



November 13, 2024

**FINDING OF NO SIGNIFICANT IMPACT
Fairy Falls Day Use Area Site Plan
ENVIRONMENTAL ASSESSMENT**

St. Croix National Scenic Riverway, Minnesota and Wisconsin

BACKGROUND

The National Park Service (NPS) has completed a comprehensive analysis of a proposal to develop a site management plan for the Fairy Falls Day Use Area at St. Croix National Scenic Riverway (Riverway). The purpose of this project is to evaluate improvements and enhancements to an approximately 1-mile natural surface loop trail in the Fairy Falls Day Use Area and to develop a parking lot to provide safe, off-street parking for visitors. The trail system would be open for hiking, nature viewing, trail running, and snowshoeing.

Impacts of the proposed action are in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, and were analyzed in an environmental assessment (EA). The EA was open for public comment from June 17, 2024, to July 16, 2024. A press release was issued on June 7, 2024, announcing that the EA was available for public review, and inviting comments online through the Planning, Environment, and Public Comment (PEPC) system or by U.S. mail. A summary of public comments is included 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: Action Alternative. This alternative would include minimal development and would maintain a rustic and natural feel in the Fairy Falls Day Use Area. The focus of NPS management and facilities would be maintenance of a natural loop trail system and safe viewing of the waterfall. This alternative was selected after careful analysis of potential impacts to resources and to the visitor experience, and in consultation with 19 affiliated tribes, the U.S. Fish and Wildlife Service (USFWS), the Minnesota State Historic Preservation Office (SHPO), Minnesota Department of Natural Resources, and Minnesota Department of Transportation, 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/fairyfalls>

SELECTED ALTERNATIVE

Two alternatives were analyzed in detail in the EA: Alternative A: No Action Alternative and Alternative B: Action Alternative. Based on this analysis, the NPS selected Alternative B: Action Alternative. The selected alternative will create a 1-mile natural surface loop trail system, maintaining access to the top of Fairy Falls, and provide recreational opportunities to the interior of the 54-acre property. A future parking lot may be created on NPS property adjacent to and west of Highway 95 that could accommodate up to a dozen vehicles. See Chapter 2 of the EA for a full description of this alternative.

RATIONALE FOR DECISION

The selected alternative best meets the project purpose and need. The purpose of the project is to maintain safe access to Fairy Falls waterfall and the day use area, while retaining its natural and cultural character and providing a range of visitor opportunities. The need for action is to improve visitor access, provide a safe, clearly marked trail system, enhance NPS presence and identity at the day use area, revegetate undesignated trails, and remediate a lack of parking for visitors.

MITIGATION MEASURES

The NPS places strong emphasis on avoiding, minimizing, and mitigating potentially adverse environmental impacts. Therefore, NPS recommends multiple mitigation measures and best management practices to protect the natural and cultural resources that the project could affect: soils, vegetation, special status species, cultural resources, and visitor use and experiences.

These stipulations and mitigations are described in Chapter 4 of the EA.

The authority for this project's mitigations comes from the following laws and policies:

- NPS Organic Act (16 United States Code [U.S.C.] 1)
- National Park Service Management Policies (NPS 2006)
- National Historic Preservation Act (54 United States code [U.S.C.] 306108)
- Archeological Resources Protection Act (16 United States Code [U.S.C.] 1B)
- Wild and Scenic Rivers Act (Public Law 90-542; 16 U.S.C. §§ 1271 et seq.)
- Endangered Species Act (16 U.S.C. §§ 1531 et seq.)
- Native American Graves Protection and Repatriation Act (NAGPRA 1990)

SIGNIFICANCE CRITERIA REVIEW

Potentially Affected Environment

This FONSI only applies to impacts on resources within the project site. The project site is a 54-acre natural area located in Stillwater Township of Washington County, Minnesota. The direct impacts

from the plan will be limited in scope, affecting the 1-mile surface trail and parking area due to construction. Site-wide impacts will be indirect and beneficial from reduced foot traffic in non-developed areas following the establishment of a designated trail and parking lot.

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 soils, vegetation, special status species, cultural resources, and visitor use and experiences.

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	Trail and parking lot construction would not impact known cultural resources or tribal resources, however, prior to implementation further consultation will occur. On site monitors will be considered for construction activities to mitigate potential negative impacts to cultural resources.
Soils	Short-term adverse impacts to soil due to disturbance during trail system and parking area construction, but long-term beneficial impacts to soil, including reduced erosion and compaction.
Vegetation (Native Plant Communities and Invasive Species)	Minor and focused short-term adverse impacts to native vegetation may occur during trail and parking lot establishment, although sensitive vegetation areas will be avoided whenever practical. Long-term impacts will be beneficial due to reduced foot traffic off-trail and on non-designated trails.
Visitor Use, Experience and Safety	Short-term adverse effects during construction, but beneficial long-term effects from improved safety, added parking, and enhanced interpretive features.
Special Status Species	Short-term impacts are likely to be minorly negative, with negligible effects on habitat, whereas long-term impacts are expected to be beneficial and minor as visitor use is

	concentrated to a designated loop trail and social trails are minimized.
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Degree of Effects of the Action

The National Park Service 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, and short- 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. Best management practices identified in Chapters 2 and 4 of the EA would further minimize any potential impacts.

The selected alternative will result in some minor adverse short-term impacts, and many beneficial effects in the long term. Trail designation may result in some minor and localized soil and vegetation disturbance to establish a safe trail that avoids sensitive and dangerous areas. The long-term benefit will soon be realized as user impacts are concentrated on the established trails system rather than dispersed throughout the site.

Visitor use and experience may be temporarily negatively impacted during construction. Limited trail closures, on-site equipment and staff, and site disturbance may occur during the implementation phase which may negatively impact some user's experience. Once construction is complete, there will be long-term benefits to visitors through increased opportunities for engaging in a safe and educational experience on the designated trail system and established parking. This beneficial experience will be further supported by increased NPS staff presence for law enforcement and maintenance activities.

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

Steep terrain, including a waterfall, and informal trails with degrading soil and vegetation have contributed to unsafe and unstable conditions. The selected alternative will positively affect public health and safety, by providing a safer visitor experience with an established trail system designed for safe enjoyment of the Fairy Falls Day Use Area. The trail system will direct users to safely view the waterfall, while minimizing exposure to unsafe areas. Further, the proposed parking lot will increase safe access for vehicles, minimizing or eliminating the need for roadside parking and pedestrians crossing busy streets.

c. **Effects to federal, state, tribal, or local laws protecting the environment.**

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. The park consulted with U.S. Fish and Wildlife Service under the Endangered Species Act, the Minnesota State Historic Preservation Office in accordance with the National Historic Preservation Act and consulted informally with the Minnesota Department of Transportation as it related to the proposed parking lot during the analysis of the selected alternative. NPS staff have consulted with nineteen Tribal Nations to ensure ancestral and contemporary significance is considered and retained. These consultation efforts are summarized below.

Tribal Consultation

The NPS initiated consultation with the nineteen federally recognized American Indian Tribes, in letters dated February 23, 2021, May 19, 2022, March 14, 2023, and April 18, 2024, sharing information about the proposed undertaking and inviting them to consult on the project. Emails were sent on May 7, 2024, and follow up phone calls were made on June 11, 2024, and June 14, 2024. Of the Tribal partners contacted, five Tribes expressed interest in consulting on the planning process for Fairy Falls: Lower Sioux Indian Community (LSIC), Mille Lacs Band of Ojibwe (MLBO), Prairie Island Indian Community (PIIC), Shakopee Mdewakanton Sioux Community (SMSC), and Upper Sioux Community (USC). The NPS hosted a virtual meeting on July 15, 2021, and provided an overview of the site and project, then hosted an in-person site visit on July 21, 2021, which seven representatives from four Tribal Nations (MLBO, PIIC, SMSC, and USC) attended. Feedback from Tribal partners had four key themes: This Site is a Home, A Light Hand, Intactness, and Keeping it Whole. The NPS intends to continue to consult with Tribal partners as project-specific plans become more refined to ensure that plans reflect Tribal perspectives and protect what is culturally significant about the site to Tribes. Prior to implementation of any specific site elements described in the EA (i.e. loop trail or parking lot) the park will invite all nineteen Tribes to consult on that undertaking pursuant to Section 106 of the NHPA (36 CFR Part 800) and our agency's trust responsibilities to Tribes.

U.S. Fish and Wildlife Service (USFWS)

To understand possible impacts of the proposed action on special status species, the extent of habitat loss, and short- and long-term disturbance were considered. Species profiles and other pertinent information from the U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC USFWS 2024a) and Minnesota Department of Natural Resources and Natural Heritage Area data were gathered to provide a general assessment of likely habitat in the project area. Endangered and Proposed Endangered species that may occur within the project area of the selected action include northern long-eared bat, rusty patched bumble bee, and tricolor bat (see EA Table 4). A preliminary consultation request

was sent to Araceli Morales-Santos of the USFWS Minnesota-Wisconsin Field Office on April 19, 2024, for the above listed species, and preliminary technical assistance was received on July 3, 2024. Additional informal and formal consultation will occur prior to project implementation, and mitigations and avoidance measures will be taken to ensure site selection and implementation practices do not adversely affect listed species.

State Historic Preservation Office (SHPO)

The NPS shared a copy of the Environmental Assessment with the Minnesota State Historic Preservation Office (SHPO) on April 17, 2024, to seek any input or comments. A response was received by NPS on April 23, 2024, that they have no comments on the draft EA. NPS Cultural Resource specialists also reviewed the Fairy Falls Day Use Area Site Plan and reached a consensus of “No Adverse Effect.” This finding of effect applies to the development of the plan. As the plan is detailed for implementation, each new project will be reviewed by the NPS Cultural Resource specialists to determine the assessment of effect for individual actions. Similarly, as specific project plans are developed for the Fairy Falls Day Use Area, consultation will be reinitiated with the SHPO. Project construction will not begin until a formal determination has been made and the NPS notified of the finding. Plans will be reviewed pursuant to the Streamlined Review Process or Standard Review Process as stipulated in the Programmatic Agreement among the National Park Service (U.S. Department of the Interior), the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers for Compliance with Section 106 of the National Historic Preservation Act. The 2008 Nationwide Programmatic Agreement stipulates how NPS operations and projects will comply with Section 106 of the National Historic Preservation Act of 1966, as amended and 36 CFR Part 800.

Minnesota Department of Natural Resources (MNDNR)

The Minnesota Department of Natural Resources has been consulted informally throughout this process, including conversations among staff peers, discussions during interagency meetings, and invitations to public meetings. The Minnesota Department of Natural Resources provided comments during plan development. Additional communications, consultation, and planning will occur as components of this plan are implemented.

Minnesota Department of Transportation (MNDOT)

The Minnesota Department of Transportation has been consulted throughout this process, including informal conversations among staff peers, discussions during interagency meetings, and invitations to public meetings. The Minnesota Department of Transportation provided comments during meetings and formal comment periods. Additional communications, consultation, and planning will occur as components of this plan are implemented.

Public Communication

Coordination with partners, neighbors and stakeholders was critical to the success of this planning effort. To the end, the Park provided many opportunities for interested parties to engage with planning effort and provide feedback and ideas. A summary of these communication efforts is summarized in Table 2.

Table 2: Pre- NEPA Public Communication Summary

Pre-NEPA Fall 2021	October 8, 2021	Press release issued
	October 19-November 21, 2021	PEPC open for public review and comment
	October 19 and 21, 2021	Public Meetings (virtual), 32 attendees
		43 comments in PEPC
Pre-NEPA Summer 2022	Summer 2022	Various informal meetings, no PEPC
Pre-NEPA Spring 2023	February 7, 2023	Press release issued
	February 23-March 15, 2023	PEPC open for public review and comment
	March 7 (postponed from February 23, but due to a blizzard)	In-person meeting
		35 meeting attendees
		25 comments in PEPC, 4 written comments in the meeting, 1 comment asked to not be in PEPC

The NPS initiated public outreach on June 17, 2024, when the park released the Fairy Falls Day Use Area Site Plan EA for public comment. The public was asked to review the EA and share their comments for 30 days between June 17, 2024, and July 16, 2024. On June 25, 2024, the park hosted a public meeting. A Press release announcing the public meeting and comment period was issued on June 7, 2024. The press release was shared on social media on June 9, 2024, with additional reminders posted on June 18, June 24, and July 12. Plan information and links were also posted the park web page (<https://www.nps.gov/sacn/learn/management/fairy-fall-park-planning.html>). Fourteen members of the public attended the public meeting, and six people submitted comments via the online comment portal. No handwritten or mailed comments were received.

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 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]), regarding the potentially affected environment and degrees of effects of the impacts described in the EA (which is hereby incorporated by reference) and as summarized above.

Recommended:

Craig Hansen
Superintendent
St. Croix National Scenic Riverway

Date

Approved:

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

Date

Attachment A: Public Comment Summary

On June 17, 2024, St. Croix National Scenic Riverway released the Fairy Falls Day Use Area Site Plan Environmental Assessment (EA) for public review and comment. A press release was issued on June 7, 2024, announcing that the document was available for public comment for 30 days (June 17, 2024 – July 16, 2024). A public meeting was held on June 25, 2024, in Stillwater, Minnesota. The public was invited to provide comments online through the NPS Planning, Environment, and Public Comment (PEPC) system or by U.S. mail.

During the EA public review period, six (6) correspondences were received through the PEPC and no correspondences were received by U.S. mail. No substantive comments were received. 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.

RESPONSES TO PUBLIC COMMENTS

This section would typically include responses to substantive public comments on the EA. In this case no substantive comments were received. However, for the purposes of clarification, the following comment was selected for response. The comment does not change the outcome of the impact analysis, nor does it affect the final decision documented in the Finding of No Significant Impact.

- **Comment:** “Since park hours are dawn to dusk, lights should not be needed.”

NPS Response: Lighting has been a consideration for emergency response and does not imply that hours of use would be expanded to include access after dark. Prior to the development of any amenities, NPS staff will carefully consider the impacts and minimize adverse effects whenever practical.



November 13, 2024

Attachment B:
DETERMINATION OF NON-IMPAIRMENT
Fairy Falls Day Use Area Site Plan
ENVIRONMENTAL ASSESSMENT

St. Croix National Scenic Riverway, Minnesota and Wisconsin

National Park Service (NPS) *Management Policies 2006* (Section 1.4) requires written analysis of potential effects to determine whether proposed actions will impair a national park's resources and values. 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. NPS decision makers must always seek ways to avoid or to minimize, to the greatest degree practicable, adverse impacts on park resources and values.

- Although Congress has given the NPS the management discretion to allow certain impacts within parks when necessary and appropriate to fulfill the purposes of the park, 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. 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). 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 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. Additionally, this determination applies only to NPS lands.

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 safety.

Soils

The selected alternative will create a natural surface trail and reduce the occurrence of social trails that disturb plant communities and contribute to soil erosion. In the short term, soil disturbance will occur during trail creation and routing, as well as during parking lot construction. In the long-term, as native vegetation reestablishes, soil erosion will reduce, and compaction will be limited to the loop trail and parking lot. Site development consistent with the selected alternative will result in increased integrity of natural vegetation and reduced soil erosion from the trail system that will focus visitor use and impact away from sensitive areas. The selected alternative will result in long-term beneficial impacts to soil resources from restoration of native plant communities throughout the Day Use Area. Therefore, the selected alternative would not constitute an impairment to soils.

Vegetation

The selected alternative will preserve and protect the “outstanding biodiversity” of the site. The established trail would concentrate visitor use and minimize impacts to natural vegetation and sensitive habitats in other locations of the Fairy Falls Day Use Area. Understory vegetation may be impacted by trail construction, but sensitive species would be identified in the process of determining the ultimate location of the trail. Woody invasive species would be removed and treated. The trail segment going through the old orchard will initially need to be mowed to define the path. The expectation is that regular trail use by visitors and staff would maintain that path over time. These short-term, minor adverse impacts on vegetation would be mitigated by direct and indirect long-term, beneficial impacts of additional closures of undesignated trails and better signage, which would reduce vegetation damage in other parts of the project area. Therefore, the selected alternative would not constitute an impairment to vegetation.

Special Status Species

Special status species that may occur within the project area of the selected action include northern long-eared bat, rusty patched bumble bee, and tricolor bat. When combined with past, present, and reasonably foreseeable future actions and trends, the selected action may result in beneficial impacts to special status species at Fairy Falls Day Use Area. As trail and parking lot details are refined, roost tree, hibernacula, and nesting habitat for special status species will be avoided, and seasonal disturbance will be timed to minimize impacts. Possible increases in invasive species, habitat loss, spread of white-nose syndrome, and climate impacts as well as increased visitor use may be mitigated by improved invasive and native plant management, improved partnership and monitoring opportunities, and creation of an established loop trail system to reduce widespread visitor impacts at Fairy Falls Day Use Area. This would result in

long-term localized, minor beneficial cumulative impacts on special status species. Therefore, the selected alternative would not constitute an impairment to special status species.

Cultural Resources

The selected alternative will preserve and protect the cultural resources and the values of the site by establishing a trail that would allow for safe viewing of the resources while maintaining the integrity and cultural significance of the site. Prior to implementation, NPS will initiate Section 106 compliance and consultation on a project-specific basis as NPS pursues and further refines individual projects (such as a loop trail or a parking lot) that are described in the EA. An archeology work plan will be developed in conjunction with each project to inform the Identification of Historic Properties and Assessment of Effects for each project. NPS will continue to consult with the MN SHPO and Tribal Nations as project-specific plans become more refined to ensure that historic properties and cultural significance that Tribes may attach to the site are protected. Therefore, the selected alternative would not constitute an impairment to cultural resources.

Visitor Use and Experience

There are undesignated trails (which are unmarked, unofficial, and unmaintained) around the waterfall, near the adjacent bluffs, and into the interior of the day use area, including the sugar bush, apple orchard, and pine plantation. Some of the trails near the waterfall are especially eroded due to years of human use along the steep bluffs, causing safety concerns. The establishment of a loop trail with interpretation would have beneficial impacts to visitor use and experience under the proposed action because it would provide additional opportunities for recreation and education across the site. The loop trail system responds to strong public interest in having safe, well-marked trails into the interior of the site while protecting special habitats. If a parking lot were constructed, there would be negligible short-term impacts on visitors, since no parking or other use currently exists on the NPS property at that location.

Conclusion

As guided by the expected outcomes noted above, implementing the selected 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 Riverway, a thorough analysis of the environmental impacts described in the 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.