



NOVEMBER 4, 2024

Finding of No Significant Impact

Miners Falls Viewing Platforms and Steps Replacement Environmental Assessment

Pictured Rocks National Lakeshore

Background

The National Park Service (NPS) has completed a comprehensive analysis of a proposal to replace the viewing platforms and stair structures overlooking Miners Falls at Pictured Rocks National Lakeshore. In compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, the impacts of the proposed action were analyzed in the Miners Falls Viewing Platforms and Steps Replacement Environmental Assessment (EA), which was open for public comment from July 11 to August 9, 2024. Comments were solicited online through the NPS Planning, Environment, and Public Comment (PEPC) system or by U.S. mail. A summary of the public comments received and responses to all substantive comments are provided in Appendix A.

The EA and this Finding of No Significant Impact (FONSI) constitute the record of the environmental impact analysis and decision-making process. The NPS selected Alternative 1: Extend Steps and Construct Rustic Trail to Bottom of Ravine. This alternative was selected after careful analysis of potential impacts to resources and visitor experience, and in consultation with associated tribes, the U.S. Fish and Wildlife Service (USFWS), the Michigan 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). The FONSI is available on the NPS PEPC website at: <https://parkplanning.nps.gov/documentsList.cfm?parkID=162&projectID=79420>.

Selected Alternative

The EA analyzed three alternatives: No Action Alternative: No Improvements, Alternative 1: Extend Steps and Construct Rustic Trail to Bottom of Ravine, and Alternative 2: Extend Steps to Bottom of Ravine. Based on the analysis, the NPS selected Alternative 1 for implementation. Alternative 1 will replace the two viewing platforms and staircase overlooking Miners Falls and create a new rustic-style trail from the lower platform to the base of the falls. See Chapter 2 of the EA for a complete description of the selected alternative.

Rationale for Decision

Alternative 1 best meets the purpose and need of the project, which is to provide safe public access to the Miners River and base of Miners Falls, while reducing impacts to the natural environment. The selected alternative will enhance visitor experience by creating safer, more accessible, and less obstructed viewing opportunities of Miners Falls. Establishing a designated trail to the base of the falls will reduce erosion and damage to vegetation that has resulted from unauthorized user-developed trail routes to the valley floor, improve aesthetics, and provide a backcountry type of experience.

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 because of an NPS decision. To help ensure the protection of natural and cultural resources and the quality of the visitor experience, the NPS will implement mitigation measures and best management practices (BMPs) to avoid and/or minimize impacts.

The selected alternative incorporates the mitigation measures listed in Chapter 2 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 U.S. Code (USC) 1), NPS Management Policies (NPS 2006), Archaeological Resources Protection Act (16 U.S.C. 1B), the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001-3013), and other applicable federal and state requirements.

SIGNIFICANCE CRITERIA REVIEW

Potentially Affected Environment

The proposed action would replace the upper and lower platforms and staircase and extend the lower viewing platform further into the ravine to approximately the midpoint of the ravine's depth. A new rustic-style trail on grade would be constructed from the new lower viewing platform and extended to the valley floor.

To evaluate the potential for significant impacts, agencies must consider the setting, or potentially affected environment, in which impacts may occur. The selected alternative has the potential to impact the following resources: vegetation; wildlife including threatened and endangered species; visitor use and experience and viewsheds; human health and safety; geological resources; and water quality and aquatic resources. 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 alterations (primarily for equipment staging), and visitor use restrictions (temporary trail closures). The NPS determined that the action would not result in significant adverse impacts, as described below. Chapter 3 of the EA discusses each impact topic in detail and is incorporated here by reference.

DEGREE OF EFFECTS OF THE ACTION

No potential for significant adverse impacts was identified during the environmental assessment process, as described below. The NPS used factors as defined in 40 CFR 1501.3(b) to evaluate whether the selected alternative will have a significant impact on the environment.

a. Beneficial and Adverse, Short-Term and Long-Term Effects of the Proposed Action

There will be short-term adverse impacts to geological resources and vegetation as a result of construction activities. Vegetation may need to be removed along the fringe of Miners Falls as part of the trail re-route, which would result in permanent vegetation loss. However, these impacts would not be significant in the context of the amount of vegetation in the surrounding environment. The additional viewing opportunities and a designated trail to the bottom of the ravine will result in improved vegetation protection as visitors will be less likely to go off-trail and trample vegetation or potentially spread non-native vegetation.

The EA analysis identified adverse impacts that range in intensity and duration. BMPs were developed to minimize adverse impacts to resources. Many adverse impacts are construction related and will be temporary and short-term. Erosion impacts to the hillside will be restored by replacing the unauthorized trail with a combination of constructed stair structure transitioning to a stabilized rustic trail to the bottom of the ravine. The selected alternative will have permanent impacts to potential suitable nesting and roosting habitat for bats, such as the Northern long-eared bat, and bald eagles if tree(s) need to be removed to re-route the trail's existing footprint. Additionally, the Canada lynx and the gray wolf have the potential to be affected during project construction. The selected alternative is not likely to adversely affect any of the above species because there is available suitable habitat nearby and in the project vicinity. Short-term adverse impacts on wildlife and species of special concern will occur as a result of noise and disturbance to habitat during construction activities. Due to the short-term, temporary nature of the impacts and availability of suitable habitat nearby, these impacts wildlife and threatened and endangered species will not be significant.

Wetlands and floodplains are present within the project vicinity. Impacts to wetlands and floodplains from the selected alternative were evaluated and determined by the NPS that the impacts fall within the tolerance accepted by the Department of the Interior's (DOI) Director's Orders (DO) #77-1: Wetland Protection and DO#77-1: Floodplain Management. As such, impacts to wetlands and floodplains will not be significant.

b. Degree to Which the Proposed Action Affects Public Health and Safety

There will be temporary and short-term adverse impacts to visitor experience during construction activities as a result of closures, noise, disruptions to traffic and pedestrian and vehicle circulation. After construction there will be improved accessibility from the stair structure transitioning to a stabilized rustic trail to the bottom of the ravine resulting in long-term beneficial impacts to visitor experience, viewsheds, and human health and safety. The selected alternative will provide a safe designated trail

down to Miners River. Additionally, the new designated trail will create a safer passage for emergency rescue operations.

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

U.S. Fish and Wildlife Service (USFWS)

The NPS conducted a review of federally threatened and endangered species potentially occurring within the project area to determine if there are potential impacts to such species as a result of the proposed action. The NPS submitted pre-consultation letters to USFWS on March 14, 2024. The Park received a response from USFWS on March 19, 2024, recommending the project be entered into the Michigan All Species Determination Key (D-key) tool in the Information for Planning and Consultation (IPaC) system. The USFWS noted that the project may be able to receive an automated concurrence from the D-key depending on the details of the project and applicable BMPs.

On May 22, 2024, the Park entered project information into the USFWS IPaC system in accordance with Section 7 of the Endangered Species Act (ESA). Automated concurrence was received that the selected alternative will have no effect on the monarch butterfly (*Danaus plexippus*), piping plover (*Charadrius melodus*), pitcher's thistle (*Cirsium pitcheri*), rufa red knot (*Calidris canutus rufa*), and the tricolored bat (*Perimyotis subflavus*) and is not likely to adversely affect the Canada lynx (*Lynx canadensis*), gray wolf (*Canis lupus*), and the northern long-eared bat (*Myotis septentrionalis*). No changes to these effect determinations were received from the Michigan Ecological Services Field Office within the standard 30-day verification period for the selected alternative.

Michigan State Historic Preservation Office

NPS consulted with the Michigan State Historic Preservation Office (SHPO) to assess effects and impacts to cultural resources by the proposed undertakings throughout the development of the EA. The NPS submitted a pre-consultation letter to the SHPO on March 14, 2024, to initiate informal consultation and gather any early project feedback. The NPS Cultural Resources Management Team reviewed the project and provided a No Historic Properties Affected determination per Section 106 of the National Historic Preservation Act of 1996, as amended. The Park initiated formal consultation with the SHPO on July 2, 2024. In a letter dated July 29, 2024, the SHPO concurred with the NPS that the proposed undertaking will have no adverse effect on historic properties listed, or eligible for listing, in the National Register of Historic Places, or have any other historical, archeological, or architectural value within the surveyed Area of Potential Effect.

Tribal Partners

Federally recognized Tribal Nations that are historically affiliated with the Park or are interested in activities within the geographic region were contacted and invited to consult on all proposed undertakings that have a potential to affect properties of cultural, historical, or religious significance to Tribal Nations. The NPS consulted with the following Tribal Nations regarding the proposed undertaking:

- Bad River Band of Lake Superior Tribe of Chippewa Indians
- Bay Mills Indian Community of Michigan
- Fond du Lac Band of Lake Superior Chippewa Indians
- Grand Portage Band of Lake Superior Chippewa Indians
- Keweenaw Bay Indian Community
- Lac Courte Orielles Band of Lake Superior Chippewa Indians
- Lac du Flambeau Band of Lake Superior Chippewa Indians
- Lac Vieux Desert Band of Lake Superior Chippewa Indians
- Red Cliff Band of Lake Superior Chippewa Indians
- Sault Tribe of Chippewa Indians

The NPS submitted pre-consultation letters to the Tribal Nations on March 14, 2024. Formal consultation letters were sent on July 2, 2024. The NPS did not receive responses to the pre-consultation or consultation requests from the Tribal Nations.

Finding of No Significant Impact

Based on the information contained in the EA, it has been 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 (hereby incorporated by reference) and as summarized above.

The following appendices are included:

- *Response to substantive public comments and NPS responses (Appendix A)*
- *Non-impairment determination (Appendix B)*

Recommended:

DAVID HORNE

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David Horne,
Superintendent, Pictured Rocks National Lakeshore

Date

Approved:

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

Date

National Park Service
U.S. Department of the Interior



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**Appendix A: Response to Substantive Public Comments and NPS Responses
Miners Falls Viewing Platforms and Steps Replacement Environmental Assessment
Pictured Rocks National Lakeshore**

Response to Substantive Public Comments and NPS Responses

On July 11th, 2024, the NPS released the Miners Falls Viewing Platforms and Steps Replacement Environmental Assessment (EA) for public comment. The public was invited to provide comments online through the NPS Planning, Environment, and Public Comment (PEPC) system or by U.S. mail.

This report summarizes comments received during the public comment period and provides NPS responses to substantive comments. The comments do not change the outcome of the impact analysis, nor do they affect the final decision documented in the Finding of No Significant Impact.

During public review of the EA, 31 correspondences were received through the NPS Planning, Environment, and Public Comment (PEPC) website and one correspondence was a hard copy letter 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. Eleven correspondences expressed support for the proposed action and five correspondences expressed support for both action alternatives. 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. Four correspondences expressed opposition to the No Action Alternative and Action Alternative 2. Seven correspondences supported Action Alternative 2 or offered additional ideas and input.

Response to Comments

CONCERN STATEMENT 1: Commenters expressed concern over the off-trail use and its impact on natural resources and erosion of the hillside.

- **COMMENT 1:** I have long been concerned for the degradation to the slope by visitors making their way from the present viewing platform down to the river.
- **COMMENT 2:** I have read comments on social media that visitors intentionally make their way around the viewing platforms to walk down to the base of the falls and play in the water. This causes erosion and damages plant life.
- **COMMENT 3:** the best course of action would be to create a trail with switchbacks to prevent erosion.

NPS RESPONSE: The NPS shares this concern and recognizes that many commenters are concerned with various aspects of off-trail use, in particular the damage to vegetation and other natural resources. As discussed and analyzed in the EA, the need for this project is to provide a designated trail to Miners Falls since the current use is causing erosion and damage to vegetation.

CONCERN STATEMENT 2: Some commenters expressed concern over access to the park during construction, as well as pursuing Americans with Disabilities Act (ADA) accessibility.

- **COMMENT 1:** ADA accessibility to the current viewing area and then formal stairs or a ladder to the falls.
- **COMMENT 2:** Would access to this area be closed?

NPS RESPONSE: NPS understands that access for everyone to Miners Falls is the desired outcome and therefore have proposed a design (Alternative 1) that allows visitors to view the Falls from the viewing platforms when using the rustic trail is not feasible. The stair structure would be constructed within the Architectural Barriers Act Accessibility Standards (ABAAS) to the greatest extent reasonably possible. The stair structure and viewing platforms would be sized to the reasonable minimum dimensions compliant with ABAAS to accommodate typical visitation. To keep park visitors safe during the construction of the trail, platforms, and walkways, temporary closures would be implemented.

CONCERN STATEMENT 3: Commenters expressed concern over the danger of visitors going off trail to access the base of Miners Falls.

- **COMMENT 1:** All too often we see people hopping the rails and traveling a trail that seems dangerous and damaging to the fragile environment.
- **COMMENT 2:** It is better to have a properly designed trail to provide safe access to the area.

NPS RESPONSE: The NPS has similar concern of visitors going off-trail which not only negatively impacts the natural resources, but also the safety of visitors and park and emergency services if a rescue effort is needed. The NPS anticipates that by providing a designated trail to Miners Falls, there will be less visitors going off-trail, thereby reducing safety risks.

CONCERN STATEMENT 4: Some commenters expressed concern that the construction of steps or a staircase to the bottom of the ravine would introduce further damage and erosion to the hillside.

- **COMMENT 1:** I worry that the lowering or addition of more stairs and platforms would have significant damage brought on in future years through erosion
- **COMMENT 2:** My concern that if visitors are provided with trail access to the river and the base of the falls, it will overwhelm and lead to degradation of those areas

NPS RESPONSE: The NPS has similar concern of visitors going off-trail which not only negatively impacts the natural resources, but also the safety of visitors and park and emergency services if a rescue effort is needed. The NPS anticipates that by providing a designated trail to Miners Falls, there will be less visitors going off-trail. The rustic trail from the stairs to the river would be designed and constructed in a way so as to stabilize the trail, thus avoiding further erosion created by the current unauthorized visitor-created trail.

CONCERN STATEMENT 5: Commenters stated that providing a designated trail would enhance viewsheds and visitor use and experience.

- **COMMENT 1:** Not only would it help the current erosion and hopefully preserve more of the area, but provide a better view point with a trail to hike would make for better view.
- **COMMENT 2:** It is important to provide a range of experiences for visitors to Pictured Rocks, and I think the Preferred Alternative is a good way to do this.
- **COMMENT 3:** my hope is that if visitors can descend all the way down to the valley floor and have access to a viewing platform, most will be satisfied with that and few will depart the viewing platform to wander around the river and the base of the falls.

NPS RESPONSE: The NPS agrees that the new trail will provide additional opportunities for visitors to experience the park while also providing visitors a new viewshed.

CONCERN STATEMENT 6: Commenters expressed concern that even providing a designated trail, visitors will still wander off trail and damage the environment.

- **COMMENT 1:** Unfortunately, even with stairs, platforms and access there are still those who will not use the designated trails and cause issues. These are generally the same individuals who leave trash everywhere and generally do not care about protecting our natural environment and resources of this park, county, state and others.
- **COMMENT 2:** Placing a designated trail, even with deterrents like split rail fence, is unlikely to keep visitors from exploring under the ledge.

NPS RESPONSE: The NPS Management Policies (NPS 2006) state that the NPS is committed to providing appropriate, high-quality opportunities for visitors to enjoy the parks. The policies also state, "While recognizing that there are limitations on its capability to totally eliminate all hazards, the National Park Service and its concessioners, contractors, and cooperators would seek to provide a safe and healthful environment for visitors and employees" (sec. 8.2.5.1). Further, the NPS would strive to protect human life and provide for injury-free visits (sec. 8.2.5). An established trail would make it easier for hikers that obtain injuries in the valley to hike out without the need for Park staff or search and rescue to assist. If a rescue is necessary, the trail would make rescue operations conducive with greater efficiency, putting Park staff at less risk for injury. While some visitors may choose to continue recreating off-trail, NPS hopes that providing an official trail will keep visitors focused to one designated area as well as increase the safety of the Miners Falls trail.

CONCERN STATEMENT 7: Some commenters had ideas for new elements and materials to construct the new staircase and platforms.

- **COMMENT 1:** Why not build a new deck using weatherproof decking materials that are little to no maintenance? Wood is obviously not going to hold up in the long term with the constant moisture in the area.
- **COMMENT 2:** My thoughts are that the whole set of steps and platform should go to a concrete design. The distance is short enough that a decent size skid loader with multiple trips full of concrete is doable. Might be a bit expensive but would last a very long time.
- **COMMENT 3:** Love the falls Path could use signs

NPS RESPONSE: The materials proposed for the new staircase and platforms were chosen to keep the aesthetics of the trail to match the character of project area. The NPS would like to match the materials for the new staircase and platforms with what was currently at the project site. Final material selections would prioritize durability and efficiencies in positioning, constructing, and maintaining the structures. While wood lumber and timber would be the probable primary construction materials, consideration of synthetic composite materials (plastics or concrete lumber available within the construction industry market) may be evaluated during design. The NPS plans to incorporate wayfinding into the design.

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Appendix B: Non-Impairment Determination
Miners Falls Viewing Platforms and Steps Replacement Environmental Assessment
Pictured Rocks National Lakeshore

Non-Impairment Determination

Introduction

The National Park Service's (NPS) *2006 Management Policies* requires 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 impairment determination has been prepared for the NPS selected alternative, Alternative 1, 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 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.

Vegetation

Select vegetation removal will be required to construct the new structures under the selected alternative. There is a high quantity of vegetation and wetland vegetation throughout the park. NPS staff have concluded that direct impacts to wetland vegetation as a result of the selected alternative fall within the tolerance accepted by the Department of Interior's (DOI) Director's Orders (DO) 77-1: *Wetland Protection*. Best management practices (BMPs) will be implemented to avoid and minimize any indirect impacts to vegetation or the introduction of invasive species into the park. Therefore, the NPS has determined that the selected alternative will not result in impairment of vegetation.

Wildlife including Threatened and Endangered Species

The selected alternative and its associated short-term construction activities will result in the loss of vegetation which provides habitat for wildlife and threatened and endangered species. Impacts on wildlife and threatened and endangered species from the selected alternative will be within natural fluctuations to populations, habitats and natural processes that sustains wildlife and threatened and endangered species in the project vicinity. There is sufficient habitat available adjacent to the project area and throughout the project area to maintain populations in the park. Therefore, the NPS has

determined that the selected alternative will not result in impairment to wildlife and threatened and endangered species because it will not prevent species from utilizing nearby habitat and will not prevent the park from maintaining sustainable protected species populations.

Visitor Use and Experience and Viewsheds

The selected alternative would aim to benefit visitors by replacing the existing infrastructure and providing formal, authorized access to the ravine bottom, thereby providing a more enjoyable experience. The new lower viewing platform would be larger and located further into the ravine to improve visitor experience and accessibility. Select vegetation and trees would be removed within the viewshed from the upper deck viewing platform of the waterfall which would enhance views. There would be short-term disruptions to visitors because the trail would be closed temporarily while structures are being replaced and a new rustic trail is constructed. Full closure of the parking lot would also be required to accommodate staging of equipment and materials. Once construction is complete, visitor use, and experience would be enhanced in the long-term with new structures and access to a new extended trail to the bottom of the valley floor. Therefore, the NPS has determined that the selected alternative will not result in impairment to the visitor experience and viewsheds.

Geological Resources

Impacts to geological resources as a result of the selected alternative will be minimal as construction of the steps and replacement of existing infrastructure will occur on previously disturbed areas. Limited disturbance may take place during construction, but impacts will be temporary and short-term. The hillside will be restored by replacing the unauthorized trail to the river with a combination of constructed stair structure transitioning to a stabilized rustic trail. BMPs will be implemented to minimize adverse impacts and protect geological resources. Therefore, the NPS has determined that the selected alternative will not impair geological resources.

Water Quality and Aquatic Resources

The project is located adjacent to riverine wetlands within the Miners River but will not involve work within the wetlands or in-water work. The selected alternative includes construction of a staircase and viewing platforms on the previous footprint upslope from the river, which may result in temporary, minor impacts to water quality and aquatic resources. However, mitigation measures and BMPs, such as silt fences, will be implemented throughout construction. Impacts to wetlands or floodplains from the selected alternative will fall within the tolerance accepted by the DOI's DO #77-1: *Wetland Protection* and 77-2: *Floodplain Management*. The selected alternative may increase water disturbance from more visitor use with a designated trail; however, the project is expected to have a beneficial impact on water quality by significantly reducing hillside and shoreline erosion caused by visitor traffic on multiple unauthorized trails. Therefore, the NPS has determined that the selected alternative will not result in an impairment to water quality and aquatic resources because impacts will be temporary as a result of construction activities and will result in a long-term improvement to water quality by reducing shoreline erosion.

Conclusion

The NPS has determined that implementation of the selected alternative will not constitute impairment of any resource or park value whose conservation is 1) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park; 2) key to the natural or cultural integrity for the park or to opportunities for enjoyment of the park; or 3) identified in the park's general management plan or other relevant NPS planning documents as being of significance. This conclusion is based on consideration of the purpose and significance of the park, 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 judgement of the decision maker guided by the direction of NPS.