changes to the ATMP parameters. All changes made to the ATMP were to improve clarity and accuracy.

The FAA is issuing the final EA using errata sheets. The FAA's use of errata sheets is consistent with 40 CFR 1503.4(c). The purpose of the final EA/errata sheet is to correct errors and omissions, and make other adjustments that may be required after the printing of the draft EA. In addition to changes resulting from public comment, these changes include any corrections identified by the agencies, as well as updates on other consultation processes. This final EA/errata sheet is being included with the agencies' decision documents to comprise a full and complete record of the environmental analysis for the ATMP. The EA will not be reprinted. Note that in the following instances where the EA is referred to as a "draft EA", the issuance of this final EA/errata amends them to read as "final EA" (Pages 7, 9, 10, 11, 12, 13, 14, 17, 18, 19, 38, 68, 69, 70, 78, 82, 89, 99, 117, 119, 122, 127, 134, 137).

Summary of Changes

Commenters suggested various changes to the economic analysis in the draft EA. In consideration of those changes, the agencies reviewed operator websites listing current prices for air tours over the Park and identified a factual correction to the range of air tour prices listed in the draft EA. This correction did not result in a change to analysis of socioeconomic environmental consequences in the EA.

Commenters also noted that the draft EA contains a reference to cabins inside the Park's Wilderness, which do not exist at the Park. The agencies removed this reference to cabins from the EA.

The agencies identified one factual correction in the Noise Technical Analysis to include average atmospheric data for the local airport. This correction did not result in changes to other data or outputs in the Noise Technical Analysis.

The agencies also revised the distribution list for the draft EA to reflect the final list of agencies and organizations notified of the draft EA release.

The agencies added additional information to the final ATMP on the management of cultural resources described in the NPS 2006 Management Policies to provide additional information for the justification of the ATMP. As a result of this change, that information has been added to the cultural resources discussion in the EA. Additionally, the agencies added a new section to the EA providing a general overview and description of the Park as reflected in the Park Overview section of the ATMP document.

Following the publication of the draft EA, the agencies continued consultation under Section 106 of the National Historic Preservation Act. The FAA proposed a finding of no adverse effect to historic properties for the ATMP undertaking and consulted with the South Dakota State Historic Preservation Office (SHPO), consulting parties, and tribes. The SHPO, two tribes, and one consulting party concurred with this effect finding. The EA has been updated to describe this consultation process and the outcome, and supporting correspondence has been added to Appendix G.

The FAA also continued to coordinate with Officials with Jurisdiction (OWJ) under Section 4(f) of the Department of Transportation Act of 1966 following the release of the draft EA. The FAA consulted with the NPS and other OWJs on the FAA's finding of no substantial impairment, and hence, the FAA's proposed no constructive use determination. No responses from OWJs were received. A summary of this coordination and supporting correspondence was added to Appendix I, *Section 4(f) Analysis*.

The agencies added copies of all public comments received during public scoping and a distribution list reflective of agencies and parties notified of the public scoping process to Appendix J, and the title of this appendix was renamed.

A new appendix, Appendix K, was added to the EA with copies of all public comments received on the draft ATMP and draft EA, a summary of the comments, and the agencies' response to substantive comments.

As stated above, based on comments received and changed conditions, several pages in this final EA have been updated from the draft EA with new or corrected material. Page numbers

referenced pertain to the draft EA released to the public for review on May 16, 2023. Original text from the draft EA is included to provide context and to allow for comparison to the text change. Additions to text are underlined, and deleted text is shown by ~~strikeout~~.

1.0 Purpose and Need

1.2 Background

Page 8: Refer to Appendix J, ~~Public Scoping Newsletter and Comment Summary Report Materials~~, for more information.

Page 13, new Section 1.6, "Park Overview": The Park encompasses 242,756 acres and is located 70 miles east of Rapid City, South Dakota. The rugged beauty of the Badlands and striking geologic deposits contain one of the world's richest fossil beds. The Park protects an expanse of mixed-grass prairie inhabited by bison, bighorn sheep, prairie dogs, federally endangered black-footed ferrets, and raptors such as the state listed peregrine falcon, which is highly susceptible to noise disturbance.

Badlands National Park is divided into a North Unit and a South Unit. The North Unit is the area north of the Pine Ridge Indian Reservation and the South Unit is the area entirely within the boundaries of the reservation. The South Unit is co-managed by the NPS and the government of the Oglala Sioux Tribe. The North Unit preserves the 64,250 acres of Badlands Wilderness Area, which consists of the Sage Creek Unit and the Conata Unit. Badlands Wilderness offers outstanding opportunities for exploration and solitude. The South Unit contains spectacular scenery, including table mesas offering sweeping panoramas, deep canyons, washes, ravines, and foreboding walls, as well as large concentrations of mixed-grass prairies that provide habitat for numerous wildlife species. Composed of undeveloped and remote tracts of land, it offers an experience rich in the history and culture of the Lakota people, the natural heritage and scenery of the White River Badlands, and is a landscape of great historical and spiritual significance to the Oglala Lakota. There are two visitor centers in the Park, one in the North Unit and one in the South Unit. The Park receives approximately one million visitors per year.

The Badlands region contains cultural, historical, geological, and paleontological resources. The scenic landscape of the Park has great historical and spiritual significance to many tribes, and the entire Badlands area is part of a cultural landscape of great importance to Northern Plains Tribal Nations. The Badlands and entire Black Hills are considered a cultural landscape for these Tribes. A large number of tribal sacred sites, traditional cultural properties, and archeological sites exist within the ATMP planning area and are significant cultural and natural resources of the Park and are fundamental to the purpose and significance of the Park.

The purposes of the Park, as stated in its Foundation Document, are to: protect the unique landforms and scenery of the White River Badlands for the benefit, education, and inspiration

of the public; preserve, interpret, and provide for scientific study of the paleontological and geological resources of the White River Badlands; preserve the flora, fauna, and natural processes of the mixed-grass prairie ecosystem; preserve the Badlands Wilderness Area and associated Wilderness values; preserve and interpret the history, culture, and heritage of the Sioux Nation and Lakota people; and preserve and interpret the archeological and contemporary history of use and settlement of lands within the Park.

The following Park management objectives relate to the development of the Park's ATMP:

- Park acoustic resources support an outstanding visitor experience and opportunities to hear and enjoy natural sounds.
- Acoustic resources of the Park are maintained such that the following aspects of Wilderness character are preserved: solitude or primitive and unconfined recreation, including remoteness from sights and sounds; untrammled or wildness; naturalness; undeveloped; other features or values.
- Park staff are able to conduct, and visitors are able to experience, interpretive programming with minimal interference due to noise.
- Natural sounds are protected to conserve healthy and robust wildlife populations; biological and ecological processes prevail.
- Traditional and cultural resources are preserved to facilitate ongoing connection and use of these resources by traditionally associated communities.

2.0 Alternatives

2.1 Alternatives Development

Page 14: Refer to the public scoping newsletter in Appendix J, *Public Scoping ~~Newsletter and Comment Summary Report~~ Materials*, for details on the alternatives included in public scoping.

Page 15: Refer to Appendix J, *Public Scoping ~~Newsletter and Comment Summary Report~~ Materials*, for additional details on the alternatives that were released for public scoping.

3.0 Affected Environment and Environmental Consequences

3.1 Noise and Noise-Compatible Land Use

Cumulative Effects, Page 62: Other activities that use motorized tools include fencing to exclude ungulates ~~and maintenance for existing cabins within Wilderness enclaves.~~

3.4 Cultural Resources

Page 87: In addition to Section 106 of the NHPA, the NPS's Organic Act and Section 110 of the NHPA apply to and provide for the preservation of historic, ethnographic and cultural resources on parkland. The cultural resources that the NPS preserves under its Organic Act are broader

than “historic properties” under the NHPA. As defined in NPS 2006 Management Policies, a cultural resource is “an aspect of a cultural system that is valued by or significantly representative of a culture, or that contains significant information about the culture.” It may be tangible or may be a cultural practice or connection to a landscape. Tangible cultural resources in the Park include archaeological sites, sacred sites, ancestral sites, cultural landscapes, and traditional cultural properties, all of which include the natural resources within them. NPS policies and directives also apply to park cultural and ethnographic resources, and provide direction for their management including Chapter 5 of NPS Management Policies (2006) and Director’s Order 28: Cultural Resource Management. The NPS’s mandate to conserve Park resources and values “applies all the time with respect to all park resources and values, even when there is no risk that any park resources or values may be impaired” (NPS, 2006).

Page 94: ~~Based on this consultation, the FAA proposes a finding that the ATMP will not adversely affect historic properties.~~ Based on this consultation, the FAA proposed a finding of no adverse effect to historic properties (36 CFR § 800.5(b)) for the ATMP undertaking. The South Dakota SHPO, Lower Brule Sioux Tribe, Three Affiliated Tribes (Mandan, Hidatsa and Arikara Nation), and Eagle Aviation Inc. concurred with the finding of no adverse effect to historic properties. The Winnebago Tribe provided a response but did not concur or object. No consulting party objected to the finding and Section 106 consultation was completed on April 14, 2023.

3.5 Wilderness

Page 98: While Wilderness is not an impact category FAA traditionally examines, the NPS has agency wide (see NPS Management Policies (2006), Chapter 6, and Director’s Order 41, 2013) and Park-specific guidelines (NPS, 2017) for managing designated Wilderness areas within the national Park system.

3.7 Environmental Justice and Socioeconomics

Page 120: The price per person for each air tour varies by company and can range from ~~\$129~~ \$59 to ~~\$350~~ \$270 per person (Black Hills Aerial Adventures, 2023).

Appendix A: References

Black Hills Aerial Adventures. (2023). Badlands Helipad Tours. <https://coptertours.com/tours>. Retrieved June 22, 2023.

Appendix D: Distribution List

Page 1–2:

Federal Agencies

- Bureau of Indian Affairs
- Bureau of Land Management
- ~~Federal Emergency Management Agency~~
- Federal Highway Administration
- ~~Federal Railroad Administration~~
- National Park Service
- Rep. Dusty Johnson – U.S. Representative from South Dakota
- Senator John Thune – U.S. Senator from South Dakota
- Senator Mike Rounds – U.S. Senator from South Dakota
- ~~U.S. Army Corps of Engineers~~
- U.S. Department of Agriculture – Natural Resources Conservation Service
- U.S. Department of Agriculture – County Natural Resources Conservation Service, Western Region Conservationist
- ~~U.S. Department of Agriculture – Black Hills National Forest~~
- U.S. Department of Agriculture – Buffalo Gap National Grasslands
- ~~U.S. Department of Commerce~~
- ~~U.S. Department of Energy – Western Area Power Administration~~
- U.S. Department of Housing and Urban Development
- U.S. Environmental Protection Agency Region VIII
- U.S. Fish and Wildlife Service
- U.S. Geological Survey - Dakota Water Science Center

South Dakota State Agencies

- Governor of South Dakota
- South Dakota Bureau of Finance and Management
- South Dakota Department of Agriculture
- South Dakota Department of Agriculture and Natural Resources – Air Quality Program
- South Dakota Department of Agriculture and Natural Resources – Surface Water Quality Program
- South Dakota Department of Game, Fish, and Parks – Division of Parks and Recreation

- South Dakota Department of Game, Fish, and Parks – Division of Wildlife
- South Dakota Department of Health
- South Dakota Department of Human Services
- South Dakota Department of Public Safety
- South Dakota Department of Public Safety – Office of Emergency Management
- South Dakota Department of Tourism
- South Dakota Department of Transportation – Division of Planning and Engineering
- ~~South Dakota Geological Survey~~
- South Dakota Governor’s Office of Economic Development
- South Dakota Office of the Governor
- South Dakota Office of School and Public Lands
- South Dakota Public Utilities Commission
- South Dakota Secretary of Transportation
- South Dakota State Historical Society
- South Dakota Secretary of State

Oglala Lakota, Pennington, and Jackson County and Local Agencies

- Jackson County
- Mayor of Wall, South Dakota
- Pennington County
- Pennington County Commission
- Pennington County Emergency Management Department
- Pennington County Fire Department
- Pennington County Highway Department
- Pennington County Planning Department
- Pennington County Sheriff

Community Organizations, Associations, Businesses, and Interest Groups

- Badger Helicopters, Inc.
- Eagle Aviation, Inc.
- National Trust for Historic Preservation
- South Dakota Wing – Civil Air Patrol

Appendix F: Noise Technical Analysis

Page 13, Footnote 5: Atmospheric absorption is based on the ~~2012–2021 average temperature of 76 degrees Fahrenheit and 71% relative humidity~~ 2011–2020 average temperature at Badlands Heliport (SD69) of 46 degrees Fahrenheit and 64% relative humidity and computed according to SAE-ARP-5534.

Appendix G: Cultural Resources Consultation and Summary

The following contents have been added to Appendix G:

- Concurrence from South Dakota State Historic Preservation Office
- Concurrence from Lower Brule Sioux Tribe
- Concurrence from Three Affiliated Tribes (Mandan, Hidatsa and Arikara Nation)
- Concurrence from Eagle Aviation Inc.
- Comment from Winnebago Tribe

Appendix I: Section 4(f) Analysis

Page 1: Table 1 lists Section 4(f) parks and recreational areas identified in the Section 4(f) study area. All data sources were accessed the week of February 13, 2023. The FAA corresponded with the Officials with Jurisdiction (OWJ) related to the Section 4(f) resources. On May 16, 2023, the FAA sent an email with an attached letter to the U.S. Forest Service describing the proposed action and FAA’s preliminary determination and requested response within a 14-day review period. A follow-up email was sent on May 23, 2023. Additionally, the FAA notified the National Park Service (NPS) of the determination via email on May 15, 2023. The 14-day response period for both review requests closed on May 30, 2023. No responses were received. Information on coordination with ~~Officials with Jurisdiction-OWJs~~ is located in Table 4.

The following contents have been added to Appendix I:

- OWJ letter to U.S. Forest Service

Appendix J: Public Scoping ~~Newsletter and Comment Summary Report~~ Materials

The agencies have sent the following agencies and parties copies of public scoping newsletter for participation in the public scoping process:

Federal Agencies

- Bureau of Indian Affairs
- Bureau of Land Management
- Federal Highway Administration

- Rep. Dusty Johnson – U.S. Representative from South Dakota
- Senator John Thune – U.S. Senator from South Dakota
- Senator Mike Rounds – U.S. Senator from South Dakota
- U.S. Department of Agriculture – Natural Resources Conservation Service
- U.S. Department of Agriculture – County Natural Resources Conservation Service, Western Region Conservationist
- U.S. Department of Housing and Urban Development
- U.S. Environmental Protection Agency Region VIII
- U.S. Fish and Wildlife Service
- U.S. Geological Survey – Dakota Water Science Center

South Dakota State Agencies

- Governor of South Dakota
- South Dakota Department of Agriculture and Natural Resources – Air Quality Program
- South Dakota Department of Agriculture and Natural Resources – Surface Water Quality Program
- South Dakota Department of Game, Fish, and Parks – Division of Parks and Recreation
- South Dakota Department of Game, Fish, and Parks – Division of Wildlife
- South Dakota Department of Health
- South Dakota Department of Human Services
- South Dakota Department of Public Safety
- South Dakota Department of Public Safety – Office of Emergency Management
- South Dakota Department of Tourism
- South Dakota Department of Transportation – Division of Planning and Engineering
- South Dakota Governor’s Office of Economic Development
- South Dakota Office of the Governor
- South Dakota Office of School and Public Lands
- South Dakota Secretary of Transportation
- South Dakota State Historical Society
- South Dakota Secretary of State

Oglala Lakota, Pennington, and Jackson County and Local Agencies

- Mayor of Keystone
- Pennington County

- Pennington County Commission
- Pennington County Emergency Management Department
- Pennington County Fire Department
- Pennington County Highway Department
- Pennington County Planning Department

Community Organizations, Associations, Businesses, and Interest Groups

- South Dakota Wing – Civil Air Patrol

The following contents have been added to Appendix J:

- Copies of all public comments received during public scoping

Appendix K: Draft ATMP and Draft EA Public Involvement Materials

- The recorded public meeting for the Park’s draft ATMP and draft EA is available via the following: https://www.youtube.com/watch?v=C6_bccdkOAI
- The NPS Planning, Environmental and Public Comment website for the Park is available via the following: <https://parkplanning.nps.gov/BadlandsATMP>

The following contents are included in Appendix K:

- Copies of all public comments received on the draft ATMP and draft EA
- Comment Summary Report and Agency Responses to Comments on the draft ATMP and draft EA