

DECISION RECORD

for

Pompeys Pillar Interpretive Center EA/Activity Plan

EA Number MT-010-1-38

Bureau of Land Management
Billings Field Office
Billings, Montana

Sandra S. Brooks

Sandra S. Brooks, Billings Field Manager

July 12, 2002

Date

The Bureau of Land Management is responsible for the stewardship of our public lands. It is committed to manage, protect, and improve these lands in a manner to serve the needs of the American people for all times. Management is based on the principles of multiple use and sustained yield of our nation's resources within a framework of environmental responsibility and scientific technology. These resources include recreation; rangelands; timber; minerals; watershed; fish and wildlife; wilderness; air; and scenic, scientific, and cultural values.

BLM/MT/PL-02/006

INTRODUCTION

The Bureau of Land Management (BLM) proposes to implement a management decision contained in the 1996 Pompeys Pillar Environmental Assessment (EA)/Amendment, with a focus on constructing an interpretive center at Pompeys Pillar. Since the 1996 plan was completed, BLM considered a proposal to co-locate the interpretive center with a Montana Department of Transportation (MDT) highway rest area. In addition, new information has been identified which points to the need to re-evaluate the size of the center, as well as other decisions. These include the season of use, delineating where within the Historic Zone - Developed the center and related infrastructure would be constructed; and whether the existing visitor center and related facilities should be removed.

Copies of the Pompeys Pillar Interpretive Center EA/Amendment, EA MT 010-1-38, are available from the BLM Billings Field Office and on the BLM website at www.mt.blm.gov.

DECISION

It is my decision to proceed with Alternative B as identified in the 2001 Pompeys Pillar Interpretive Center EA/Amendment. I base my decision on the analysis in the EA and the corresponding case file. Approval of this alternative provides the most flexibility to meet changing visitor demands by providing a higher quality visitor experience, protecting the historical and cultural values of the site, and accommodating budgetary constraints.

The decision includes the following key components:

- A smaller interpretive center will be constructed (about 5,000-5,500 square feet), with the potential for future expansion. Phase-in components to the center, including a new entrance road, parking area, additional interpretation and potential additions, will be a function of funding and visitation. Development will not exceed the level of development analyzed and approved in 1996.
- The day-use area, which will utilize a portion of the existing day-use area, will include both islands of shrubs as well as open areas for functions. Locations for the day-use area and the interpretive center are identified in revised Map 5 (attached) of the 2001 EA/Amendment. Options for waste water treatment will be placed in the most optimal location based on data, visual resource management (VRM) objectives, efficiency and geo-technical studies. Large cottonwoods will remain undisturbed, except where there may be overhead hazards.

- The interpretive center will be staffed and open to the general public from May 1 to October 30. However, there will be flexibility to be open year-round, or modify the season or use, depending on funding and visitor demand.
- Existing facilities will be moved out of the Historic Zone.
- The existing access road and parking area will be closed and reclaimed when a new, all-weather entrance road is constructed.

The decision also includes management common to the alternatives that was identified in Chapter 2 of the 2001 Pompeys Pillar EA/Amendment, as well as other related decisions carried forward from the 1996 EA/Amendment. Management direction pertinent to this decision is briefly described below. Refer to the 1996 and 2001 documents for more detail.

Management Zones

The management zones delineated in the 1996 Pompeys Pillar EA/Amendment include a Historic Zone; Historic Zone - Developed; and a General Management Zone. Refer to the 2001 Pompeys Pillar EA/Amendment for management zone descriptions.

In a recent effort to clearly identify the management zones on-the-ground, specialists derived more accurate acreage estimates using more precise survey methods (refer to Maps 2 and 3, attached). In the 1996 analysis, a dot grid system was used to estimate acreage for the management zones. It has been determined that this methodology was inaccurate and the acreage estimates were over-estimated in the 1996 document.

Using the map boundary delineations and field surveys, the acreage estimates have been re-calculated. The Historic Zone acreage is approximately 32 acres, the Historic Zone - Developed is approximately 71 acres, and the General Management Zone is approximately 323 acres. In both the 1996 and 2001 analysis, the map depictions, rather than the acreage estimates, were used when assessing impacts within the management zones. Therefore, the adjustments to the acreage do not require changes in the 1996 or 2001 analysis and do not modify the management direction for any of the management zones. These adjustments have been noted as plan maintenance for the 1996 analysis and Decision Record.

Visual Resource Management/Scenic Values

As determined in the 1996 analysis and decision, Pompeys Pillar will be managed under two visual resource

management objectives. The Pompeys Pillar landform (the National Historic Landmark) will be managed as Visual Resource Management (VRM) Class II and the remainder of the area will be managed as VRM Class III. The objectives for these management classes are described in the 1996 and 2001 documents. The 1996 analysis also identified the three viewsheds important to maintaining the historical setting of Pompeys Pillar. These are described in the 1996 and 2001 documents.

A contrast rating was conducted on the proposed facilities as part of the 2001 Pompeys Pillar EA/Amendment. The intent of a contrast rating is to mitigate the impacts of the proposed development on the viewshed and comply with the VRM Classes. The 2001 Pompeys Pillar EA/Amendment describes the modifications to landscaping and building color, line and texture that are necessary to preserve the viewshed. The VRM process will be on-going throughout the design phase. Refinements and adjustments of the VRM guidelines may be made as the building design and site layout move to finalization. Retaining the character of the landscape and the VRM class objectives will be the primary goal in making these adjustments and refinements.

Cultural Resources

Prior to ground disturbance anywhere on the property, a cultural resource inventory will be conducted encompassing the area to be disturbed. Subsurface disturbances will be monitored. If cultural resources are discovered, work will be halted until the resources can be assessed.

Effects to significant cultural resources will be avoided or mitigated per 36 CFR 800. Actions will also comply with P.L. 101-601, Native American Graves Protection and Repatriation Act and other applicable laws and regulations. Identification, evaluation and treatment of cultural resources will conform to the programmatic agreement entered into for this project by the BLM and the Montana State Historic Preservation Office.

Fish and Wildlife Habitat

Concentrating/confining facility development and activities will minimize impacts to wildlife from increased noise, traffic and disturbance.

Threatened and Endangered (T&E) Species: Informal consultation with the U.S. Fish and Wildlife Service (USFWS) under Section 7 of the Endangered Species Act, as amended, was completed for the 1996 Pompeys Pillar EA/Amendment. The USFWS provided a letter of concurrence that the proposed project was “Not Likely to Adversely Affect” any of these species. After reviewing new and/or changed information with regard to other

species, it was determined that the original determination for the bald eagle is still valid. The bald eagle is the only T&E species known to inhabit the area. If bald eagles re-nest on the island, consultation with the USFWS will be re-initiated. If necessary, actions will be taken to reduce potential impacts to the nest.

BLM Sensitive Species: The spiny softshell turtle is a BLM Sensitive Species and also a Montana State Sensitive Species of Special Concern. To avoid adverse effects to the spiny softshell turtle, any actions associated with the proposed project would avoid bank disturbance in areas of suitable nesting habitat during the period of June through September. The peregrine falcons are protected by the Migratory Bird Treaty Act (MBTA).

Neotropical Migratory Birds: The habitat objective for neotropical birds will be to maintain or improve riparian vegetation condition to represent diverse, healthy plant communities.

Wetlands/Riparian

The natural riparian areas will be managed for Proper Functioning Condition (PFC). Functioning condition is described in Appendix 3 of the 2001 analysis. Native cottonwood riparian understory within the Historic Zone, Historic Zone - Developed, and the wetlands will be managed to allow “no net loss” of these habitat types. Trees/shrubs will be planted in the existing (old) day-use area as the new day-use area is developed. Islands of trees and shrubs will be planted or existing trees and shrubs will be retained in the new day-use area to provide many small islands of understory cover. One area, up to 1 acre in size, will be cleared for large functions (under-brush would be removed; large cottonwoods would be undisturbed). The possibility exists to develop wetlands on the property to allow for any wetland acreage lost due to construction. It is unlikely that the project will require a Section 404 permit from the Corps of Engineers; however, BLM will proceed with the application process to make that determination.

Floodplain/Water Quality

Construction and development activities will conform to all pertinent floodplain and environmental regulations. The project is being designed to comply with and be permitted by Yellowstone County Floodplain Regulations. Revegetation and landscaping will be completed around structures to prevent soil erosion, provide flood protection and provide wildlife habitat.

Waste Water Treatment: Waste water treatment systems will comply with Montana Department of Environmental Quality (DEQ) regulations. Montana DEQ regulations

require two septic treatment sites on the property be located and tested. These sites will undergo extensive soil and groundwater testing to ensure proper design to meet the more stringent criteria for building in a floodplain. Treatment may include conventional and alternative systems, such as mounds, fills, subsurface, or wetlands. The most likely location for the system(s) was identified in the 2001 Pompeys Pillar EA/Amendment. However, other options being considered may be placed in the most optimal location within the development bubble (refer to Map 5) based on data, VRM objectives, efficiency, geo-technical studies and cost.

Potable Water, Ground Water Source: A potable water source will be developed in conformance with Montana DEQ and federal standards.

Construction Activities

Activities associated with construction of the facilities will be done to minimize potential disturbance. A list of these practices are included in the 2001 analysis.

Existing Bureau of Reclamation (BOR) Canals and Ditches

A BOR permit will be required to cross Reclamation canals and ditches. As a condition of the permit, verification of NEPA and NHPA compliance and engineering drawings for all work affecting the canals and ditches will be submitted to BOR in advance of any construction. The BLM will coordinate design and construction activities with BOR and the Huntley Irrigation District in order to avoid or minimize the impacts to the canals, ditches and delivery of water.

Other Alternatives

Alternative A, Continuation of Current Management Direction (the “No Action” alternative), was fully considered and analyzed. This alternative addressed facility development with an 11-12,500 square foot interpretive center, limited season of use and retained the existing visitor center, which is located in the Historic Zone.

Five alternatives were considered, but eliminated from detailed study. These alternatives are listed below. Refer to the 2001 Pompeys Pillar EA/Amendment (pp. 12-13) for rationale to not analyze in detail.

- Co-location of an Interpretive Center with a Montana Department of Transportation Highway Rest Area
- Construction of an Interpretive Center adjacent to State Highway 312

- Maintain Existing Facilities
- Upgrade and Expand the Existing Visitor Center Facility
- Locate the Interpretive Center Off-Site

RATIONALE FOR DECISION

Based on my review of the information contained in the 2001 Pompeys Pillar Interpretive Center EA/Amendment, I have concluded that Alternative B provides the most flexibility to meet changing visitor demands, maintains the historical and cultural values of the site, provides a high quality visitor experience and accommodates budgetary constraints. Constructing a smaller interpretive center, as proposed in Alternative B, will reduce construction, operations and maintenance costs and will accommodate the visitor projections. The size of the proposed facility will be more cost effective than Alternative A given the anticipated use levels and the other opportunities associated with the outdoor environment. However, this decision does provide future flexibility to expand (not to exceed the level identified in Alternative A) should the need be determined. An amendment to this activity plan would be developed with public input if expansion is being considered.

Alternative B provides a flexible season of use (open days) for the interpretive center. This provides the opportunity to staff the facility year-round (contingent upon budget and visitor demands). While year-round staffing may enhance visitor experience and reduce the potential for resource damage, extended open seasons may also increase the level of activity and associated human disturbance, especially during critical nesting seasons. Wildlife species sensitive to human presence may experience loss in productivity or relocate to adjacent habitats. This would likely result in the loss of individual animals, but would not adversely affect the population in the region.

The day-use area for Alternative B will utilize a portion of the existing day-use area, which will minimize the amount of underbrush to be cleared. Alternative B also retains much of the riparian area and wetlands north of the interpretive center in its natural condition, thereby reducing human activity in that area. This alternative will have much less of an impact on riparian-associated wildlife species when compared to Alternative A.

By removing the existing visitor center and related infrastructure, the historic setting will be more natural in the Historic Zone, thereby creating a more pristine area. This will enhance the visitors’ enjoyment and appreciation of the area. Removal of the existing facilities also eliminates the visual impacts of development in the Historic Zone.

PUBLIC INVOLVEMENT

Public scoping for the 2001 Pompeys Pillar EA/Amendment was initiated in November 1999 through filing of a Notice of Intent to Prepare an Environmental Assessment on construction of an interpretive center and other facilities at Pompeys Pillar. Two public scoping meetings were held January 4 and 5, 2000, to gather comments on the scope of the environmental analysis for the project. A summary of the meetings and written comments is included in the 2001 Pompeys Pillar EA/Amendment. Agency and tribal coordination have been ongoing since the initiation of this analysis.

The BLM held two open houses for the 2001 Pompeys Pillar EA/Amendment on June 27 and June 28, 2001. Approximately 30 people attended both open houses. Briefings were also held with congressional staffs and the county.

The public had an opportunity to provide written comment letters and/or protests. BLM received eight comment letters and two protests from the public. Most of the letters supported the preferred alternative (Alternative B) to construct a smaller interpretive center with the potential for future development, and acknowledged the need for a new interpretive center to promote the historical values of the area. Other comments included: the proposed visitor center will not be large enough, the undeveloped historic zone should be more extensive, concern about effectiveness of visual screening, concern about effects to Native Americans, desire for limitations on human activity to protect wildlife, concern about hunting at the Pillar, and concern about the grain elevators. Some comments focused specifically on the use of the visitor center and included: library space for research, people would like tours of the flora and fauna of the area and living history demonstrations, and the exhibits should emphasize the theme of Lewis and Clark rather than later themes.

BLM specialists reviewed substantive comments provided by the public. No substantive changes or modifications to the analysis were required.

Two protest letters were received. The issues raised from both protest letters were analyzed by the BLM Washington Office. It was determined that there was no basis for changing the proposed action.

IMPLEMENTATION

This decision may be appealed to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR 4.400. A notice of appeal must be

filed within 30 days from the receipt of this Decision. The notice of appeal must be filed in the Bureau of Land Management, Montana State Office, 5001 Southgate Drive, P.O. Box 36800, Billings, Montana 59107. A copy of such notice must also be provided to the Field Solicitor, U.S. Department of the Interior, P.O. Box 31394, Billings, Montana 59107-1394.

Within 30 days after filing the notice of appeal, a complete statement of the reasons for the appeal must be filed with the United State Department of the Interior, Office of the Secretary, Board of Land Appeals, 801 N Quincy Street MS 300-QC, Arlington VA 22203 (see 43 CFR 4.412 and 4.413). If the reasons for the appeal are fully stated when filing the notice of appeal, no additional statement is necessary. A copy of the statement of reasons must also be provided to the Field Solicitor.

Within 15 days after each document is filed, each adverse party named in the decision and the Field Solicitor must be served with a copy of the notice of appeal, the statement of reasons, and any other documents filed as part of the appeal.

Within 15 days after any document is served on an adverse party, file proof of that service with the U.S. Department of the Interior, Office of the Secretary, Board of Land Appeals (address noted above). This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR 4.401(c)(2)).

Unless these procedures are followed, an appeal will be subject to dismissal. The appellant has the burden of showing that the decision appealed from is in error.

This decision will become effective at the expiration of the time for filing a Notice of Appeal unless a petition for a stay of decision is timely filed together with a Notice of Appeal (see 43 CFR 4.21(a)).

If you wish to file a petition, pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1, for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

In reviewing the analysis and public comments for the 2001 Pompeys Pillar Interpretive Center EA/ Amendment, I have determined that Alternative B will have no significant impact on the human environment. An environmental impact statement does not need to be prepared. Provided below is an overview supporting the FONSI.

The USFWS analysis of threatened or endangered species indicating a "Not Likely to Adversely Affect" is still valid. Impacts to the spiny soft shell turtle will be avoided.

The natural riparian areas will be managed for Proper Functioning Condition. Native cottonwood riparian understory within the Historic Zone, Historic Zone - Developed, and the wetlands will be managed to allow "no net loss" of these habitat types.

Concentrating/confining facility development and activities will minimize impacts to wildlife from increased noise, traffic and disturbance.

Activities associated with construction will be done to minimize potential disturbance.

Effects to cultural resources will be avoided or mitigated.

Visual and scenic qualities will be retained through management direction regarding facility development.

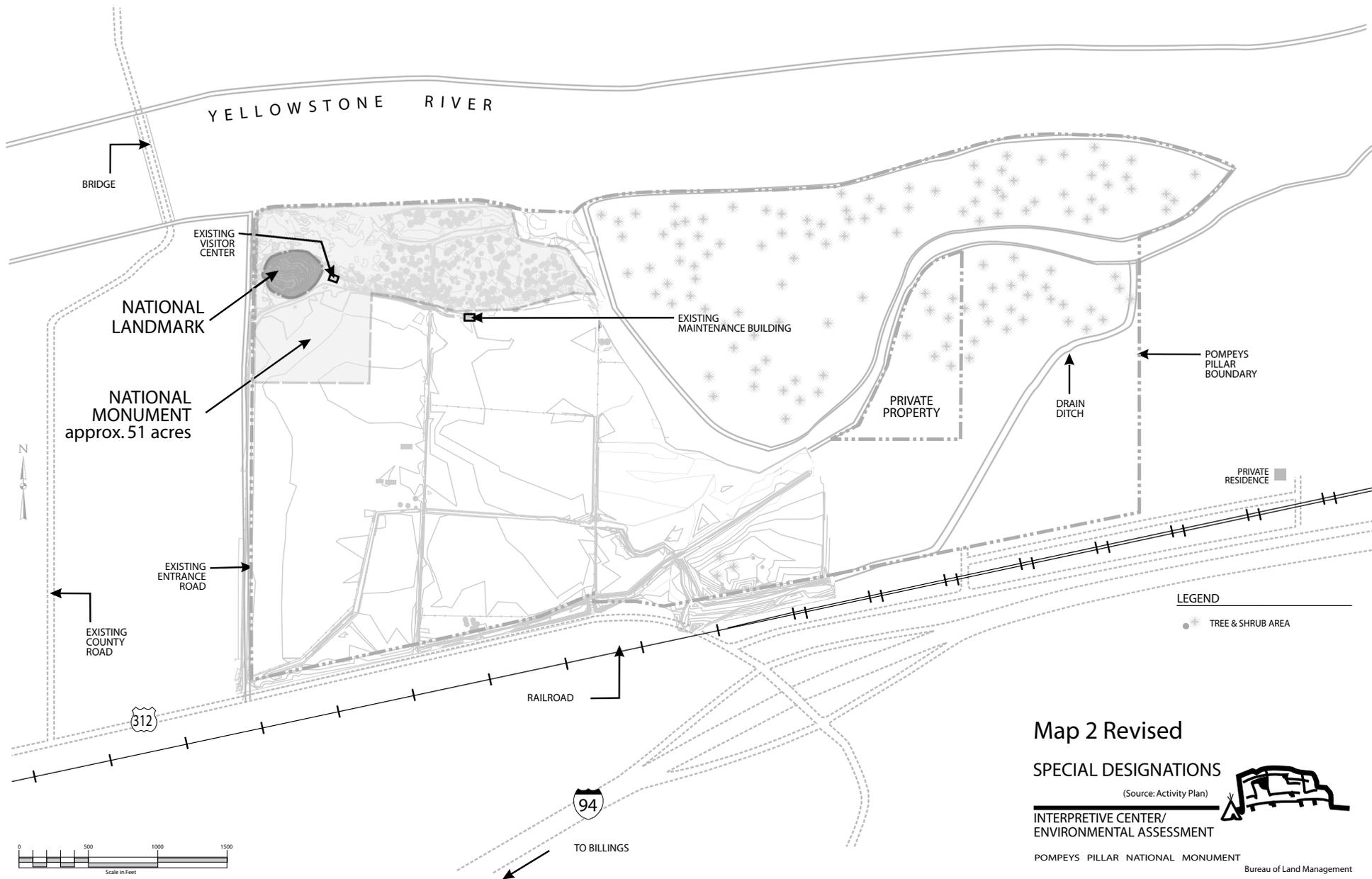
All development and activities will conform to pertinent floodplain regulations, including the Yellowstone County Floodplain regulations and Executive Order 11988 on floodplain management.

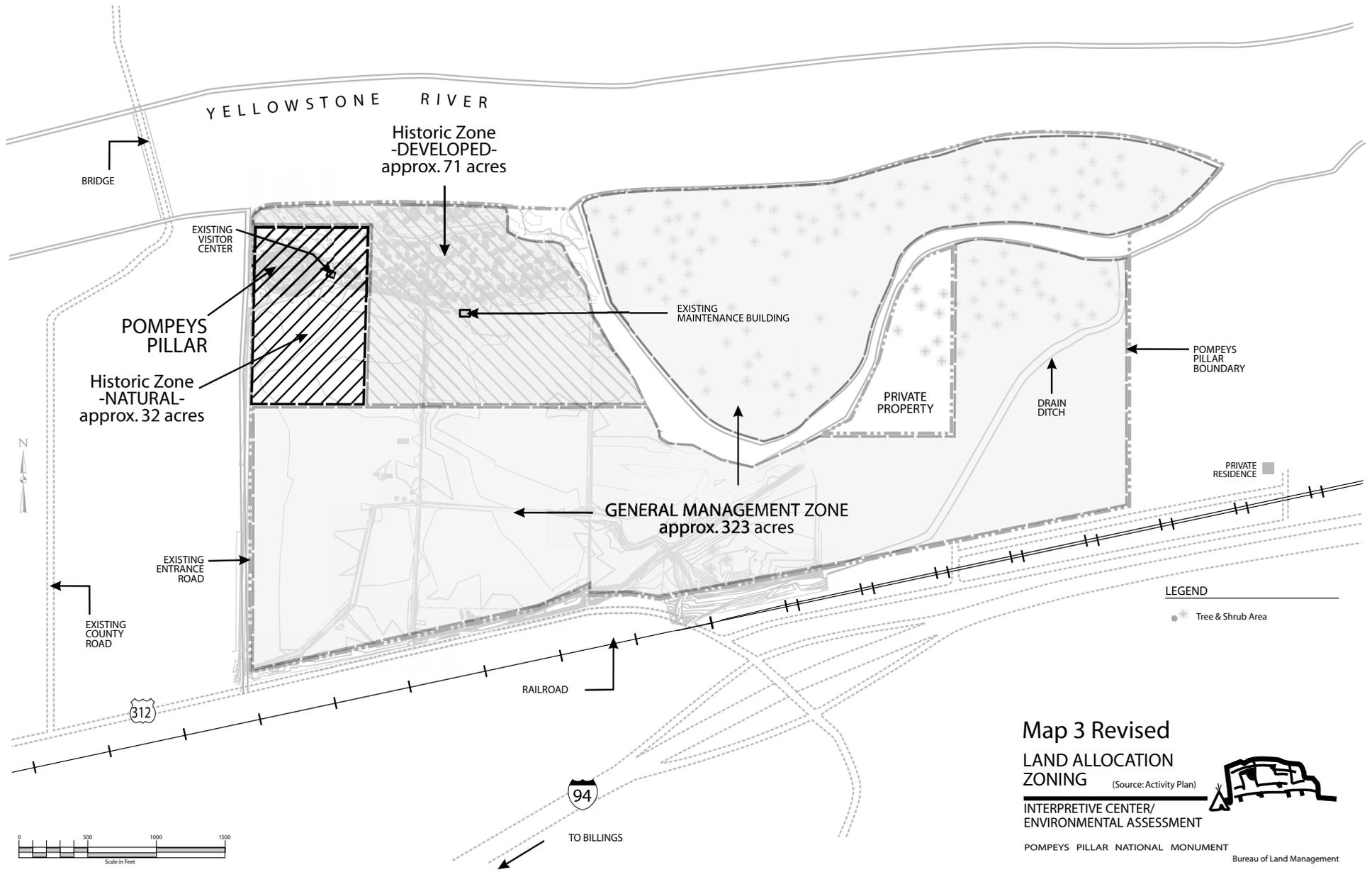
Actions associated with the interpretive center were analyzed along with other reasonably foreseeable actions. Based on the analysis, no cumulatively significant impacts are anticipated.

Sandra S. Brooks

Sandra S. Brooks, Billings Field Manager

July 12, 2002
Date





YELLOWSTONE RIVER

Historic Zone
 -DEVELOPED-
 approx. 71 acres

BRIDGE

EXISTING VISITOR CENTER

POMPEYS PILLAR

Historic Zone
 -NATURAL-
 approx. 32 acres

EXISTING MAINTENANCE BUILDING

PRIVATE PROPERTY

DRAIN DITCH

POMPEYS PILLAR BOUNDARY

PRIVATE RESIDENCE

GENERAL MANAGEMENT ZONE
 approx. 323 acres

EXISTING ENTRANCE ROAD

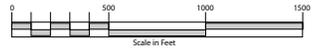
EXISTING COUNTY ROAD

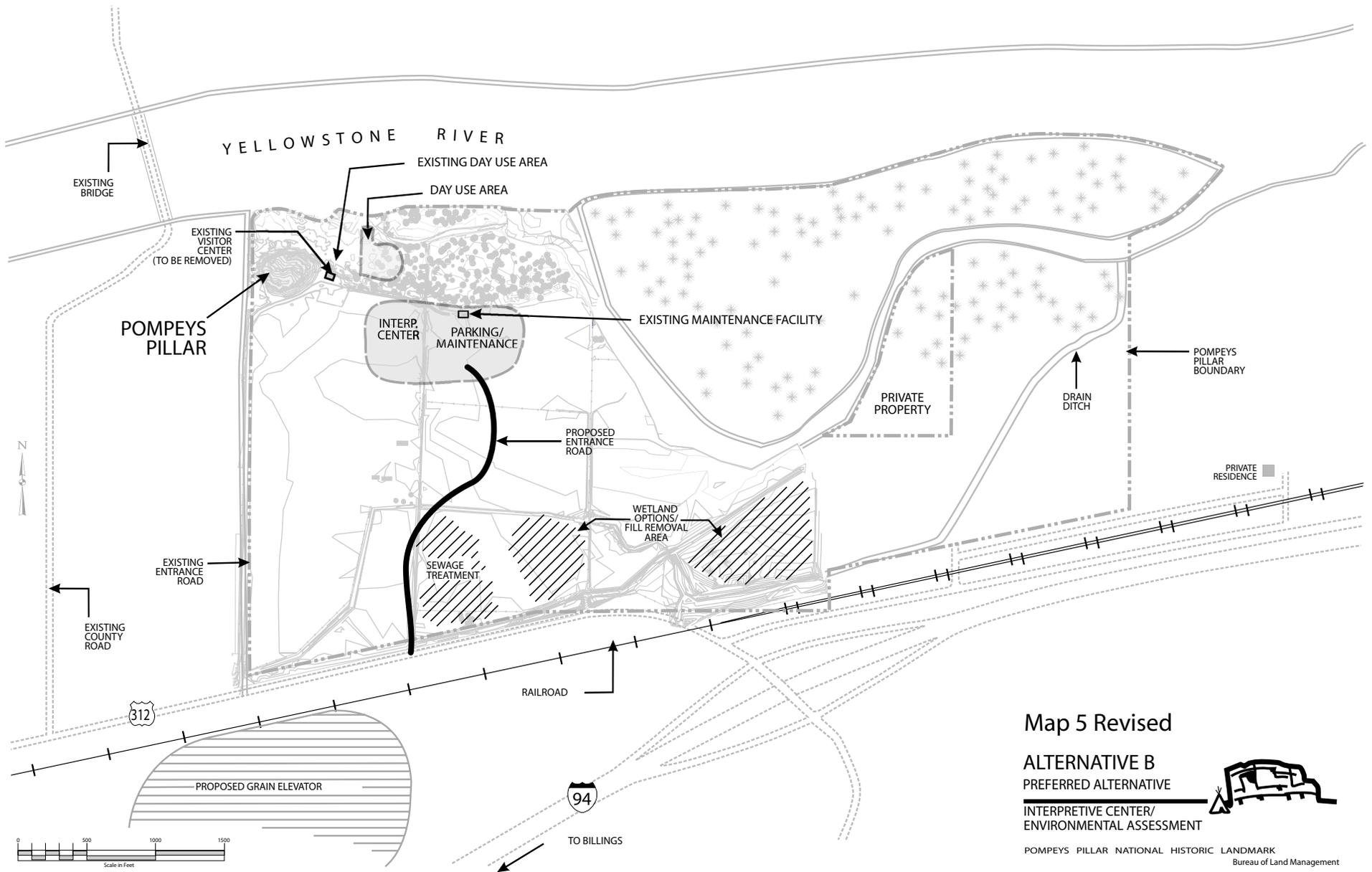
RAILROAD

312

94

TO BILLINGS





Map 5 Revised

ALTERNATIVE B
 PREFERRED ALTERNATIVE
 INTERPRETIVE CENTER/
 ENVIRONMENTAL ASSESSMENT



POMPEYS PILLAR NATIONAL HISTORIC LANDMARK
 Bureau of Land Management