

**National Park Service  
U.S. Department of the Interior**



**Little Bighorn Battlefield National Monument  
Montana**

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**INTERIM VISITOR CENTER PLAN**

**FINDING OF NO SIGNIFICANT IMPACT**

The National Park Service is proposing to remove the observation room and interpretive patio from the Visitor Center at Little Bighorn Battlefield National Monument in order to facilitate the construction of an all weather multipurpose room on top of the same foot print. On a busy summer day the park will host 13 interpretive presentations with 100- 200 individuals per presentation. Currently, the only place to host interpretive presentations is a patio under a fiberglass overhang outside of the observation room. Park visitors are exposed to the heat, cold, wind, rain, lightning, background noise from visitors' conversations, loud vehicular traffic, and associated air pollution. The purpose of this project is to provide a quality National Park Service experience that is safe and accessible to all visitors. An *Environmental Assessment/Assessment of Effect* was released to the public for comment from June 25, 2006 to August 5, 2006.

This document records 1) a Finding of No Significant Impact as required by the National Environmental Policy Act of 1969 and 2) a determination of no impairment as required by the NPS Organic Act of 1916.

**PREFERRED ALTERNATIVE**

The preferred alternative proposes to replace the existing observation room and interpretive patio area with a multipurpose room. The wall in front of the museum exhibit area, observation room, and interpretive patio will be moved north to the sidewalk. This space will be included in the proposed construction footprint and provide a waiting area for the multipurpose room and a space for rotating exhibits. The multipurpose room will have its own heating and cooling system, this will enable the park to maintain a more stable environment in the museum exhibit area that will promote the long term preservation of the museum objects on display. A multipurpose room will allow the National Park Service to show the park film and provide a universally accessible location for interpretive talks and demonstrations thus making safety improvements, and fostering visitor experiences and resource protection.

**MITIGATING MEASURES**

The following mitigation measures were developed to minimize the degree and/or severity of adverse effects, and will be implemented during construction of any of the action alternatives, as needed:

To minimize the amount of ground disturbance, staging and stockpiling areas will be in an already disturbed area such as the overflow parking across from the Stone House. All staging and stockpiling areas will be returned to pre-construction conditions following construction. Construction equipment staging will occur within the overflow parking area or the park maintenance yard.

All material source / waste areas will be outside of the monument. All demolition debris, including visible concrete and metal pieces, will be immediately hauled from the monument to an

appropriate disposal location. All tools, equipment, barricades, signs, surplus materials, and rubbish will be removed from the project work limits upon project completion. Any asphalt surfaces damaged due to work on the project will be repaired to original condition.

The contractor will be required to maintain strict garbage control so that scavengers (e.g., corvids) will not be attracted to the project area. No food scraps will be discarded or fed to wildlife.

Workers will be informed of the penalties for illegally collecting artifacts or intentionally damaging archeological or historic property. Workers will be informed of the correct notification procedures in the event that previously unknown resources were uncovered during construction. An NPS archeologist will monitor all ground disturbances. If cultural material were uncovered during construction, work in the immediate area will be stopped, the site secured, and Little Bighorn Battlefield National Monument will consult according to 36 CFR 800.13. If human remains were uncovered during construction, the park superintendent will be contacted immediately and work in the vicinity will be stopped. In compliance with the Native American Grave Protection and Repatriation Act of 1990 (NAGPRA), the National Park Service will also notify and consult representatives of Native American Indian tribes likely to be culturally affiliated for the proper treatment of human remains, funerary, and sacred objects should these be discovered during the project. Work could resume only after an appropriate mitigation strategy is developed in consultation with the Crow Tribal Historic Preservation Office and after archeological clearances are obtained.

Vegetation impacts and potential compaction and erosion of bare soils will be minimized by conserving topsoil in windrows. The use of conserved topsoil will help preserve micro-organisms and seeds of native plants. The topsoil will be respread in as near as original location as possible, and supplemented with scarification, mulching, seeding, and/or planting with species native to the immediate area.

Construction will occur during the fall and winter when bald eagles and other avian species of special concern will not be nesting. Prior to construction activities the area on the north east side of the visitor center will be inspected and evaluated by a NPS biologist to determine potential impacts to horned lizard. If potential conflicts with horned lizards in sensitive life stages are likely at this location, the NPS biologist will work in cooperation with the construction contractor to reduce impacts as much as possible.

Disturbed areas, including areas adjacent to the north east side of the visitor center will be allowed to return to current lawn conditions.

Ground surface treatment will include grading to natural contours, as well as roughing / scarification and mulching to promote natural seeding. Erosion and sediment control will be required. Disturbed sites within the construction area, including areas adjacent to the visitor center, overflow parking area, maintenance yard and any other area used as a holding area during construction will be returned to its preconstruction contours as much as possible. Areas disturbed by construction will be revegetated to facilitate soil stability, help reduce runoff, channelization, and erosion, and to help the soil restore itself to natural conditions.

Best management practices for drainage and sediment control will be implemented to prevent or reduce nonpoint source pollution and minimize soil loss and sedimentation in drainage areas and water resources. Use of best management practices in the project area for drainage area protection will include all or some of the following actions, depending on site specific requirements:

- Keeping disturbed areas as small as practical to minimize exposed soil and the potential for erosion.
- Conducting regular site inspections during the construction period to ensure that erosion- control measures were properly installed and are functioning effectively.

- Storing, using, and disposing of chemicals, fuels, and other toxic materials in a proper manner.

Contractors will coordinate with park staff to reduce disruption in normal park activities. Equipment will not be stored along the roadway overnight without prior approval of park staff. Construction workers and supervisors will be informed about the special sensitivity of park values, regulations, and appropriate housekeeping.

Construction zones will be identified and fenced with construction tape, snow fencing, or some similar material prior to any construction activity. The fencing will define the construction zone and confine activity to the minimum area required for construction. All protection measures will be clearly stated in the construction specifications and workers will be instructed to avoid conducting activities beyond the construction zone as defined by the construction zone fencing.

In an effort to avoid introduction of exotic plant species, no hay bales will be used. Hay often contains seed of undesirable or harmful alien plant species. Therefore, on a case-by-case basis the following materials may be used for any erosion control dams that may be necessary: rice straw, straws determined by NPS to be weed-free (e.g., Coors barley straw or Arizona winter wheat straw), cereal grain straw that has been fumigated to kill weed seed, and wood excelsior bales. Standard erosion control measures such as silt fences and/or sand bags will also be used to minimize any potential soil erosion.

### **ALTERNATIVES CONSIDERED**

The environmental assessment examined in detail four alternatives: Alternative A - No Action, Alternative B - Replace the observation room & interpretive patio area with a multipurpose room (proposed action), Alternative C - Long term implementation of the *General Management and Development Concept Plans 1986 (revised 1995)*, and Alternative D - Construct a new visitor center to be leased from GSA (General Services Administration) off the existing battlefield boundary at either Garryowen or another location near the junction of I-90 and Highway 212.

The preferred alternative is also the environmentally preferred alternative. The environmentally preferred alternative is the alternative that will promote the national environmental policy as expressed by §101 of the National Environmental Policy Act. This includes alternatives that:

- (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) assure for all generations safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- (3) attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences;
- (4) preserve important historic, cultural and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice;
- (5) achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities; and
- (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

The preferred alternative meets the criteria established in the National Environmental Policy Act §101. The resources near Last Stand Hill were impacted by the construction of the visitor center when it was completed in 1952. This alternative proposes to construct in this previously disturbed area. Several archeological surveys have been conducted in the area around the visitor center over the years; 1984, 1985, 1989, 1994, and 2004. The area around the visitor center is also impacted on a daily basis by visitor use. Park staff needs a place to provide a quality visitor experience that will allow the opportunity to educate the public as to the events that led up to the battle, the

battle, the life of a soldier in the cavalry, and the life of the Native Americans living in the area before and after the battle. Currently, an average of only 1/16<sup>th</sup> of the annual visitation is able to view the park film (approximately 25,000 visitors annually). Having an all weather and universally accessible space will allow park staff to present the park's film and interpretive presentations to approximately 400,000 visitors annually. A good interpretive experience is one way to share park resources and to educate the public on how to view this resource while causing the least impact and to understand how to avoid unsafe situations during their visit. The multipurpose room will have its own heating and cooling system, enabling the park to maintain a stable environment in the museum exhibit space that will promote the long-term preservation of the museum objects on display.

The National Park Service has determined that the preferred alternative is also the environmentally preferred alternative because it will:

- provide a location where all visitors will be able to obtain a quality NPS experience to learn about and reflect on the events leading up to the battle of the Little Bighorn, the battle itself, and the aftermath of this nationally significant event. Visitors will gain information that will assist them in a safe visit that will have the least impact on the park's cultural and natural resources (criteria 1, 2, 3, 4, 5);
- construct in an area that was disturbed by construction when the visitor center was originally built and has already experienced several archeological surveys over the years (criteria 3, 4, 6); and
- maintain a stable environment in the museum exhibit area that will enhance the preservation of exhibited museum objects (criteria 1, 4, 6).

Over the long-term this interim project will not alleviate overcrowding of the Last Stand Hill area that moving the visitor center away from the Indian Memorial and the Seventh Cavalry Monument will accomplish. If visitors were oriented in another location, away from the Last Stand Hill, there will be smaller crowds throughout the day in this section of the park. Over the long-term it is the park's goal to meet the requirements of the 1986 General Management Plan, revised in 1995.

#### **WHY THE PREFERRED ALTERNATIVE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE HUMAN ENVIRONMENT**

As defined in 40 CFR §1508.27, significance is determined by examining the following criteria:

##### *Impacts that may be both beneficial and adverse*

Impacts were identified primarily for cultural landscapes and visitor use. The proposed project to replace the observation room with a multipurpose room would not directly impact contributing landscape elements. Although the project will increase the development footprint in the core of the Custer Battlefield Historic District cultural landscape and will increase the overall mass and visibility of the visitor center/ museum structure, this will be mitigated to a certain degree by the fact that the outside of the new visitor center multipurpose room will be glass, and so diminish the feeling of the building's mass, and the fact that commemoration/ interpretation, especially within this core area of the monument, is a historic and contributing use. There would be an *adverse local long term moderate impact* on the cultural resources.

The preferred alternative is an interim action to resolve current issues while the park continues to work towards the goals of the 1986 *General Management and Development Concept Plans: Little Bighorn Battlefield National Monument*, revised 1995. (NPS 1995a) As an interim action this project will resolve some of the overcrowding issues and safety concerns associated with the audiovisual space. Park staff mentioned that over the years several rattlesnakes have been found in the patio area. An indoor multipurpose room will provide a safe location for visitors to have a quality NPS

interpretive experience and to be able to learn about the local fauna without having to meet a rattlesnake face to face.

The preferred alternative will provide current visitors with an opportunity to have a quality visitor experience. Visitors will be able to view the park film and attend interpretive presentations in an all weather room without vehicle noise, air pollution, and unpleasant weather events. This space would be accessible to all visitors and the safety concerns with the icy uneven stairs and overcrowding in the basement audiovisual room would be eliminated. The room would be environmentally controlled, and would enhance the current heating and cooling system in the museum exhibit space. The enhancement of the heating and cooling system in the museum exhibit space would allow for a more stable environment with fewer temperature and humidity fluctuations that would provide for the long term preservation of the objects in this space. The preferred alternative would be a *beneficial local short term negligible impact* on the visitor experience.

*Degree of effect on public health or safety*

As previously described, public health and safety will be improved by implementation of the preferred alternative.

*Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas*

There are no prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas affected.

*Degree to which effects on the quality of the human environment are likely to be highly controversial*

Although there is some opposition to the preferred alternative, the effects are not highly controversial.

*Degree to which the possible effects on the quality of the human environment are highly uncertain, or involve unique or unknown risks*

There are no highly uncertain, unique, or unknown risks.

*Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration*

The 1986 *General Management Plan* (GMP), revised in 1995, calls for an expansion of the boundaries of the monument and for the construction of a new larger visitor center in a location where the story of the battle can be illustrated. Since 1986 five different superintendents have managed Little Bighorn Battlefield NM. Each was tasked with meeting the goals of the 1986 *General Management Plan*; none were successful. To meet the GMP goals, Congress must pass legislation that would allow the boundaries of the monument to be expanded. The Crow Tribe has gone on record stating that they will not support any legislation to expand the boundaries of Little Bighorn Battlefield NM that would decrease their land base. Until legislation can be drafted that meets the Crow Tribe's satisfaction, progress can not be made towards meeting the goals of the 1986 (revised in 1995) *General Management Plan*. This interim project will resolve several immediate issues until such time when the goals of the *General Management Plan* can be met.

*Whether the action is related to other actions with individually insignificant but cumulatively significant impacts*

Based on the impact analysis in the *Environmental Assessment/Assessment of Effect*, there are no significant cumulative effects.

*Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

A Determination of Eligibility (DOE) was completed for the Visitor Center on January 31, 2006. The Montana State Historic Preservation Officer concurred with the National Park Service's determination on March 7, 2006. The DOE established that the Visitor Center was not eligible for inclusion to the National Register of Historic Places.

The preferred alternative will result in no historic properties affected for archeological resources.

The *Environmental Assessment/Assessment of Effect* describes the Custer Battlefield and Reno-Benteen Battlefield Historic Districts cultural landscapes. The Crow Tribal Historic Preservation Office (THPO) agreed with the National Park Service's determination that this project will have no adverse effect on the cultural landscape resources in a letter dated November 26, 2007.

Potential effects to cultural resources will be mitigated by completing a cultural landscape inventory, sensitively designing the visitor center improvements, monitoring construction activities, and consulting on inadvertent resource discoveries.

*Degree to which the action may adversely affect an endangered or threatened species or its critical habitat*

According to the *Little Bighorn Battlefield National Monument Rehabilitate Route 10 Environmental Assessment Biological Report* (2004), the whooping crane (federally endangered) and bald eagle (federally threatened) are the only federally listed species known to occur within or near the project area. No suitable nesting habitat exists within the study area, which is dominated by grassland. Bald eagles may fly over the study area, but they are unlikely to forage or remain in the immediate study area due to high disturbance factors (page 8 of Biological Report). Whooping cranes have been recorded in the NPS Inventory (I&M) database flying near the study area during migration. Only the Little Bighorn River riparian area provides potential stopover or foraging habitat (page 9 of Biological Report). These species are unlikely to be found in the project area due to the heavy foot and automobile traffic by visitors and the presence of Interstate 90. The determination of effect under §7 of the Endangered Species Act is no effect. Park staff will continue to be on the lookout for the presence of these species.

*Whether the action threatens a violation of federal, state, or local environmental protection law*

This action violates no federal, state, or local environmental protection laws.

*Appropriate Use, Unacceptable Impacts, and Impairment*

Sections 1.5 and 8.12 of *NPS Management Policies* underscore the fact that not all uses are allowable or appropriate in units of the National Park System. The proposed use was screened to determine consistency with applicable laws, executive orders, regulations, and policies; consistency with existing plans for public use and resource management; actual and potential effects to park resources; total costs to the Park Service; and whether the public interest will be served. An administration building is a common and vital structure in most park units. Proper location, sizing, as well as construction materials and methods would ensure that unacceptable impacts to park resources and values would not occur. Therefore, the Park Service finds that the preferred alternative is an appropriate use. Because the application of mitigating measures is expected to be successful in ensuring that no major adverse impacts will occur and that satisfactory reclamation of the disturbed area is expected to be achievable, implementation of the preferred alternative will not result in any unacceptable impacts.

In analyzing impairments in the NEPA analysis for this project the NPS takes into account the fact that if an impairment were likely to occur, such impacts would be considered to be major or significant under CEQ regulations. This is because the context and intensity of the impact would be

In analyzing impairments in the NEPA analysis for this project the NPS takes into account the fact that if an impairment were likely to occur, such impacts would be considered to be major or significant under CEQ regulations. This is because the context and intensity of the impact would be sufficient to render what would normally be a minor or moderate impact to be major or significant. Taking this into consideration, NPS guidance documents note that "Not all major or significant impacts under a NEPA analysis are impairments. However, all impairments to NPS resources and values would constitute a major or significant impact under NEPA. If an impact results in impairment, the action should be modified to lessen the impact level. If the impairment cannot be avoided by modifying the proposed action, that action cannot be selected for implementation." *Interim Technical Guidance on Assessing Impacts and Impairment to Natural Resources* National Park Service, Natural Resource Program Center, July 2003.

In addition to reviewing the definition of "significantly" under the NEPA regulations, the NPS has determined that implementation of the preferred alternative will not constitute an impairment to the integrity of Little Bighorn Battlefield National Monument's resources or values as described by *NPS Management Policies* (NPS 2006 § 1.4). This conclusion is based on the NPS's analysis of the environmental impacts of the proposed action as described in the EA. The EA identified less than major adverse impacts on archeological resources, cultural landscapes, and visitor use. This conclusion is further based on the Superintendent's professional judgment, as guided and informed by the 1986 *General Management Plan*. Although the plan/project has some negative impacts, in all cases these adverse impacts are the result of actions taken to preserve and restore other park resources and values. Overall, the plan results in benefits to park resources and values, opportunities for their enjoyment, and it does not result in their impairment.

## **PUBLIC INVOLVEMENT**

The environmental assessment was made available for public review and comment during a 30-day period ending August 5, 2006. A total of nine responses were received. All but one letter clearly stated a position for or against the replacement of the observation room with a multipurpose room. This total includes one letter from the Montana State Historic Preservation Office, one from the National Parks Conservation Association, one from a local business, one from an affiliated tribe, and five letters from individuals. Of the nine responses, six were from Montana and South Dakota; three were from outside of the local area.

Substantive comments to the EA centered on six topics: consultation under §106 of the National Historic Preservation Act; effects on the cultural landscapes; cultural resources: impacts of proposal and alternatives; fee demonstration program; park operations: guiding policies, regs and laws; and park operations: methodology and assumptions. These concerns resulted in no changes to the text of the environmental assessment but are addressed in errata sheets attached to this FONSI. The FONSI and errata sheets will be sent to all commentors.

## **CONCLUSION**

As described above, the preferred alternative does not constitute an action meeting the criteria that normally require preparation of an environmental impact statement (EIS). The preferred alternative will not have a significant effect on the human environment. Environmental impacts that could occur are limited in context and intensity, with generally adverse impacts that range from localized to widespread, short- to long-term, and negligible to moderate. There are no unmitigated adverse effects on public health, public safety, threatened or endangered species, sites or districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, major cumulative effects, or elements of precedence were identified. Implementation of the action will not violate any federal, state, or local environmental protection law.

Based on the foregoing, it has been determined that an EIS is not required for this project and thus will not be prepared.

Approved:

Nurkha Deppor

Director, Intermountain Region

4/21/08

Date



**ERRATA SHEETS**  
**INTERIM VISITOR CENTER PLAN ENVIRONMENTAL ASSESSMENT**  
**LITTLE BIGHORN BATTLEFIELD NATIONAL MONUMENT**

Substantive comments to the Environmental Assessment centered on six topics: §106 consultation, effects on cultural resources, fee demonstration program, construction activities, park operations, and proposal development. The comments and responses to those comments are addressed below.

**§106 CONSULTATION**

**Comment:** Beyond the statutory, and moral, obligation you hold as the individual to whom the United States, several Tribes, and the world has entrusted stewardship of this vital place; it is also clear that an extreme undertaking such as is proposed must undergo every process of planning and consideration that law and policy have provided. One of the earliest, simplest, and most fundamental of these is consultation with the State Historic Preservation Officer under procedures that implement Section 106 of the National Historic Preservation Act at the earliest stages of project planning. It appears that you have not taken this step. I urge you to do so immediately and, if it is still possible, to correct the serious legal misstep of failing to do so at the appropriate stage. Failure to carry out these well-known and long established planning steps places the National Park Service at risk of harming the resources it is obligated to preserve, and also embarrasses the Service in front of the historic preservation community it is supposed to lead and inspire.

**Comment:** Both the scoping statement and this environmental assessment suggest that consultation with the Montana State Historic Preservation Officer was not initiated at the proper time in the compliance sequence-the very beginning of the consideration of a project to address the stated needs. The SHPO's letter to you of March 7, 2006, included in the assessment document, reveals that consultation had not been initiated at that time-only four months ago.

**Comment:** If the SHPO agrees with my evaluation, I would expect you to enter consultations to seek mitigation or be prepared to place the project before the entire Advisory Council on Historic Preservation for comment, as required by law.

**Response:** Little Bighorn Battlefield NM Superintendent sent Mr. Mark Baumler of the Montana State Historic Preservation Officer (SHPO) a letter on July 7, 2005, advising that the park was in the preliminary stages of exploring the possibility of modifying the visitor center. On January 5, 2006, Dr. Stan Wilmoth of the Montana SHPO was formally notified of the park's intent to write a combined document Environmental Assessment/Assessment of Effect to meet both NEPA and §106 requirements. This letter was faxed to Pete Brown of the Montana SHPO on March 10, 2006. A letter was sent to Pete Brown, MT. SHPO, on August 17, 2006, presenting the *Little Bighorn Battlefield NM Interim Visitor Center Plan Environmental Assessment/Assessment of Effect*. In May 2007, the Crow Tribe assumed formal responsibility for review of Federal undertakings pursuant to §106 of the National Historic Preservation Act with respect to Little Bighorn Battlefield National Monument. On November 26, 2007, the Crow THPO Director concurred with the NPS determination of no adverse effect on cultural landscapes. On March 14, 2008, the Advisory Council on Historic Preservation acknowledged the NPS/MT SHPO/Crow THPO consultation to date and the mitigating measures proposed to reduce effects.

**EFFECTS ON CULTURAL RESOURCES**

**Comment:** Your evaluation of effect on the cultural landscape, pp. 39-41, is deeply flawed and so verbose as to confuse any reader. Breaking the cultural landscape into two pages of components for purposes of evaluating the effect on each ignores the overriding entity that should be addressed: the significance and integrity of the totality of the cultural landscape. This is not discussed anywhere. The sum of the effect on each component does not add up to the effect on the entire cultural landscape.

**Response:** The cultural landscape was initially impacted when the Custer Battlefield National Cemetery was begun in 1879 and again when the visitor center was completed in 1952. Several additions and alterations were made to the visitor center over the years. This project will increase the developmental footprint and the overall mass and visibility of the visitor center. A qualified cultural landscape architect evaluated the site and determined there would be little impact to the contributing landscape elements. Building the multipurpose room with large glass windows will present the impression that the structure is smaller, helping to blend in to the current landscape. The commemoration/ interpretation, especially within this core area of the monument, is a historic and contributing use. The National Park Service is conducting a Cultural Landscape Inventory that is scheduled to be completed in the fall of 2008. On November 26, 2007, the Crow THPO Director concurred with the NPS determination of no adverse effect on cultural landscapes.

**Comment:** Measuring how much your preferred alternative increases the intrusion demands far more discussion of footprint and profile than you have provided. According to the acting SHPO's letter of March 7, 2006, in December 2005 you submitted for SHPO consideration project drawings represented as 65% complete. This assessment provides no graphics to help a reader visualize the enlarged building. On page 17 you estimate the size of the expansion, presumably the footprint although the profile is not addressed, will be "less than 2500 square feet" and that the auditorium will seat 200 people (p. 16). That is a very large space-much larger than I recall the combination of observation room and patio. Your statement on p. 42 concedes that the project would "increase the development footprint in the core area. . . and would increase the overall mass and visibility of the visitor center/museum structure," and you believe that this would be "mitigated to a certain degree" by glass walls surrounding the affected area. This is hardly an adequate discussion of the most important questions of footprint and profile, and your reference to glass walls providing "a certain degree" of mitigation hardly supports your finding in the preceding paragraph that the project "would have no adverse effect on monument landscape resources."

**Response:** The exact square footage of this proposed space is not yet determined. Pre-design has begun in order to develop a picture of what this space may be like. The multipurpose room will cover the footprint of the observation room and the interpretive patio. The north wall of the museum exhibit area, the observation room and interpretive patio, will be moved towards the sidewalk. This front area between the north wall and the sidewalk will be a queuing area for the multipurpose room. The multipurpose room will be large enough to accommodate 200 individuals with circulation space and an area for a podium. The National Park Service will decide how and whether to proceed to develop full design documents that could be used to solicit bids in order to construct a multipurpose room after the conclusion of this planning process.

**Comment:** This proposal is a clear case of conflict between use and preservation. The present visitor center was long ago determined to be an inappropriate intrusion, detrimental to the nationally significant resources. Expansion of this intrusion is even more inappropriate because it increases harm to the resource and because, regardless of the "interim" designation, it essentially reverses the earlier responsible decision to remove the intrusion.

**Comment:** Furthermore, the 1986 GMP has already been approved. By not implementing Alternative C, the National Park Service would be neglecting its duty to carry out the mandates of the GMP. The park boundaries must be expanded.

**Response:** The Interim Visitor Center Plan is not intended to disrupt the momentum of meeting the goals established in the 1986 General Management Plan (GMP), revised in 1995. This project is meant to resolve immediate problems associated with unsafe conditions in the audio/visual area that is a converted storage room in the basement of the visitor center. The goal of the GMP is to increase the boundary of the park by 11,800 acres and construct a new visitor center in a location away from the historic district. The current visitor center would be demolished and the area rehabilitated to match the surrounding environment. Before the goals of the GMP can be

implemented Congress must pass legislation that would allow the boundaries of the monument to be expanded. The Crow Tribe has gone on record stating that they will not support any legislation to expand the boundaries of Little Bighorn Battlefield NM that would decrease their land base. Until legislation can be drafted that meets the Crow Tribe's satisfaction, progress can not be made towards meeting the goals of the GMP.

Approximately 400,000 visitors pass through the park each year. The *1997 Interpretive Prospectus of Little Bighorn Battlefield National Monument* states that the NPS is responsible for providing "visitors with an improved understanding of the events leading up to the battle, the sequence of activities by both military and Native American contingents on June 24-27, 1876, and the historical consequences of the results of those fateful days." These 400,000 visitors are entitled to a quality visitor experience while NPS continues to try to implement the 1986 GMP.

#### **FEE DEMONSTRATION PROGRAM**

**Comment:** Page 5, the question about using the Recreation Fee Demonstration Program money to support major development is a good one. Where is it answered?

**Response:** This question is answered on page 4 and page 5 of the *Little Bighorn Battlefield National Monument Interim Visitor Center Plan Environmental Assessment/ Assessment of Effect. Recreation Fee Demonstration Program/ Federal Lands Recreation Enhancement Act (FLREA)* funds can be used for major development within a park. The project must meet the criteria for this program by addressing deferred maintenance or providing for high priority critical resource protection. This project will replace a room that is too small to meet interpretive needs and to correct several safety issues associated with showing the park film in a converted storage room in the basement of the visitor center. Having an energy efficient space next to the museum exhibit area will provide sustainability to the objects on exhibit by creating a stable environment that no longer sustains large fluctuations in temperature and relative humidity levels. Moving interpretive programs to a universally accessible space will bring the park in compliance with the Architectural Barriers and Rehabilitation Acts.

#### **CONSTRUCTION ACTIVITIES**

**Comment:** If artifacts and/or human remains are uncovered during the construction, your contractor is going to incur cost overruns unless you can get in there immediately, remove the artifact or remains, and immediately get out of his way. I would think you need an in-place plan to do that. If something is seen, are you going to allow your archaeologist to dig surrounding areas? Personally, I'd have a man standing by with a wheelbarrow and a shovel. If an artifact is spotted, I'd give him 60 seconds to get it out of there. Five minutes for human remains.

**Response:** The National Park Service is required to comply with the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA). This law requires the National Park Service to notify and consult with representatives of Native American tribes likely to be culturally affiliated for the proper treatment of human remains, funerary and sacred objects should these be discovered during a project. Work will resume only after consultation with affiliated tribal people is completed, an appropriate mitigation strategy is developed in consultation with the Crow Tribal Historical Preservation Office, and after archeological clearances are obtained.

#### **PARK OPERATIONS**

**Comment:** A critical deficiency in the Plan is not considering fiscal constraints and how these will impact your proposed program.

**Response:** The Park Service has identified adequate funds to accomplish the project.

**Comment:** During construction, the area will not be available for presentations. This should have been considered in the assessment

**Response:** The interpretive patio will not be available during the construction period. Interpretive presentations, weather permitting, will be accommodated at the amphitheater. The amphitheater is behind and down the hill from the visitor center. It is a longer distance from the visitor center than the Interpretive Patio and may not be universally accessible, but will help to meet the park's interpretive needs during the construction period.

**Comment:** The requirement to use the parking lot next to the Stone House as the only storage and stockpile area is a cost driver that is poorly thought out. Your expenses are going to go through the roof if you require your contractor to go all the way to his stockpile to pick out one 2x4 at a time. He needs to be allowed to use the construction area for storage of material needed at least for each day's use.

**Response:** The mission of the National Park Service is to protect the resources that each NPS area was created to preserve. Construction costs within NPS areas are more expensive in order to accommodate the special needs that must be addressed to ensure that resources are impacted as little as possible. The parking area next to the Stone House has served as the construction materials storage area for construction projects in the past with acceptable results.

**Comment:** Need to identify routes available for pedestrians walking between the Visitor Center and Last Stand Hill, etc.

**Response:** Safe pedestrian routes will be identified and marked before construction begins to well define construction areas and public areas. Public safety is a priority and directing the public around the construction area will be addressed as it has in the past, before construction actually begins.

#### **PROPOSAL DEVELOPMENT**

**Comment:** Whereas the Plan assumes you will have 400,000 visitors per year, I consider that to be wishful thinking for the future.

**Response:** The 400,000 annual visitation number is an approximation. The annual visitation numbers for fiscal year (FY) 2002 is 429,826, FY 2003 is 426,650, and FY 2004 is 346,111. The average annual visitation of these three years (FY02-FY04) is 400,862. The environmental assessment was begun in January 2006 (the FY05 annual visitation number had not yet been calculated), and the FY02-FY04 average was used in good faith to represent the current park annual visitation.

**Comment:** It mentions meeting criteria on page 22, but neither gives the criteria nor shows how they were developed. It fails to show how well the alternatives meet the criteria, but does compare objectives to alternatives on page 26. There is no comparison of criteria to objectives. The evaluation of the objectives is a collection of questionable statements.

**Response:** The criteria used for the Environmentally Preferred Alternative are listed on pages 21 and 22 of the *Little Bighorn Battlefield National Monument Interim Visitor Center Plan Environmental Assessment/ Assessment of Effect*. These criteria are derived from §101 of the National Environmental Policy Act (NEPA) and are addressed in all NPS NEPA documents. Each alternative was evaluated as to how well it would address each of the 6 criteria and meet the *project* objectives. The chart on page 26 is a summary of the *project* objectives, discussed on page 1-2 of the Purpose and Need.

**Comment:** Who is writing the specs for this new room, and when will they be available for comment? This should be on a milestone chart: (I'm wondering how you will get 200 people in a room that size to see a film.)

**Response:** Pre-design has assisted the park in developing a picture to present to the public what this space may be like. Final design documents are not yet developed and will not be placed on public review

**Comment:** The footprint of the new room will not have the same footprint as the old room plus outside presentation area. The new footprint will be larger since it will extend toward the sidewalk. How much larger?

**Response:** The exact square footage of this proposed space is not yet determined.

**Comment:** Why was the land offer from the Custer Battlefield Preservation Committee flatly turned down (page 24) when you are considering land trades with the Crows (page 18) that are far less viable?

**Response:** A member of the Custer Battlefield Preservation Committee attended the scoping meeting in December 2005. He mentioned sending a letter to the Secretary of the Interior a few years ago stating that this committee was acquiring land and intended to donate this land to Little Bighorn Battlefield National Monument. The Superintendent asked for this individual to send a copy of this letter to the park because the Director of the Interior was unable to locate this initial letter. This individual stated that a copy of the letter existed, but did not forward a copy to the park. Absent a formal proposal in writing, NPS cannot define and evaluate the alternative. It is unclear how much land was acquired or if the Custer Battlefield Preservation Committee obtained clear title to the land. It is also unclear if there are restrictions on the proposed land use.

