
National Park Service
US Department of the Interior

Jean Lafitte National Historical Park and Preserve
Louisiana



Finding of No Significant Impact Trails Improvements at Barataria Preserve

Recommended

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HUNT

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Approved

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Interior Region 2, National Park Service

Date

INTRODUCTION

In compliance with the National Environmental Policy Act (NEPA) of 1969, as amended (42 United States Code [USC] 4321 et seq); the 2020 and 2022 Council on Environmental Quality NEPA implementing regulations (40 Code of Federal Regulations [CFR] 1500-1508); the Department of the Interior NEPA regulations (43 CFR Part 46); and NPS Director's Order 12: Conservation Planning, Environmental Impact Analysis and Decision-making and its accompanying NPS NEPA Handbook, the National Park Service (NPS) prepared an environmental assessment (EA) to examine alternative actions and environmental impacts associated with the sustainable rehabilitation, to include repair or replacement, and infrastructure reduction of the Barataria Preserve (Preserve) trail network. The action is in response to damages caused by Hurricane Ida, other named and unnamed storms, the environment, and to address trail infrastructure resilience to climate change at the Barataria Preserve of Jean Lafitte National Historical Park and Preserve in Jefferson Parish, Louisiana. The National Park Service concluded this action will not have a significant effect on the human environment, as documented in this Finding of No Significant Impact (FONSI).

The Preserve, located 17 miles south of New Orleans, is comprised of over 26,000 acres of Louisiana wetlands that include bottomland hardwood forest, cypress swamp, freshwater and intermediate (between freshwater and brackish) marshes, bayous, and canals. The Preserve's existing 9-mile trail network of boardwalks and walking trails allows visitors to access the wild places of the Preserve to observe alligators, snakes, native plants, and over 200 species of birds. The Preserve's existing 9-mile trail network is comprised of 2.96 miles of boardwalks and 6.05 miles of minimally developed dirt or gravel trails.

The purpose of and need for this action is to repair, rebuild, and reduce the infrastructure of the trail network damaged by Hurricane Ida, which made landfall on August 29, 2021, as a Category 4 storm, as well as by other previous storm and severe weather events. The action will enhance visitor experience and safety while using the trail system in the Preserve. Rebuilding selected boardwalks at a higher elevation improves resiliency to moderate and severe flooding events, and the use of improved materials, such as flow-through-decking help boardwalks to withstand and recover from more catastrophic flooding events.

The statements and conclusions reached in this FONSI are based on the documentation and analysis provided in the EA and associated decision file. To the extent necessary, relevant sections of the EA are incorporated by reference below. As required by NPS Management Policies 2006, a finding of non-impairment is included in Attachment A.

PUBLIC INVOLVEMENT

Members of the public were provided several opportunities to comment during the planning process. The park held two public information sessions, one on October 20, 2022, and a second on September 14, 2023. The EA was released to the public for review March 19 through April 19, 2024. A press release and media links via the Park's website were created and shared with the public, and the availability of the EA was advertised on the NPS' Planning, Environment and Public Comment (PEPC) website.

The NPS received and evaluated 56 individual correspondences about this project. Comments both supported and opposed the project and/or disagreed with NPS policy. The NPS took public comments into consideration in forming the selected action, and there were changes made based on comments to retain and

maintain sections of Ring Levee Trail boardwalk. A summary of the substantive comments received with NPS responses is provided in attachment B.

SELECTED ACTION AND RATIONALE FOR THE DECISION

Based on the analysis presented in the EA, the NPS selected Alternative C - the preferred alternative and proposed action identified in the EA; hereinafter referred to as the "selected action". (See Chapter 2 of the EA for a full description). A summary of the selected action is below:

The selected action will include rebuilding three damaged boardwalks (Education Center Boardwalk, Bayou Coquille Trail, and Marsh Overlook Trail) with a more sustainable design at an elevation 1 to 2 feet higher than existing boardwalk elevations, as described on page 6 of the EA and depicted in the EA (see Figure 1). The selected action will include removal of two damaged boardwalks (Visitor Center and Palmetto boardwalks). In addition, part of Ring Levee 4 boardwalk will be removed, and the remainder of Ring Levee 4 boardwalk that has a stable infrastructure will be used as-is and maintained for as long as possible with routine repairs and cyclic maintenance.

Typical materials and construction methods are discussed in Chapter 2 of the EA. Materials indicated in the EA on page 17-18 were refined during detailed design and changed from the cable railings to treated wood railings. The wood railings have a more traditional look and will be easier to maintain. Typical boardwalk details include a thermally modified wood top handrail, four pressure treated wood railings, 1-inch-wide fiberglass reinforced plastic (FRP) decking on pressure treated wood substructure and 8-inch diameter FRP composite pilings installed to a minimum 25 feet below finished grade (see Figure 2).

The selected action will rebuild the Education Center boardwalk and two turnouts (overlook and interpretive platform) and remove one turnout (Long Spur) and one unattached platform from the trail. Access routes prepared on upland areas for construction access to the Education Center boardwalk will remain for use after construction as primitive trails and connect the Education Center boardwalk to the Plantation A West trail.

The Bayou Coquille Trail consists of hardened, ground trail sections between boardwalk sections. The selected action will rebuild the boardwalk and hardened trails and two trail turnouts (Monarch of the Swamp, and Flooded Forest) and remove four trail turnouts from the trail (Trail Entrance, Midden, Spell of the Swamp, Abundance of Life). The existing service road will become the trail entrance and the existing trailhead will be eliminated to consolidate foot traffic and signage at a single trailhead. The Bayou Coquille Trail connects to the Marsh Overlook Trail.

The Marsh Overlook Trail consists of boardwalk and two pedestrian bridges and is only accessible from the Bayou Coquille Trail. The selected action will rebuild the boardwalk and two turnouts (Liquid Land and Kenta Canal Rest Area) and remove four trail turnouts (Kenta Canal Overlook, Sinkers Overlook, East Overlook, South Overlook) and one canoe launch and steps from the trail. The pedestrian bridge over the waterway of Bayou Coquille will be modified to be accessible and sturdy enough to support the weight of construction equipment, to include removing the existing deck, lift mechanism, and superstructure, then cutting the piles down to the elevation of the new proposed substructure, installing additional piles where required to support weight of construction equipment, and then constructing new support framing and deck atop them. The trail ends with the Marsh Overlook platform. No change will occur to the Marsh Overlook bridge or platform.

The Visitor Center boardwalk and the Palmetto boardwalk will be completely removed.

Minimally developed trails Plantation A East Trail, Plantation B East Trail, and Old Barataria South Loop will remain permanently closed as they are returning to nature because of continual flooding.

The remaining boardwalks (Bayou des Familles, Ring Levee 4, Marsh Overlook bridge and platform) and minimally developed trails as listed in Appendix A of the EA (to include Plantation A and B West Trails, Pecan Grove, Wood Duck, Christmas Road, Ring Levee 2, and Twin Canals), will remain open to visitors and continue to receive routine and cyclic maintenance.

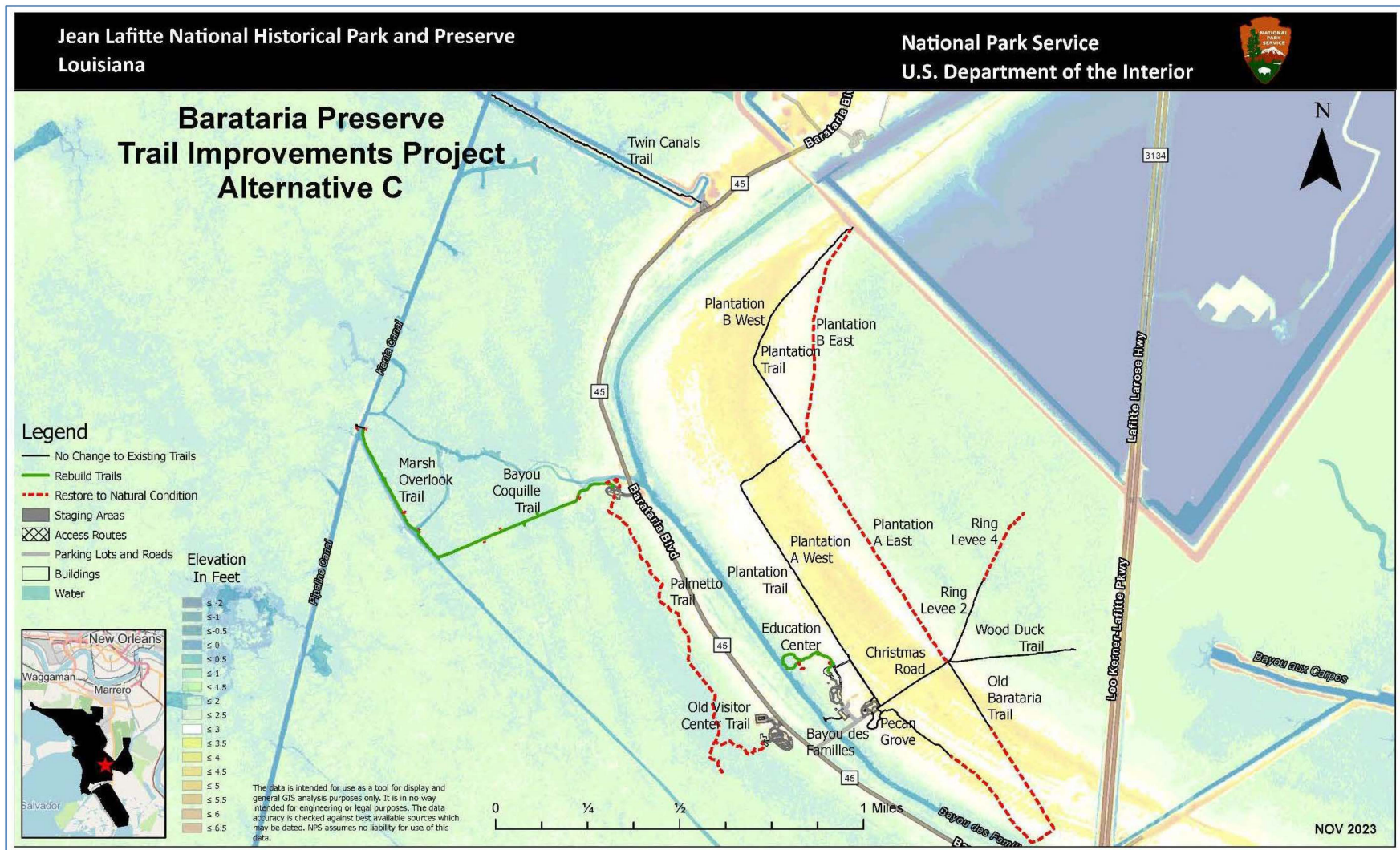


Figure 1. Selected Action (Figure B-5 – Alternative C from EA)

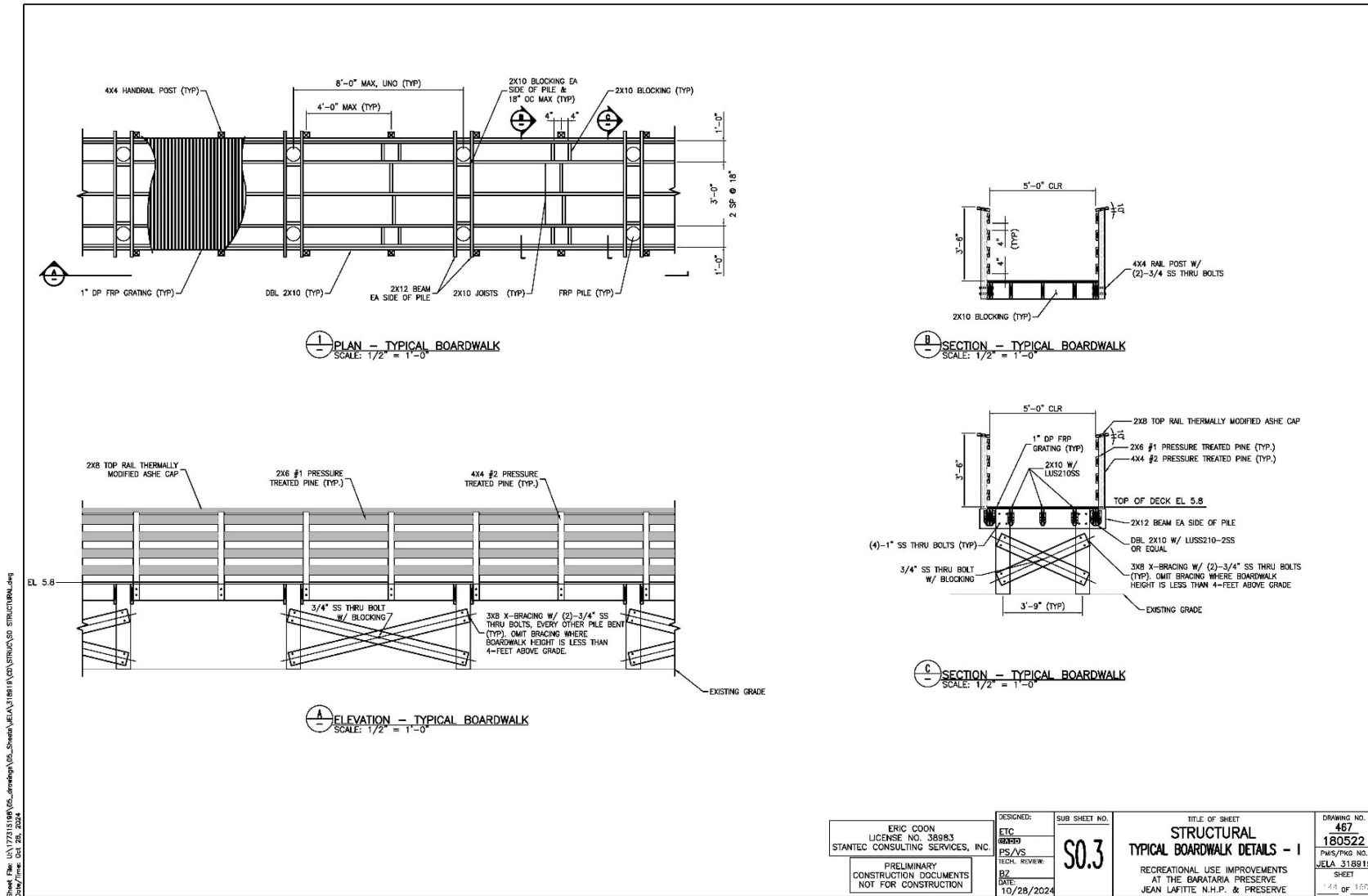


Figure 2. Typical Boardwalk Details (Construction Design dated 10/28/2024)

Rationale for the Decision

The selected action will enhance visitor experience and safety because boardwalks built at a higher elevation will be located above future, moderate flood events, allowing them to remain open to the public during what are expected to be more and more frequent flooding events. The proposed flow-through-decking will shed water more quickly after more severe high-water storm events, resulting in less closures required for repairing storm damaged areas. Boardwalks being raised will help limit unwanted interactions between visitors and dangerous wildlife. It will promote long-term sustainability of the trail infrastructure by reducing the total amount of boardwalk, providing replacement boardwalks at higher elevation with more resilient materials allowing water to pass through the structure, reducing lifting and twisting forces during severe flooding and total inundation events.

The benefits of reducing the overall infrastructure footprint at the Preserve include efficient land use, increased ecosystem protection, enhanced resilience, increased sustainability, increased accessibility, reduced environmental impact, decreased resource use, reduced disaster risk, and lower operation cost. Consequently, this action represents sustainable development into the future while balancing environmental, economic, and social / visitor use goals.

The design and material selection will result in less damage during future storm events. The newly constructed boardwalks will include the following or similar components: typical boardwalk details including a thermally modified wood top handrail, four pressure treated wood railings, 1-inch-wide fiberglass reinforced plastic (FRP) decking on pressure treated wood substructure and 8-inch diameter FRP composite pilings installed to a minimum 25 feet below finished grade (see Figure 2).

The boardwalks will be rebuilt in accordance with both Architectural Barriers Act Accessibility Standards (ABAAS) requirements and Outdoor Recreation Trail Guidelines, with railings where appropriate. With ABAAS being met, visitors will gain access to previously mobility-impaired inaccessible wetland habitats, allowing the Preserve to broaden its interpretive effort.

Strategic development of certain trails while reducing the overall infrastructure footprint was the most beneficial and efficient approach to meet the mission and goals of the Park. These benefits include increased sustainability and safety, enhanced resilience, increased ecosystem protection, increased accessibility, reduced disaster risk, decreased land use, reduced environmental impact, decreased resource use, decreased taxpayer's cost, and reduced future operational costs. Therefore, NPS proposes to have a smaller percentage of the trail system on boardwalks and, over time, transition to more of the trails being located on higher ground within the Preserve. In this manner, the project establishes sustainable infrastructure into the future while balancing environmental, economics and visitor use.

Changes to the Selected Action

The National Park Service made a clarifying edit to the selected action that only part of Ring Levee 4 boardwalk will be removed, and the remainder of Ring Levee 4 boardwalk that has a stable infrastructure will be used as-is and maintained for as long as possible with routine repairs and cyclic maintenance. This clarification is included in the description above and consistent with the selected action as described in the EA.

MITIGATION MEASURES AND RESOURCE PROTECTION MEASURES

Under its Organic Act, the NPS has the authority to develop and direct mitigation for impacts to resources under its jurisdiction. This is in addition to the requirements that may be created through the need to comply with laws and regulations managing resource impacts that are overseen by other agencies. To meet these obligations, the NPS has developed Management Policies and Director's Orders that identify the authorities (laws, regulations, and executive orders) directing how impacts and mitigation to resources shall be managed, as well as identify the policies and procedures by which the NPS shall comply with these authorities. A full listing of the NPS policies is available from the NPS Office of Policy website at: <https://npspolicy.nps.gov/index.cfm>.

The best management practices (BMPs) listed below, except where stated otherwise, are derived from Management Policies (NPS 2006). The BMPs are included in the description of the selected action to avoid, minimize or mitigate impacts, and will be used during or following construction.

General

- Trail crews will be educated about the importance of avoiding impacts on sensitive resources that have been flagged for avoidance, which may include natural and cultural resources. The resource management division will be notified and consulted when wildlife must be disturbed or handled.
- Construction zone limits and no disturbance areas will be demarcated with construction tape or some similar material prior to construction.
- Any required fill, rock, topsoil, or other earth materials will be sourced from park approved sites in or outside of the park. No foreign materials with the potential to introduce invasive plant species will be brought into the area. The source location of all materials will be identified in submittals. Any proposed materials will be reviewed on a case-by-case basis and the contractor shall minimize the use of off-site materials by coordinating with the Preserve about use of on-site materials.
- The contractor shall remove and properly dispose of all waste products generated by any operations on a daily basis and will be hauled from the park to an appropriate disposal location. The discharge of any water contaminated by waste products from cutting operations to the project area is prohibited. During construction, existing drainage facilities which receive runoff from the limits of each work area shall be cleaned as directed by the contracting officer representative.
- All construction vehicles and equipment are to be power washed prior to arrival to Preserve to remove soil and seeds from previous jobs. Power washing should include careful attention to undercarriage, tires, and wheel wells, as well as exterior of the vehicle. Vehicle cleanliness will be inspected by the contracting officer representative off-site prior to the vehicle being used.
- The Contractor will comply with all permit conditions of Coastal Zone Consistency Determination C20230122 and the U.S. Army Corps of Engineers Wetland Permit MVN-2024-00241-ENP.

Cultural Resources

- Should construction unearth previously undiscovered cultural resources, work will be stopped in the area of discovery, and park managers will consult with the tribal historic preservation officers, state historic preservation officer, and the Advisory Council on Historic Preservation, as necessary, according to 36 CFR 800.13. In the unlikely event that human remains, funerary objects, sacred objects, or objects

of cultural patrimony are discovered during construction, provisions outlined in the Native American Graves Protection and Repatriation Act (25 USC 3001) of 1990 and related implementing regulations at 43 CFR will be followed.

- Archeological resources will be left undisturbed and preserved in a stable condition to prevent degradation and loss of research values unless intervention could be justified based on compelling research, interpretation, site protection, or park development needs.
- To protect known or unknown archeological or historic resources, existing boardwalk piles will be cut flush to the existing grade during demolition and removal, and the subsurface portion of the pile will be abandoned in place to limit any additional ground disturbance or impacts. In areas subject to tidal fluctuation or in continuously wet areas an effort will be made to flush cut at mean low tide.
- To protect known or unknown archeological or historic resources, trees and other woody vegetation will be stump cut flush to the ground with stump grinding utilized where appropriate to reduce the stump at grade.

Natural Resources

- Impacts to mapped wetlands will be avoided or minimized to the extent possible. Areas along and outside the limit of proposed work are to be protected and maintained in their original condition. No activity is allowed outside the limits of work without written approval by the contracting officer representative. Any damage outside the limits shall be repaired and the area restored to its previous condition.
- Plant and wildlife surveys will be conducted by qualified biologists prior to any clearing of access routes, plant communities, sensitive wildlife, and important wildlife habitat. such as the tricolored bats hibernaculum and bald eagle nest trees.
- To the extent possible, the developed trail will follow the existing footprint and access trails will be situated to avoid the removal of Live Oak Trees and large trees, defined as greater than 18 inches diameter at breast height ($\geq 18''$ dbh).
- The access routes to the Education Center will be used during the dry season and/or heavy equipment “mats” will be laid down over wet areas to form a temporary access route above grade to avoid impacts to wetlands.
- To protect bald eagles, the project area will be surveyed by park staff and activities producing above ambient noise or visual disturbance will be restricted within 100 meters (330 feet) of any active eagle's nests during breeding season.
- Access trails will be completed and used to haul materials during dry season to maximum extent possible. Necessary tree trimming will be accomplished using accepted techniques that minimize long-term impacts to individual trees (e.g., limbs will be removed at the limb collar).

Visitor Use and Safety

- Construction and maintenance activities will be scheduled to minimize construction-related impacts on visitation. Areas not under construction will remain accessible to visitors as much as is safely possible.

- The trails inside construction areas will be closed to the public during construction. Contractor shall maintain “Trail Closed” signage and fencing barricade across entry in staging areas and at the beginning of project limits.

OTHER ALTERNATIVES CONSIDERED

In addition to the selected action, the EA analyzed Alternative A (the no-action alternative) and Alternative B. These alternatives are briefly described in this section. An alternative considered but dismissed is also briefly described in this section.

Alternative A - No-action Alternative

The no-action alternative – Alternative A – is described on page 15 of the EA. This alternative would include routine maintenance and cyclic repairs to all trails, with flooded segments closed for visitor safety as needed. Under the no action alternative, zero boardwalks would be rebuilt, and six boardwalks would be used as-is. Zero net change of impacts to the current boardwalk footprint, which would remain the same as existing conditions. Effects of regional sea level rise (rSLR) on existing structures would result in negative impact from boardwalks in poor condition, would need more frequent repair, and would result in recurrent trail closures due to flooding. Ultimately, the boardwalks would likely have to be abandoned over time as their substructures become unsafe and non-viable.

The no-action alternative was not selected for implementation because it does not meet the purpose and need and objectives and does not allow the trails and boardwalks to be rebuilt with more resilient materials to be able to withstand and rapidly recover from disruption from future hurricane and storm impacts, subsidence, and sea level rise, nor allow for their continued sustainable use.

Alternative B

This alternative is described on page 16 of the EA. Under Alternative B, three boardwalks (Bayou Coquille, Marsh Overlook, Education Center) would be rebuilt in the same footprint as the existing conditions, and three boardwalks (Visitor Center, Palmetto, Ring Levee 4) would be used as-is and would include routine maintenance and cyclic repairs with flooded segments closed for visitor safety as needed. Plantation A East Trail, Plantation B East Trail, and Old Barataria South Loop would remain permanently closed as they are returning to nature because of continual flooding. The remaining boardwalks - Bayou des Familles, Ring Levee 2, Marsh Overlook Bridge and Platform – and minimally developed trails would have routine and cyclic maintenance.

This alternative was not selected for implementation because substructure failures along the current Visitor Center and Palmetto boardwalks indicate they would in the near future no longer be viable to be maintained. The Palmetto Trail boardwalk has already reached this threshold and is currently closed to visitor access. After re-evaluation of Ring Levee 4, the park determined it as the most viable location to continue to repair it as indicated in the above section. The difference between Alternative B and the Selected Action (Alternative C) is that in Alternative B, three boardwalks would be closed to visitor access and abandoned in place, resulting in debris left on the landscape and in the selected action, two boardwalks would be removed, and one would have routine and cyclic maintenance.

Alternative Considered but Dismissed - Alternative to Rebuild All Boardwalks

Under this alternative, in addition to actions common to all, the NPS would also rebuild the Visitor Center boardwalk, the Palmetto boardwalk, and the Ring Levee 4 boardwalk. This alternative was

considered but not analyzed further because the predicted change in sea level and widespread boardwalk failures along the current Visitor Center and Palmetto boardwalks indicate they would in the near future no longer be viable to be maintained. After re-evaluation of Ring Levee 4, the park determined it as the most viable location to continue to repair it as indicated in the above section, but not rebuild it.

Significance Criteria Review

Potentially Affected Environment

The Barataria Preserve of the Jean Lafitte National Historical Park and Preserve, located 17 miles south of New Orleans, is comprised of over 26,000 acres of Louisiana wetlands that include bottomland hardwood forest, cypress swamp, freshwater and intermediate (between freshwater and brackish) marshes, bayous, and canals. The Preserve's existing 9-mile trail network is comprised of 2.96 miles of boardwalks and 6.05 miles of minimally developed dirt or gravel trails, with most of the boardwalks and trails located adjacent to Highway 45 which bisects the Preserve (see figure 2 of the EA on page 4). Resources within the potentially affected environment that may be beneficially or adversely impacted include archeology, wetlands, and visitor experience.

These trails pass through sensitive wetland ecosystems, often with dense vegetation and forested cover. The Preserve's trail network of boardwalks and walking trails within the Preserve allows visitors to access the wild places of the Preserve to observe alligators, snakes, native plants, and over 200 species of birds.

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 the selected action.

Beneficial and Adverse, Short-term, and Long-term Effects of the Proposed Action

The National Park Service did not identify significant impacts to resources that will require analysis in an environmental impact statement. The impacts of the selected action, including direct, indirect, and cumulative effects do not reach the level of a significant effect. The selected action will result in both beneficial and adverse impacts, as described below.

Archeology

Soil disturbance will occur at the sites where trail boardwalks are rebuilt, and new pilings are installed. To protect known or unknown archeological or historic resources, existing boardwalk piles will be cut flush to the existing grade during demolition and removal, and the subsurface portion of the pile will be abandoned in place to limit any additional ground disturbance or impacts. Installation of new piles will occur within the existing boardwalk footprint, and no new ground disturbance outside of the trail prism will occur. No impacts to known archeology sites will occur during soil disturbance at the sites where trail boardwalks are demolished and rebuilt, and new pilings are installed. No disturbance to archeological sites or historic properties will occur.

Wetlands

The selected action will occur within the existing trail corridors over wetlands. Temporary impacts to wetland vegetation and soils will occur at the sites where trail boardwalks are demolished and rebuilt, and new pilings are installed. Where boardwalks are elevated, less shading of wetland vegetation will occur, and water flow will be improved under the boardwalks. Existing pilings of boardwalks to be rebuilt or

demolished and flush cut even with the ground level or at mean low water level and abandoned in place. "Top-down" construction methods will be used for all heavy equipment used in boardwalk construction and demolition. Top-down construction refers to the ability to install boardwalk piles, framing, and decking using equipment operating on top of previously installed sections. Materials and light equipment will be transported along the established trail and construction corridor.

Rebuilding of three boardwalks in the same footprint of the existing trails will cause very little new disturbance to wetlands - less than 1/10 acre per boardwalk. The removal of two boardwalks will occur within the existing footprint. The natural restoration of the vegetation will result in a net benefit to approximately 0.823 acres of wetlands, plus 0.08 acres of non-contiguous wetlands will be restored upon removal of select turnouts, for a total 0.90 acres of non-contiguous wetlands being restored.

No Wetlands Statement of Findings (WSOF) was required as the wetland surveys and impact analysis are under the NPS mitigation threshold and is excepted from Statement of Findings procedures (DO 77-1 4.2.1). All permit conditions of Coastal Zone Consistency Determination C20230122 and the U.S. Army Corps of Engineers Wetland Permit MVN-2024-00241-ENP will be implemented.

Visitor Experience

The selected action will have adverse and beneficial impacts on visitor experience, although whether the impact is beneficial or adverse depends on the visitor's perspective on trails in the park. For those visitors who are used to the trails in a specific location and would like to experience the Park in the manner they have become accustomed, the selected action will have an adverse impact on the experience.

Removal of two boardwalks in poor condition would be a negative visitor experience due to the decrease in boardwalks available for visitor use. Visitor Center and Palmetto Boardwalks currently have extensive damage at and below the water surface and are regularly impacted by growing cypress knees, which raise boards and create unsafe walking conditions. Other sections of trails that, 20 years ago, were fairly dry are now regularly inundated and very wet and are not pleasant, or safe, to walk on, therefore the selected action will re-route or close frequently inundated trail sections of Plantation and Old Barataria Trails. The park expects extended periods of closure to occur during construction for safety of the public and contracted workers. Closure during construction can be viewed as both a positive and negative aspect to the visitor experience due to the overall improvement of trails, but loss of use of trails during construction.

While the reduction of total length of boardwalks and closures during construction will provide less opportunity for visitors in the short term, the selected action will result in permanent improvements to three boardwalks that will be rebuilt with more resilient and sustainable materials. Rebuilt boardwalks will be elevated allowing access when flooding after rainstorms and separation of visitors from ground dwelling wildlife. The selected action for trails will decrease their vulnerability to climate change and relative sea level rise. Because rebuilt trails will meet Architectural Barriers Act Accessibility Standards (ABAAS), visitors will gain access to previously mobility-impaired inaccessible wetland habitats, allowing the Preserve to broaden its interpretive effort. Visitor experience and access to trails will be improved by the implementation of the selected action and the reduction of frequent trail closures due to flooding and extensive repairs.

The overall impact on visitor's ability to experience park trails is expected to be negligible/minor. Overall, because the selected action will work to restore the National Park Service's intended interpretation of the park's resources, the selected action will not result in significant adverse impacts on

visitor experience and will have overall beneficial effects.

Temporary and localized noise associated with construction will occur in the boardwalk locations near roads and parking lots and may be experienced by the visitor.

Conclusion

As described above, the selected action does not constitute an action meeting the criteria that normally requires preparation of an environmental impact statement. The selected action will not have a significant effect on the human environment in accordance with section 102(2)(c) of NEPA. Based on the foregoing, the National Park Service has determined that an environmental impact statement is not required for this project and, thus, will not be prepared.

Attachment A: Determination of Non-Impairment

The Prohibition on Impairment of Park Resources and Values

NPS *Management Policies 2006*, section 1.4.4, explains the prohibition on impairment of park resources and values: “While Congress has given the Service management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the 1916 Organic Act, establishes the primary responsibility of the National Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them. The impairment of park resources and values may not be allowed by the Service unless directly and specifically provided for by legislation or by the proclamation establishing the park. The relevant legislation or proclamation must provide explicitly (not by implication or inference) for the activity, in terms that keep the Service from having the authority to manage the activity so as to avoid the impairment.”

What is Impairment?

NPS *Management Policies 2006*, Section 1.4.5, “What Constitutes Impairment of Park Resources and Values,” and Section 1.4.6, “What Constitutes Park Resources and Values,” explain impairment. “Impairment is an impact that, in the professional judgment of the responsible NPS manager, 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.” Section 1.4.5 of NPS *Management Policies 2006* states: “An impact to any park resource or value may, but does not necessarily, constitute impairment. 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 as a goal in the park’s general management plan or other relevant NPS planning documents as being of significance.

An impact will be less likely to constitute an 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. An impact that may but will not necessarily lead to impairment may result from NPS activities in managing the park, visitor activities, or activities undertaken by concessioners, contractors, and others operating in the park. Impairment may also result from sources or activities outside the park.” Per section 1.4.6 of NPS *Management Policies 2006*, park resources and values at risk for being impaired include:

- “the park’s scenery, natural and historic objects, and wildlife, and the processes and condition that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structure, and objects; museum collections; and native plants and animals;

- appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;
- the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and
- any additional attributes encompassed by the specific values and purposes for which the park was established.”

Non-Impairment Determination for the Selected Action

This determination of non-impairment was prepared for the NPS selected action described in the finding of no significant impact for the Trail Improvements at Barataria Preserve Environmental Assessment. For the selected action, a determination of non-impairment is typically made for each of the impact topics carried forward for detailed analysis in the EA. Impacts on these resources will be reduced to the extent possible through mitigation or resource protection measures.

Archeology

The selected action will rebuild three boardwalks and remove all or part of three boardwalks and vegetation will be allowed to naturally reestablish. Soil disturbance will occur at the sites where trail boardwalks are rebuilt, and new pilings are installed. To protect known or unknown archeological or historic resources the existing boardwalk piles will be cut flush to the existing grade during demolition and removal, and the subsurface portion of the pile will be abandoned in place to limit any additional ground disturbance or impacts. Installation of new piles will occur within the existing boardwalk footprint, and no new ground disturbance outside of the trail prism will occur. No new disturbance to archeological sites or historic properties will occur. Therefore, the selected action will not result in the impairment of archeology and cultural resources.

Wetlands

The selected action will rebuild three boardwalks and remove all or part of three boardwalks and vegetation will be allowed to naturally restore. Rebuilding three boardwalks in the same footprint of the existing trails will cause very little new disturbance - less than 1/10 acre per boardwalk. The removal of three boardwalks will occur within the existing footprint with the natural restoration of vegetation which will result in a net benefit to approximately 0.823 acres of wetlands, plus 0.08 acres of non-contiguous wetlands will be restored upon removal of select turnouts, for a total 0.90 acres of non-contiguous wetlands restored. Therefore, the selected action will not result in the impairment of wetlands.

Summary

The adverse effects and environmental impacts anticipated as a result of implementing the selected action on resources or values whose conservation is necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, key to the natural or cultural integrity of the park, or to opportunities for enjoyment of the park, or identified as significant in the park, general management plan, or other relevant NPS planning documents will not rise to levels that will constitute impairment of park values and resources in the Jean Lafitte National Historical Park and Preserve.

Attachment B: Responses to Summarized Public Comments

The National Park Service engaged the public for their input throughout the planning process. Members of the public were provided several opportunities to comment during the planning process. The EA was released to the public for review March 19 - April 19, 2024. A press release and media links via the Park's website were created and shared with the public, and the availability of the EA was advertised on the NPS' Planning, Environment and Public Comment (PEPC) website.

Prior to release of the EA, the park held two public information sessions, one on October 20, 2022, and a second on September 14, 2023. The alternatives presented during the public information sessions were preliminary options. The intent of early public involvement is to gather information and ideas to ensure the EA covers a reasonable range of alternatives and that the appropriate park resources are analyzed. The National Park Service (NPS) received 56 pieces of correspondence during the civic outreach and public review period. The public comments were considered, and the alternatives were fully developed for use in the analysis.

All comments were coded using the NPS Planning, Environment, and Public Comment (PEPC).

All comments were read and evaluated to identify substantive comments. Section 4.6 of the NPS National Environmental Policy Act (NEPA) Handbook defines a substantive comment as a comment that does one or more of the following:

- Question, with reasonable basis, the accuracy of information in the NEPA document.
- Question, with reasonable basis, the adequacy of the environmental analysis.
- Present reasonable alternatives other than those presented in the NEPA document.
- Cause changes or revisions in the proposal.

In other words, substantive comments raise, debate, or question a point of fact or analysis. Comments that merely support or oppose a proposal or that merely agree or disagree with NPS policy are not considered substantive and do not require a formal response. The following text summarizes all comments received during the comment period and is organized into concern statements and responses.

Code: Suggestion for New Alternatives

- Concern Statement: Commenters suggested abandoning Marsh Overlook or building a new overlook at the junction of Bayou Coquille and Marsh Overlook Trails.
 - NPS Response: Marsh Overlook Trail is located on a spoil bank on higher ground and the selected action elected to replace the existing boardwalk at a higher elevation to be the focal trail at the Preserve for the longest time into the future. The agency considered the comments, and, after careful analysis, concluded the strategic development of certain trails while reducing the overall infrastructure footprint was most beneficial and efficient to the mission and goals of the Park. These benefits include increased sustainability, enhanced resilience, increased ecosystem protection, increased accessibility, reduced disaster risk, decreased land use, reduced environmental impact, decreased resource use, decreased taxpayer's costs, and reduced future

operations costs. In this manner, the project establishes sustainable infrastructure into the future while balancing environmental, economic and visitor use goals.

- Concern Statement: Commenter suggested adding a Loop from Ring Levee Trail to Plantation Trail; Commenter cautioned that a connector between Plantation Trail and Bayou Coquille Trail would cross Highway 45 with limited sight lines and may be an unsafe proposal.
 - NPS Response: The Park took into consideration the creation and planning for new trails and will not implement a trail crossing Highway 45 in this selected action. There is value in maintaining undisturbed lands in their present state, developing reduced number of existing trails for future sustainability and resilience, while also minimizing present and future cost to the taxpayer.
- Concern Statement: Commenter asked questions about the NPS-owned portion of the Jean Lafitte Wetlands Trail.
 - NPS Response: The NPS-owned portion Jean Lafitte Wetlands Trace Trail is concrete, and we focus our staffing at high visitor use areas, such as at a visitor center.

Code: Keep Turnouts with Benches - Opposed to removal of turnouts

- Concern statement: Some commenters requested that all turnouts be rebuilt and include benches.
 - NPS Response: Benches at designated areas are included in the selected action. We are updating our waysides separate from this project. There will be strategic development of certain turnouts while reducing the overall infrastructure footprint, which is most beneficial and efficient to the mission and goals of the Park.

Code: Opposes Demolition of Boardwalks

- Concern statement: Some commenters were against the proposal to demolish Palmetto and/or Visitor Center boardwalks and proposed that these boardwalks be rebuilt.
 - NPS Response: These concepts are included in an alternative considered. The agency concluded, after conducting analysis and taking public comments into consideration, that the strategic development of certain trails while reducing the overall infrastructure footprint was the most beneficial and efficient to the mission and goals of the Park. These benefits include increased sustainability and safety, enhanced resilience, increased ecosystem protection, increased accessibility, reduced disaster risk, decreased land use, reduced environmental impact, decreased resource use, decreased taxpayer's costs, and reduced future operations costs. In this manner, the project establishes sustainable infrastructure into the future while balancing environmental, economic and visitor use goals.

Code: Public Information - minimal advertisement of civic outreach open houses and project

- Concern statement: Some comments expressed confusion and dissatisfaction about when and how the civic outreach open houses were advertised.
 - NPS Response: The Park advertised the civic outreach open houses in a variety of forums to reach the maximum interested public. A press release and media links via the Park's website were created and shared with the public, and the availability of the EA was advertised on the NPS' Planning, Environment and Public Comment (PEPC) website.

Code: Suggestion regarding park operations and management, outside scope

- Concern statement: Several commenters made suggestions regarding park operations and management that were outside the scope of the proposed action; e.g., moving the Visitor Center function to the current Education Center building location, and questions about trail waterways.
 - NPS Response: Relocation of the Visitor Center and administration offices for revitalizing the visitor experience and modernizing employee office spaces and management of trail waterways with NPS mission and legislation are outside the scope of this project.

Code: Concerns to visitor experience

- Concern statement: Some commenters were concerned that the selected action would "remove visitors from the area in the Preserve where they are most likely to encounter wildlife and varieties

of wildflowers” and “reduce the quality of the visitor experience of nature at the park” by “raising the walkways, converting to concrete piers and adding more railings, while hardening the system to future storm surges”.

- NPS Response: Wildlife and plant populations are dynamic and constantly changing in abundance and distribution in response to a very rapidly changing environment in the Preserve. The rationale for raising the boardwalks was discussed in depth in this document.

Code: Visitor Conflicts and Safety - Wildlife, Visitors on Closed Boardwalks

- Concern statement: some commenters observed that visitors were still using boardwalks that were closed for safety reasons.
 - NPS Response: The NPS understands the public sentiment on safety with deteriorating boardwalks, and the selected action will remove the unsafe boardwalks.
- Concern statement: some expressed concern about their safety and interaction of wild hogs with visitors.
 - NPS Response: The NPS encourages visitors to use caution when viewing wildlife and emphasize that all the animals in the preserve are wild and in their native habitat. Raised trails will reduce such interactions.