



# The United States Department of the Interior

NATIONAL PARK SERVICE  
Interior Regions 3, 4, 5  
601 Riverfront Drive  
Omaha, NE 6802



Finding of No Significant Impact  
for the  
Proposed Conversion of Land and Water Conservation Fund Lands  
and Lower Sioux Agency History Center  
Environmental Assessment (EA)  
Minnesota

September 2020

This Finding of No Significant Impact documents the decision of the National Park Service (NPS) to adopt the conversion alternative for the Proposed Conversion of Land and Water Conservation Fund (LWCF) Lands and Lower Sioux Agency History Center Environmental Assessment (EA) prepared by the Minnesota Department of Natural Resources (MDNR). The Selected Alternative would convert 125.46 acres from the LWCF and provide MDNR a year to locate and acquire replacement property.

According to the LWCF Act, no property acquired or developed with assistance under 54 U.S.C. §200305(f)(3) shall, without the approval of the Secretary of the U.S. Department of Interior (delegated to the NPS), be converted to other than public outdoor recreation uses. An LWCF conversion is triggered when a private and/or non-recreation use permanently occurs within the boundary of an LWCF-assisted property. In this instance, the MDNR wants to transfer the ownership of this land to the Lower Sioux without LWCF restrictions and have additional time to provide replacement property.

The scope of the NPS review is limited to: 1) assessing the recreation uses of the land proposed for removal from LWCF per 36 C.F.R. §59.3(b)(2-3); and, 2) determining whether there are any potential significant environmental impacts associated with the loss of this land from LWCF.

The LWCF conversion regulations allow for delayed replacement of property at 36 C.F.R. §59(c) when it is not possible for the State to secure replacement property prior to the State's formal request for a conversion. In such cases an express commitment to satisfy LWCF conversion requirements within a specified period, normally not to exceed one year following NPS conversion approval, must be received from the State. This commitment will be in the form of a conversion amendment to the grant agreement. The MDNR will have one-year to locate and acquire suitable lands that would meet the conversion provisions of the LWCF Act (54 U.S.C. §200305(f)(3)). Those conditions are the proposed replacement property is to be in accord with

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INTERIOR REGION 3, 4, 5 – GREAT LAKES, MISSISSIPPI BASIN, MISSOURI BASIN

ARKANSAS, ILLINOIS, INDIANA, IOWA, KANSAS, MICHIGAN, MINNESOTA, MISSOURI,  
NEBRASKA, NORTH DAKOTA, OHIO, SOUTH DAKOTA, WISCONSIN

the Statewide Comprehensive Outdoor Recreation Plan, of at least equal fair market value, and equivalent recreation usefulness and location.

The LWCF Act is codified at 54 U.S.C. §200305. The request to adopt this conversion alternative was made to NPS by the MDNR, on behalf of the Minnesota Historical Society (MNHS), (the original grant sponsor) and the Lower Sioux.

## **PURPOSE AND NEED**

In 1968, the U.S. Department of the Interior (DOI) Bureau of Outdoor Recreation (now the NPS LWCF State and Local Assistance Program) awarded the State grant #27-00129, which in turn sub-granted the award to the MNHS, to assist in the acquisition of 165 acres. The site is located along County State Aid Highway 2, in Redwood County, Minnesota. The acquisition would protect and preserve the wooded slopes of the Minnesota River Valley and provide nature based, low intensity outdoor recreation opportunities such as hiking and nature observation.

The MDNR proposes to remove the LWCF provisions from the Lower Sioux Agency History Center (The Lower Sioux Agency) property. After removal of LWCF, the Lower Sioux Indian Community (LSIC) intends to work with the DOI and Bureau of Indian Affairs for the property to be placed into trust with the United States for the benefit of the LSIC (25 C.F.R. §151). The LWCF status needs to be removed for LSIC to enroll the land in trust.

The proposed project would result in the conversion of 125.46 acres of property and is not expected to have any environmental impacts because this federal action only removes LWCF provisions from the property. This action does not include any changes to the human or natural environment. The area to be converted includes park land that will be offset with replacement lands.

Since 2009, the MNHS and LSIC have had a partnership to manage the historic site. The LSIC, through this partnership, has greatly expanded the programming and attendance at the site - nearly doubling the attendance since the years preceding the agreement. Converting the land from LWCF status would not equate to a loss of historical value or public engagement. It would be the next step in a robust partnership between the LSIC and MNHS that would create more opportunities for the public to engage the site and its history. The site will continue to be publicly accessible. The MNHS would remain actively engaged with the LSIC in preservation, interpretation, and community outreach. The LSIC has plans for year-round programming and growing cultural reclamation efforts and intends to place the land in a trust with the United States for the benefit of the LSIC.

## **ALTERNATIVES CONSIDERED**

### **1. No Action Alternative**

The no action alternative, under which the removal of the LWCF designation would not occur, and the MNHS would continue to be responsible for the existing site facilities as they currently exist. The no action alternative would not provide the opportunity for the LSIC to manage the site independently according to its own goals and plans for sharing the Dakota people's history

with the public. For these reasons, the no action alternative was rejected as not meeting the project purpose and need.

## 2. Location Alternative

An alternative site location was determined not to be a viable option. If the LSIC invested in a cultural center in another location, attendance and public engagement at the Lower Sioux Agency would decline substantially. The site preserves a physical location where significant historic events took place. Carrying out interpretive activities in an alternative location would eliminate the authenticity of place that visitors experience in the current location. It is very unlikely MNHS could operate a viable interpretive program without the LSIC's leadership and partnership. While public access at the Lower Sioux Agency could be preserved in this scenario, public engagement, active interpretation, and community outreach, would not. The location alternative was determined impracticable for these reasons and was removed from further consideration.

## 3. Proposed Action Alternative (**SELECTED ALTERNATIVE**)

The preferred alternative involves removal of LWCF from the 125.46 acres of park land to non-LWCF status. The area to be converted includes a visitor center, the Redwood Ferry site, the Stone Warehouse, other associated structures, several trails, woodland and restored prairie. Recreational opportunities are provided by the trails and interpretive educational features of the site. Once LWCF provisions are removed from the area, the LSIC will enroll the land in trust and implement its plans and goals for a cultural center headquartered at the historic site. Since the use of the site is planned to remain the same as its current use after conversion, the recreational and educational opportunities would not be lost. The MNHS would remain actively engaged at the Lower Sioux Agency in preservation, interpretation, and community outreach. Under the preferred alternative, the process for delayed replacement is being followed, as outlined in the conversion requirements regulations (36 C.F.R. §59.3(c)). The replacement land will have to provide recreation equivalent to those lost. The lost recreation opportunities include nature-based, low intensity outdoor recreation opportunities such as hiking and nature observation.

### **Selected Alternative**

Based on the analysis presented in the 2020 EA and NPS's independent analysis, the NPS has selected for the Proposed Action Alternative as described above and in the EA.

The NPS will approve the MDNR request to remove the LWCF provisions from the 125.46 acres of the property acquired through LWCF grant #27-00129. The MDNR proposes to mitigate this action by securing replacement site(s) within one year of NPS approval of this proposal pursuant to the LWCF conversion regulations at 36 C.F.R. 59.3(c).

The scope of the NPS review is limited to making sure the removal of the LWCF provisions will not significantly impact existing environmental resources and document NPS's understanding of current recreation opportunities that exist at the site along with the fair market value. When

potential replacement site(s) are identified, our documented understanding will be used to make sure those replacement site(s) will meet the criteria in 36 C.F.R. §59.3(b).

## **Environmental Impacts**

The environmental impacts from the removal of LWCF provisions from this property will not be significant because this federal action will not change anything on the ground. Based on the analysis provided by the MDNR Division of Ecological and Water Resources in the January 9, 2020, MDNR Environmental Assessment, entitled *Proposed Conversion of Land and Water Conservation Fund Lands and Lower Sioux Agency History Center*, the NPS will mention environmental impacts of interest if changes were to occur.

### Physical and Biological Environment

The Dakota reservation site is situated on an upland terrace overlooking the Minnesota River Valley along the bluff's edge in Redwood County, Minnesota. A Minnesota Biological Survey (MBS) Site of Biodiversity Significance is also identified at the site. The MBS site is classified as having moderate biodiversity significance.

### Geology and Soils

Like much of Redwood County, the site is underlain by a glacial till plain. About 11,000 years ago, the torrential waters of Glacial River Warren carved an impressive river valley through this plain. Within the valley, the glacial meltwaters exposed bedrock outcrops of gneiss, like those seen on the opposite side of the river at Morton, Minnesota. At 3.6 billion years old, these exposures are among some of the oldest known rocks in the world. The Lower Sioux Agency sits on an isolated ancient beach ridge laid down by Glacial River Warren within the wide valley that the river initially carved. Marshes and small bodies of water are now present within the shallow southern valley, which is drained in part by Wabasha Creek and its tributaries.

### Listed Species

The U.S. Fish and Wildlife Service (USFWS) lists one animal species and one flowering plant species with potential to occur in the project area, the northern long-eared bat and the Prairie Bush-clover as threatened. The initial response indicates that the nature of the project does not pose a threat to the species listed in the report. The MNDNR contacted the Minnesota/Wisconsin USFWS Field Office and was informed that a formal consultation is not required given the nature of the project.

### Land Use

Land uses at the park include a history center, gardens, farm plots, and three trails through hardwood forests and along the Minnesota River.

Surrounding land uses include highway (CSAH 2), agricultural land, and natural areas of grassland, wooded land, wetlands, and the Minnesota River.

## Cultural and Historic Resources

The Lower Sioux Agency History Center is listed in the National Register of Historic Places as of 1970. Its nomination form is being updated in association with Minnesota Department of Transportation work on CSAH 2. The boundary of the proposed conversion is within the boundary of the listed historic property including the Redwood Ferry site, the Stone Warehouse, and other currently identified, above-ground, built and landscape features. The Minnesota State Historic Preservation Office (SHPO) finds this undertaking will cause no adverse effect to historic properties.

## **WHY THE SELECTED ALTERNATIVE WILL NOT HAVE A SIGNIFICAN EFFECT**

After considering the environmental consequences described in the EA, the NPS has determined that the Selected Alternative and its associated actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27) associated directly, indirectly or cumulatively with the proposed removal of LWCF. Thus, an environmental impact statement will not be prepared. This finding is based on the following:

- The Selected Alternative will not have adverse impacts to air quality, noise level, water quality/quantity, natural resources such as floodplains and species habitat; land use and planning, circulation such as transportation and accessibility, recreation, aesthetics, historical and cultural resource and socio economic resources, or economic justice for minority and low income populations.
- The Selected Alternative will not adversely affect public health or safety.
- The Selected Alternative will not result in significant adverse effects to the unique natural resource characteristics of the area, including prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
- There were no controversial impacts or aspects of the proposed project that surfaced during the environmental analysis process.
- The effects on the human environment are known.
- This action does not establish a precedent for future actions.
- No significant cumulative effects and no highly uncertain, unique or unknown risks were identified during preparation of the EA or during the public review period. The Selected Alternative was evaluated under the standard conversion process criteria in 36 C.F.R. §59.3
- The Selected Alternative will have no adverse effect on historic properties.
- The Selected Alternative would have no effect on species listed or proposed for listing as endangered or threatened or their critical habitat as determined under the Endangered Species Act of 1973. The Selected Alternative will not violate federal, state, or local laws or requirements for the protection of the environment.

## **AGENCY COORDINATION**

The public outreach required by Section 106 of the National Historic Preservation Act was integrated into the NEPA and Section 106 process. The NPS invited federally recognized tribes with an interest in Redwood County along with the LSIC to consult on the undertaking. The

NPS invited the State Historical Society and the Redwood County Museum Curator to consult on the undertaking. Consultation with the SHPO was completed by the MDNR on the behalf of the NPS. The SHPO and the Tribal Historical Preservation Officer from the LSIC concurred with the NPS finding of no historic properties affected.

This EA proposal was developed by the MDNR's Division of Division of Ecological and Water Resources.

## **PUBLIC INVOLVEMENT**

A 30-day EA public review and public comment period was announced on the DNR website, the LSIC's online calendar, local newspapers and mailings to local legislators. The comment period began January 9, 2020 and ended February 10, 2020. During the 30-day public review and comment period, the MNDNR received 18 comment letters from the individuals and agencies, in which 9 of them received a response.

## **FINDING OF NO SIGNIFICANT IMPACT**

Based on the information provided in the EA and summarized above, the NPS has determined that implementation of the Selected Alternative is not a major federal action and does not require an Environmental Impact Statement. The Selected Alternative will not have a significant effect on the human environment. There are no significant impacts on public health, public safety, or threatened or endangered species. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the Selected Alternative is also consistent with 36 C.F.R. §59.3. Therefore, in compliance with the National Environmental Policy Act, an EIS will not be prepared, and the selected project may be implemented immediately.

<b>Recommended by:</b>	<u>/s/ ROGER KNOWLTON</u> Roger A. Knowlton Regional Manager, Recreation Grants Interior Region 3, 4, & 5 National Park Service	<u>2020-09-23</u> Date
<b>Reviewed by:</b>	<u>/s/ ROBERT BRYSON</u> Robert Bryson, PHD, RPA Associate Regional Director National Park Service	<u>2020-09-23</u> Date
<b>Approved by:</b>	<u>/s/ HERBERT FROST</u> Herbert C. Frost, Ph. D Regional Director Interior Region 3, 4, & 5 National Park Service	<u>2020-09-23</u> Date