

## **RECORD OF DECISION**

### **General Management Plan/Environmental Impact Statement Assateague Island National Seashore**

#### **INTRODUCTION**

The Department of the Interior, National Park Service (NPS), has prepared this Record of Decision (ROD) for the *Assateague Island National Seashore General Management Plan/ Environmental Impact Statement* (GMP/EIS). This ROD includes a description of the decision (selected action), describes other alternatives analyzed, identifies the environmentally preferable alternative, and includes a brief discussion of the rationale for the decision reached. The FEIS was published in the Federal Register on August 25, 2017. The NPS has not made any changes to the proposed plan, and has conducted a review and there are no significant new circumstances or information relevant to environmental concerns since publication of the FEIS. Attachment A identifies measures to mitigate environmental harm associated with the selected action. Attachment B includes a non-impairment determination, as required by the NPS *Management Policies 2006* (NPS 2006).

#### **PURPOSE OF THE PLAN**

The purpose of the General Management Plan (GMP) is to provide a decision-making framework that ensures that management decisions effectively and efficiently carry out the NPS mission at Assateague Island National Seashore into the future. NPS managers at the seashore routinely make many difficult decisions about the preservation of the seashore's significant natural and cultural resources for public enjoyment, about competing demands for limited resources, about priorities for using available funds and staff, and about differing local and nationwide interests and views of what is most important at the seashore. The decision-making framework in the seashore's GMP will provide the guidance to make these management choices in a manner that is consistent with the purposes for which Assateague Island National Seashore was established by Congress as a unit of the national park system and that protects the seashore's fundamental and other important resources and values.

#### **NEED FOR THE PLAN**

Many considerations suggest that a new GMP is needed for the seashore. The current GMP for the seashore is over 30 years old. The NPS has implemented many of its recommendations. Some are no longer appropriate because of changing conditions and circumstances. New issues have emerged in recent years that the current GMP does not address because they were not anticipated in 1982 when the plan was prepared. Also, NPS policies related to management and planning for all national park units have changed since 1982.

The new GMP for Assateague Island National Seashore also addresses several needs:

- It ensures that the seashore's fundamental and other important resources and values are preserved and protected.
- It provides a management framework for responding to catastrophic storms and the effects of climate change/sea level rise.
- It meets NPS policy requirements for comprehensive general management planning as a guide for more specific projects, to base decisions on adequate environmental information and analysis, and to track progress toward goals.
- It ensures that the concerns, expectations, and values of the public and of the states of Maryland and Virginia related to management of resources and visitor experience are considered in the management decisions made by seashore managers.
- It ensures that management decisions by the NPS promote the efficient use of public funds and that managers are accountable to the public for their management decisions.

### **DECISION (SELECTED ACTION) – SUSTAINABLE RECREATION AND CLIMATE CHANGE ADAPTATION**

The NPS will implement alternative 3 as described in the Draft GMP/EIS, as amended by errata in the Final Abbreviated GMP/EIS, which identified this alternative as both the preferred alternative and the environmentally preferred alternative. Sections 2.4 and 2.6 of the Draft GMP/EIS, as amended via errata summarized in section 3 of the Abbreviated Final GMP, provide a complete description of the selected action. Following is a summary of the key points of the selected action.

#### **Concept**

Climate change adaptation will play an increasingly important role in seashore management. Over time, natural coastal processes and/or the effects of climate change/sea level rise are expected to become the dominant force shaping the overall character of the island. To minimize or avoid the damaging effects of natural coastal processes and/or climate change/sea level rise, visitor use infrastructure will evolve to more sustainable designs and likely shift to new, more stable locations. Some manipulations of the natural environment will be necessary to sustain recreation opportunities but will be kept to the minimum needed. This will include limited maintenance of the existing artificial dune system as facilities and infrastructure transition to more sustainable designs. Future breach management protocols will be developed and will seek a reasonable balance that will generally let the island evolve naturally subject to the effects of natural coastal processes and/or climate change/sea level rise while considering and allowing for appropriate actions related to the needs for human safety and protection of property. Impacts to natural sand transport processes from the jetty-stabilized Ocean City Inlet will continue to be mitigated. Planning and development of alternative transportation systems including shuttles, ferries (for passengers and vehicles), and new bayside access along Chincoteague Bay will prepare the seashore for possible loss of traditional land access.

The NPS will continue to support beach-oriented recreational uses in the Virginia Assigned Area within Chincoteague National Wildlife Refuge.

## **Community Resilience**

The NPS will work in cooperation with other federal agencies, the states, counties and communities to explore how best to model the impacts of sea level rise and storm surge. These efforts will evaluate potential effects of future breach management, modifications to island infrastructure and other related actions on local communities and property. Together, stakeholders will explore ways to mitigate future environmental hazards and increase the resiliency of surrounding communities.

The NPS will develop a breach management plan to guide its response to potential future breaches on the island. The plan will specify the conditions under which the NPS will allow breaches to remain open or will allow breach closures. It will be based on the best science available and conform to the mission of the NPS and laws governing the seashore. It will also consider other important elements such as human safety and protection of property.

## **Visitor Use and Visitor Experience in Maryland**

Most recreational uses and activities available in the Maryland portion of the seashore will be maintained on the island. Over time, the facilities and infrastructure supporting those uses will change, move, and/or evolve toward greater sustainability as natural coastal processes and the impacts of climate change/sea level rise continue to re-shape the island and impact existing facilities. Some recreational activities, such as recreational vehicle camping, could eventually be relocated to the a new site on the mainland.

Until such time as facilities are lost or damaged, NPS will expand the types and number of commercial services supporting visitor use within the island developed area in Maryland.

NPS will prepare and seek to implement an accessibility plan for the seashore. The plan will include an analysis of seashore sites, facilities, buildings and elements to determine how best to build and/or alter them so that they are accessible for visitors with disabilities.

If other access is lost, new bayside access points will provide opportunities for sustainable recreation in the backcountry. Public hunting, visitor shellfishing, and recreational finfishing will continue as currently managed although if land-based access to the backcountry is altered due to natural coastal processes or the effects of climate change/sea level rise, hunting access to some portions of the seashore could become more difficult. Most hunting, fishing, and recreational shellfishing will continue in accordance with state and federal laws.

Opportunities for driving on the beach in Maryland will continue within the seashore's existing OSV use area. However, if a persistent breach occurs within the OSV use area and the breach management plan calls for it to stay open, or land is lost due to beach erosion, access to the OSV use area could be reduced. OSV use will be managed for maximum flexibility to respond to changing conditions, protect sensitive resources, and minimize conflicts with other seashore uses. If vehicular access to the OSV use area is lost due to natural coastal processes or the effects of climate change/sea level rise (e.g., a persistent breach occurs in the OSV use area and the breach management plan calls for it to stay open), consideration will be given to modifying the route or relocating it to another more suitable location. The NPS will also

periodically review regulations pertaining to oversand vehicle (OSV) use at the seashore (36 CFR§7.65(b)) and make amendments if conditions render changes necessary.

Adaptive management and contingency planning—including development of alternative means of accessing the island—will reduce the potential for the seashore to become inaccessible to visitors following major storm events.

### **Visitor Use and Visitor Experience in Virginia**

The NPS will continue to support beach-oriented recreational uses in the Virginia Assigned Area within Chincoteague National Wildlife Refuge in Virginia. NPS will continue to manage the recreational beach in accordance with the memorandum of understanding between the NPS and the U.S. Fish and Wildlife Service (FWS) (see GMP/EIS appendix B). The preferred alternative for future management of Chincoteague National Wildlife Refuge, as described in the Chincoteague and Wallops Island Final Comprehensive Conservation Plan/Environmental Impact Statement (Final CCP/EIS), supports continuation of the recreational beach with 961 automobile parking spaces to be managed by the NPS (US FWS 2015, page 2-51). The Final CCP/EIS's preferred alternative finds that, "In recognition of the vulnerability of the current parking, the refuge will develop and implement a site design plan for parking and access to a new beach location, approximately 1.5 miles north of the existing beach... The new recreational beach will offer accessible parking in close proximity to the beach". (US FWS 2015, page 2-51)

The Final CCP/EIS's preferred alternative proposes that the transition to the new recreational beach location will occur within eight years or sooner if funding were available (US FWS 2015, page 2-69). In the meantime, NPS will maintain beach recreation and parking at the current location, so long as the land base is available to support this use. Facilities and infrastructure supporting recreation include access roads and parking lots, shade shelters, rest rooms, changing rooms, rinse off showers, and interpretive programs. Until the beach moves, NPS will maintain the Toms Cove Visitor Center. When the beach location is moved northward, a new joint NPS and FWS visitor contact station will be developed. (US FWS 2015, page 2-51). After the new joint visitor contact station is opened, NPS and FWS may continue to operate environmental education programs from the Toms Cove Visitor Center, as long as that center remains serviceable and can be maintained economically. Eventually the current Toms Cove Visitor Center will be removed when it is no longer feasible to maintain it at the current location.

NPS will work with the FWS, the town of Chincoteague, Accomack County and others to design the new recreational beach sensitively, to respond to both the natural environment and the needs of the area's visitors. The beach experience, while different from that at the current location, will be designed to engage visitors and provide the kind of recreational opportunity for which the region has justifiably become famous. Careful attention to the design of parking for cars, RVs and buses, boardwalks, accessibility, changing stalls, rinse-off facilities, vault toilets, shelter areas, and other related needs will ensure a quality experience at the new beach location. Critical to the success of the new design will be finding an appropriate balance between visitor experience and resiliency from future storms.

The relocation of the recreational beach might change the availability and mix of interpretive opportunities provided by NPS. NPS will work with FWS in the new joint visitor facility to provide appropriate and meaningful interpretive activities for visitors that take full advantage of the new location and the new preferred alternatives for Beach Road Terminus and Toms Cove.

OSV use in Virginia will continue, as determined by the FWS. FWS proposes to develop a new ½ mile OSV zone to facilitate priority wildlife-dependent uses south of the new recreational beach from March 15 through September 15. FWS will continue current management of the overwash and Hook area for shorebirds until the new recreational beach is established, at which time the March 15 through September 15 closure will go into effect. OSV access from September 16 to March 14 annually will continue via Beach Road. NPS will cooperate with FWS to provide OSV access.

### **Visitor Orientation and Interpretation**

The seashore's two visitor centers will continue to provide orientation and information but will increasingly become centers of learning emphasizing resource stewardship, sustainability, climate change threats and adaptation, and seashore resource management issues. Traditional ranger led programs and environmental education will be guided by the interpretive themes as well as the special emphasis issues, and will continue to stress activities and experiences that promote resource stewardship and opportunities for in-depth learning. If they become necessary, new points of departure (passenger/vehicular ferry terminal, shuttle staging areas, Chincoteague Bay public access sites) will provide opportunities for visitor contact, orientation, safety messaging, and seashore information.

### **Seashore Facilities and Operations in Maryland**

Existing automobile-based access to the seashore will continue as long as it remains sustainable in the context of natural coastal processes and/or the effects of climate change/sea level rise. On peak days—once parking capacity is reached—the seashore will close to additional vehicles. For visitors still wanting to get to the seashore in Maryland, a mainland-based commercial shuttle will be available. Visitors will park near the visitor center on the mainland and ride the shuttle to the beach and other attractions on the island. Over time as parking capacity on the island is reduced as a result of natural coastal processes and/or climate change/sea level rise, shuttle facilities on the mainland will expand to support a larger shuttle operation.

When the relocation of the Maryland entrance station appears necessary, the NPS and the Maryland Department of Natural Resources (MD DNR) will initiate a separate planning study to consider alternatives for a consolidated, jointly operated entrance station to Assateague Island located either on or off the island. This will provide efficiencies, better manage the number of vehicles accessing the island, achieve shared resource and visitor use management objectives, and facilitate operation of a shuttle system.

Over time visitor use facilities and infrastructure will evolve in design and could shift to new, more sustainable locations on the island. For example, some or all the oceanside vehicle campground could be

relocated to the more stable bayside causeway area. Initially beach parking, vehicle camping, and other improvements will continue to be accessible by private vehicle.

When no longer sustainable on the island, some facilities and infrastructure will move to the mainland. A mainland-based commercial shuttle will provide access once parking capacity is reached. If other access is lost, visitors will be able to access the island by water, using a network of new public access sites on the mainland and along the length of the seashore's bay side. Should the bridge to the Maryland portion of the island be damaged or fail or if there was a persistent breach that prevented vehicular access to the NPS lands, visitor access will shift to a fully water-based system composed of a new passenger/vehicular ferry and the network of new public access sites.

Most administrative and maintenance functions will be relocated to another mainland location to allow development of a shuttle/ferry parking facility at the current headquarters site. A combined and moveable ranger station/campground office will remain on the island.

### **Natural Resource Management**

Existing natural resource management programs will initially continue at the seashore. The primary emphasis of resource management actions will remain directed towards protecting sensitive species, monitoring resource conditions, mitigating external threats, controlling invasive plant and animal species, and restoring habitats impacted by historic land use. The NPS will continue to partner with the U.S. Army Corps of Engineers (USACE) to implement the North End Restoration Project that mitigates the continuing effects of the Ocean City Inlet and jetties by restoring/maintaining sand supply to northern Assateague Island. The project will continue as long as the NPS and the USACE concur that the management actions meet the project objectives and funding is available.

Over time, natural resource protection programs will expand and the scope of some existing programs will change to address the increasingly complex resource management issues created by global climate change/sea level rise. Programs will focus on enhancing the resiliency of resources vulnerable to climate change effects, monitoring key climate drivers and resource conditions, and improving the sustainability of visitor use and seashore operations. Cooperative research will expand, accelerating growth in the understanding of seashore resources and ecological processes.

The NPS will initiate an assessment of the history and cultural significance of privately owned structures (oyster watch houses) located within the seashore's Virginia waters; in addition, NPS will work with the commonwealth of Virginia to determine the legal status and authority for their presence. NPS will pursue removal of any unauthorized structures, and will work cooperatively with the commonwealth of Virginia and Accomack County to ensure compliance with applicable natural resource conservation and wastewater treatment and disposal regulations at any authorized structures. The NPS will also assess the history, cultural significance and legal status of private hunting blinds within the seashore's Virginia waters.

## **Marine Resource Management**

NPS will collaborate with the states of Maryland and Virginia and local communities to protect a unique working marine landscape and way of life and to protect seashore resources. The following recommendations are consistent with current NPS policy, expand opportunities to research and understand natural resource conditions and the cultural heritage associated with the seashore's marine environment, and open up avenues for constructive conversation about these management activities going forward. These include:

- Working collaboratively to undertake studies to better understand the natural and cultural resources within the marine areas of the seashore.
- The states of Virginia and Maryland will continue to manage shellfishing within the seashore.
- NPS will issue a special use permit under 36 CFR 2.60(3) b to the Virginia Marine Resource Commission (VMRC) within the Commonwealth of Virginia to allow for the continued practice of commercial aquaculture and maintenance of the historic setting.
- NPS will consult with the Commonwealth of Virginia and the State of Maryland to develop a process to gradually reduce and eliminate horseshoe crab harvesting over a reasonable period of time.
- To document the traditional uses of marine resources and oyster watch houses and duck blinds, the NPS will conduct an ethnographic assessment. Based on findings of the assessment, the NPS will collaborate with local and regional cultural and academic institutions to develop interpretive programming and other visitor information that will illuminate the cultural heritage of the eastern shore and Assateague Island.

## **Wilderness**

The NPS will undertake an updated assessment of eligibility and prepare a new wilderness study. Potential and recommended wilderness will be generally managed to preserve, restore, and enhance natural ecological conditions and wilderness qualities while providing limited opportunities for low density, low impact primitive recreational experiences. NPS will implement a long-term monitoring program to assess the conditions and trend of wilderness character over time based on the "keeping it wild" framework, adapted for the individual characteristics of the potential and recommended wilderness within the seashore.

The new wilderness study will address three proposals related to the OSV corridor and administrative access to the backcountry:

- Consider moving the eastern boundary of the wilderness area westward from the mean high-water line of the Atlantic Ocean to a line approximately 50 meters west of the ocean beach winter storm berm, to allow OSV use on the beach below the winter storm berm and on the two cross island sand roads (from KM 16 to the state line).
- Consider excluding the existing two public cross-island bay access sand roads at Fox Hills and Big Levels and the access road to Green Run from the wilderness area.

- Consider establishing an administrative area within the vicinity of Green Run Bay, to include the Green Run backcountry campsite, the former Green Run Hunting Lodge property, and the associated access road.

### **Cultural Resource Management**

Existing programs providing basic protection to the seashore's cultural resources will continue consistent with applicable federal and state laws and regulations, and NPS policies. The NPS will seek funding to conduct an archeological resource overview and assessment as a first step in identifying currently unknown terrestrial archeological resources. Space will be made available at the headquarters complex for housing the seashore's core museum collections that are not exhibited. Actions will be taken to preserve the seashore's oral history archive for research and use in interpretive media.

NPS will protect and maintain the former Assateague Beach U.S. Coast Guard Station and Green Run Lodge in situ as long as possible with improvements, subject to availability of funding. Adaptive reuse of both properties will provide additional protection. At the Assateague Beach U.S. Coast Guard Station, non-structural storm protection features, such as bayside stabilization, will be considered to protect the property from natural coastal processes and/or the effects of climate change/sea level rise. If it is determined that the historic structures and cultural landscape have become so damaged by coastal storms, sea level rise, or other climate change related issues that they create a hazard, NPS will document the resources in accordance with the *Secretary of the Interior's Standards* (NPS 1995c) and other NPS policies, guidelines, and standards. Then NPS will likely demolish the damaged structures and rehabilitate the sites to foster a return to natural conditions.

### **Partnerships**

Existing partnerships and cooperative relationships that support ongoing management will continue. Partnerships will likely expand with Assateague State Park and Chincoteague National Wildlife Refuge as cooperative strategies are developed to address natural coastal processes and/or the effects of climate change/sea level rise. Partnership activity with the scientific and educational communities will expand with efforts to enhance resource resiliency and climate change adaptation. If recreational amenities move from the island to the Maryland mainland, new partnerships with Worcester County and adjacent landowners will be required. Relationships with commercial service providers will also expand with new alternative transportation systems and efforts to improve accessibility to the backcountry.

### **Land Acquisition**

The NPS will seek to acquire land in the general vicinity of the Maryland headquarters complex sufficient to support the relocation of the administrative and maintenance facilities, some island facilities, and transportation infrastructure (20 to 200 acres). Relocation of the headquarters complex will make the existing site available for redevelopment for a future alternative transportation system. Newly acquired lands could also be used to support the relocation of some island facilities, and to protect the scenic character of the primary visitor gateway corridor. The NPS will collaborate with MD DNR to explore options for using state-owned property and/or acquiring new lands for relocated facilities (campgrounds, recreational opportunities, and headquarters complex), as well as for future passenger/vehicular ferry

facilities and a new shared entrance station. NPS will also support partner and/or direct NPS development of one to three points of departure on the mainland for mid-island access (150 to 200 acres). To the extent possible, NPS will collaborate with federal, state, and county partners to develop these mainland access points.

Additionally, NPS will support partner groups who seek to acquire various types of legal interests in lands within the Chincoteague Bay watershed for conservation and climate change adaptation purposes (3,000 to 5,000 acres). NPS will collaborate with other federal, state, and county agencies and non-governmental organizations, including the FWS, to protect these lands.

## **OTHER ALTERNATIVES CONSIDERED**

### **Alternative 1—Continuation of Current Management**

In alternative 1, the NPS would continue to manage seashore resources and visitor use as it does today, with no major change in scope or direction. The seashore's enabling legislation, the existing 1982 *General Management Plan*, and other implementation plans would continue to guide management decision-making. Decisions would be based on existing conditions and available information, but would continue to lack a comprehensive planning framework that addresses the full range of contemporary and potential future issues. Natural coastal processes would continue with minimal interference. Response to breaches and/or new inlet formation would be uncertain, determined on a case-by-case basis taking into consideration laws governing the seashore and a variety of factors such as human safety and protection of property. Dune maintenance in the island developed area in Maryland and other limited actions would protect facilities from storm damage. Visitor use facilities and infrastructure at risk of loss would be moved back from the shoreline. Improvements to visitor facilities and seashore operational facilities would include only projects that are already approved and fully-funded, or compatible with the current direction of seashore management. Altered sand transport processes at Ocean City Inlet would continue to be mitigated through the North End Restoration Project. There would continue to be no systematic response to climate change.

The NPS would continue to support beach-oriented recreational uses in the Virginia Assigned Area within the Chincoteague National Wildlife Refuge.

### **Alternative 2—Concentrated Traditional Beach Recreation**

In alternative 2, most visitors to the seashore would enjoy traditional beach recreation concentrated within a high density developed area in Maryland accessible by private vehicle. Artificial dune fortification, habitat manipulations, and possibly beach nourishment would protect the island developed area from the natural coastal processes and/or the effects of climate change/sea level rise as long as a suitable land base exists and funding is available. Over time, the island developed area would likely be consolidated in response to the increasing challenge of protecting facilities from sea level rise and greater storm intensity. Increased crowding could lead to visitor use limits. Increased fees could be needed to offset the higher cost of providing visitor facilities. Breach management protocols would generally seek to repair storm overwash and breaches in the island developed area in Maryland, and to let the island's backcountry areas

evolve naturally—without interference—subject to the full effects of natural coastal processes and/or climate change/sea level rise.

In Virginia, the NPS would continue to support beach-oriented recreational uses in the Virginia Assigned Area within Chincoteague National Wildlife Refuge.

#### **Alternative 4—Natural Island Evolution and a Primitive Island Experience**

In alternative 4, natural evolution of the island would occur without interference and subject to the full effects of natural coastal processes and climate change/sea level rise. Future breach management protocols would generally seek to let the island evolve naturally. Impacts to natural sand transport processes from the jetty-stabilized Ocean City Inlet would continue to be mitigated. Existing visitor use facilities and infrastructure would remain in the island developed area in Maryland until such time as they are lost and/or damaged by natural coastal processes or become obsolete. In response to the threat from climate change/sea level rise, minimal future investments would be made on the Maryland portion of the island, limited to development and maintenance of sustainable, low impact day-use facilities and primitive camping infrastructure. Planning and development of an alternative transportation system including a passenger ferry from the mainland would prepare the seashore for possible loss of traditional land access. Over time visitor use would shift to primarily day-use activities in a more primitive island setting. More emphasis would be placed on the role of the seashore as a protected natural environment and living laboratory for scientific research and study.

The NPS would continue to support beach-oriented recreational uses in the Virginia Assigned Area within Chincoteague National Wildlife Refuge.

#### **ENVIRONMENTALLY PREFERABLE ALTERNATIVE**

In accordance with the DO-12 Handbook, the NPS identifies the environmentally preferable alternative in its NEPA documents for public review and comment [Sect.4.5 E (9)]. The environmentally preferable alternative is the alternative that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historical, cultural, and natural resources. The environmentally preferable alternative is identified upon consideration and weighing by the responsible official of long-term environmental impacts against short-term impacts in evaluating what is the best protection of these resources. In some situations, such as when different alternatives impact different resources to different degrees, there may be more than one environmentally preferable alternative (43 CFR 46.30).

The NPS has determined that the environmentally preferable alternative is alternative 3. This conclusion is based on careful review of potential impacts as a result of implementing the management alternatives and assessing proposed mitigation for cultural and natural resource impacts. Alternative 3 best protects, preserves, and enhances the seashore's natural, cultural, and recreation resources. Alternative 3 proposes to allow climate change adaptation to play an increasingly important role in seashore management, generally letting the island to evolve naturally while continuing to provide opportunities for traditional recreation uses that can better sustain the damaging effects of natural coastal processes and/or climate change/sea level rise.

## **BASIS FOR DECISION**

In selecting Alternative 3 to guide long-term management of Assateague Island National Seashore, NPS decision makers considered the information collected during public scoping, the results of the impact analysis, and the seashore's purpose and significance. Alternative 3 would:

- provide the highest degree of enhanced public use and enjoyment of the seashore because opportunities for sustainable recreation would continue with less interruption due to coastal storm damage, and over time would transition to increased water-based access if traditional automobile access is lost
- provide a high degree of protection to the seashore's fundamental and other important resources and values because manipulation of the natural environment would be kept to the minimum needed to sustain recreation opportunities
- offer high potential for enhanced coastal resiliency because management actions would generally let the island evolve naturally
- support the most effective organizational management for the seashore because visitor use infrastructure would evolve to more sustainable designs and likely shift to new, more stable locations.

## **MEASURES TO MINIMIZE ENVIRONMENTAL HARM**

Attachment A summarizes the mitigation measures and best management practices that would generally be applied to avoid or minimize potential impacts from implementing future management actions in the preferred seashore management alternative. Due to the programmatic nature of the GMP, additional mitigation measures and best management practices may be required as specific actions are proposed and funded under the selected action.

## **CONCLUSION**

The selected action (alternative 3) for future management of the seashore will best protect the resources and values of Assateague Island National Seashore while offering high quality experiences for visitors. It will fulfill the purpose and need for the GMP, and the statutory and policy requirements for managing Assateague Island National Seashore, as well as national environmental policy goals. All practical means to avoid and minimize environmental harm have been incorporated into the selected action. It will not impair seashore resources or values and will allow the NPS to preserve seashore resources and provide for the enjoyment of future generations.

**RECOMMENDED:**

*Hugh Hawthorne*

09 July 2021

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Hugh Hawthorne, Superintendent  
Assateague Island National Seashore

Date

**APPROVED:**

*Gay E. Vietzke*

26 July 2021

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Gay Vietzke, Regional Director  
Interior Region 1, National Park Service

Date

**ATTACHMENTS:**

**Attachment A:** Measures to Minimize Environmental Harm for the Selected action

**Attachment B:** Non-Impairment Determination for the Selected action

## ATTACHMENT A

### MEASURES TO MINIMIZE ENVIRONMENTAL HARM

#### Mitigation Measures included in the Selected Action (alternative 3)

Topic	Mitigation Measure
Water Resources	<ul style="list-style-type: none"> <li>• During construction use erosion control measures, minimize discharge to water bodies, and regularly inspect construction equipment for leaks of petroleum and other chemicals.</li> <li>• Minimize use of heavy equipment in waterways.</li> <li>• Educate visitors regarding potential resource impacts associated with boating in shallow waters.</li> </ul>
Wetlands	<ul style="list-style-type: none"> <li>• Delineate wetlands by qualified NPS staff or certified wetland specialists and clearly mark the wetlands before construction work.</li> <li>• Avoid to the extent practicable adverse impacts to wetlands; minimize any impacts to wetlands that cannot be avoided.</li> <li>• Perform construction activities in a cautious manner to prevent damage caused by equipment, erosion, siltation, etc.</li> </ul>
Soils	<ul style="list-style-type: none"> <li>• Minimize soil erosion by limiting the time that soil is left exposed and by applying other erosion control measures, such as erosion matting, silt fencing, and sedimentation basins in construction areas to reduce erosion, surface scouring, and discharge to water bodies.</li> <li>• Once work is completed, revegetate construction areas with native plants in a timely period.</li> </ul>
Nonnative (Exotic) Species	<ul style="list-style-type: none"> <li>• Implement a noxious weed control program for construction sites. Standard measures could include the following elements:               <ul style="list-style-type: none"> <li>- ensure construction-related equipment arrives on-site free of mud or seed-bearing material</li> <li>- certify all seeds and straw material are weed-free</li> <li>- identify areas of noxious weeds pre-construction</li> <li>- treat noxious weeds or noxious weed topsoil before construction (e.g. topsoil segregation, storage, herbicide treatment)</li> <li>- revegetate with appropriate native species</li> </ul> </li> </ul>
Threatened or Endangered Species and Species of Concern	<ul style="list-style-type: none"> <li>• Mitigation actions would occur during normal seashore operations as well as before, during, and after construction to minimize immediate and long-term impacts on rare, threatened, and endangered species. These actions would be specific to the project and area of the seashore affected, and additional mitigation would be added depending on the specific action and location. Many of the measures listed below for vegetation and wildlife would also benefit rare, threatened, and endangered species by helping to preserve habitat.</li> <li>• Mitigation actions specific to rare, threatened, and endangered species would include:               <ul style="list-style-type: none"> <li>- conduct surveys for rare, threatened, and endangered species as warranted</li> <li>- locate and design facilities/actions to avoid adverse effects on rare, threatened, and endangered species and their habitats – if avoidance is infeasible, minimize and compensate for adverse effects on rare, threatened, and endangered species as appropriate and in consultation with the appropriate resource agencies – conduct work outside of critical periods for the specific species.</li> <li>- develop and implement restoration and/or monitoring plans as warranted – plans should include methods for implementation, performance standards, monitoring criteria, and adaptive management techniques</li> <li>- implement measures to reduce adverse effects of non-native plants and wildlife on rare, threatened, and endangered species</li> </ul> </li> </ul>
Vegetation	<ul style="list-style-type: none"> <li>• Monitor areas used by visitors (e.g. trails) for signs of native vegetation disturbance.</li> <li>• Use public education, native plants to revegetate disturbed areas, erosion control measures, and barriers to control potential impacts on plants from visitor use.</li> <li>• Use barriers and closures to prevent trampling and loss of sensitive vegetation.</li> <li>• Develop revegetation plans for disturbed areas and require use of native species. Revegetation plans should specify seed/plant source, seed/plant mixes, soil preparation, etc. Salvage vegetation should be used to the extent possible.</li> </ul>

**Mitigation Measures included in the Selected Action (alternative 3) (continued)**

Topic	Mitigation Measure
Wildlife	<ul style="list-style-type: none"> <li>• Employ techniques to reduce impacts on wildlife, including visitor education programs, restrictions on visitor activities, and seashore ranger patrols.</li> <li>• Continue implementation of natural resource protection programs. Standard measures would include avoidance of sensitive wildlife habitats, construction scheduling, biological monitoring, erosion and sediment control, use of fencing or other means to protect sensitive resources adjacent to construction, the removal of all food-related items or rubbish, topsoil salvage, and revegetation. This could include construction monitoring by resource specialists as well as treatment and reporting procedures.</li> </ul>
Air Quality	<ul style="list-style-type: none"> <li>• Implement a dust abatement program for construction sites. Standard dust abatement measures could include the following elements: water or otherwise stabilize soils, cover haul trucks, employ speed limits on unpaved roads, minimize vegetation clearing, and revegetate after construction.</li> <li>• Reduce greenhouse gas emissions to the extent practicable.</li> </ul>
Hazardous Materials	<ul style="list-style-type: none"> <li>• Implement a spill prevention and pollution control program for hazardous materials. Standard measures could include: <ul style="list-style-type: none"> <li>– hazardous materials storage and handling procedures</li> <li>– spill containment, cleanup, and reporting procedures;</li> <li>– limitation of refueling and other hazardous activities to upland/non-sensitive sites</li> </ul> </li> </ul>
Soundscape	<ul style="list-style-type: none"> <li>• Implement standard noise abatement measures during seashore operations and construction. Standard noise abatement measures could include the following elements: <ul style="list-style-type: none"> <li>– a schedule that minimizes impacts on adjacent noise-sensitive uses</li> <li>– use of the best available noise control techniques wherever feasible</li> <li>– use of hydraulically or electrically powered impact tools when feasible</li> <li>– location of stationary noise sources as far from sensitive uses as possible</li> </ul> </li> <li>• Site and design facilities to minimize objectionable noise.</li> <li>• Explore options to reduce the sounds of maintenance equipment.</li> </ul>
Night Skies	<ul style="list-style-type: none"> <li>• Restrict use of artificial lighting to those areas where security, basic human safety, and specific cultural resource requirements must be met.</li> <li>• Use minimal-impact lighting techniques including shielded light fixtures to prevent light spill over and use of low-intensity lights.</li> <li>• Shield artificial lighted to prevent disruption of the night sky, physiological processes of living organisms, and other natural processes.</li> <li>• Seek the cooperation of park visitors, neighbors, and local government agencies to prevent or minimize the intrusion of artificial light into the night scene of the seashore’s ecosystem.</li> </ul>
Cultural Resources	<ul style="list-style-type: none"> <li>• Continue to develop inventories for and oversee research about archeological, historic, and ethnographic resources to better understand and manage cultural resources, including historic and ethnographic cultural landscapes. Conduct any needed archeological or other resource specific surveys, prepare national register evaluations, and identify recommended treatments. Incorporate the results of these efforts into the seashore’s resource stewardship strategy and site-specific planning and compliance documents.</li> <li>• Locate projects in previously disturbed or existing developed areas to avoid or minimize adverse impacts to archeological resources. Use screening and/or sensitive design that would be compatible with historic resources and cultural landscapes and avoid development adjacent to ethnographic resources. If adverse impacts could not be avoided, these impacts would be mitigated by strategies determined through a consultation process with all interested parties.</li> <li>• Conduct archeological site monitoring and routine protection. Conduct data recovery excavations at archeological sites threatened with destruction, where protection or site avoidance during design and construction is infeasible. Strictly adhere to NPS standards and guidelines on the display and care of artifacts. This would include artifacts used in exhibits in the visitor center.</li> <li>• Mitigating measures for structures and landscapes might include documentation according to standards of the Historic American Buildings Survey/Historic American Engineering Record/Historic American Landscape Survey (HABS/HAER/HALS) and in accordance</li> </ul>

**Mitigation Measures included in the Selected Action (alternative 3) (continued)**

Topic	Mitigation Measure
	<p>with the Secretary’s Standards and Guidelines for Historical and Archaeological Documentation. The level of this documentation, which includes photography, archeological data recovery, and/or a narrative history, would depend on significance (national, state, or local) and individual attributes (an individually significant structure, individual elements of a cultural landscape, etc.) and be determined in consultation with the state historic preservation officer, tribal historic preservation officer(s), local community (ies), and/or other interested parties. When demolition of a historic structure is proposed, and following thorough documentation, architectural elements, and objects may be salvaged for reuse in rehabilitating similar structures, or they may be added to the seashore’s museum collection. In addition, the historical alteration of the human environment and reasons for that alteration could be interpreted to visitors.</p> <ul style="list-style-type: none"> <li>• Consult with culturally associated groups and American Indian tribes, when appropriate.</li> <li>• Encourage visitors through the seashore’s interpretive programs, to respect and leave undisturbed any inadvertently encountered archeological resources</li> </ul>
<p><b>Visitor Safety and Experience</b></p>	<ul style="list-style-type: none"> <li>• Implement traffic control measures, as warranted to maintain safe and efficient traffic flow.</li> <li>• Implement measures to reduce adverse effects of construction on visitor safety and experience.</li> </ul>

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## ATTACHMENT B

### NON-IMPAIRMENT DETERMINATION FOR THE SELECTED ACTION

#### General Management Plan/Environmental Impact Statement

#### Assateague Island National Seashore

#### Introduction

By enacting the NPS Organic Act of 1916 (Organic Act), Congress directed the U.S. Department of Interior and the NPS to manage "to conserve the scenery, natural and historic objects, and wild life in the [National Park] System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations" (54 USC 100101(a)). Congress reaffirmed this mandate in 1978 by stating that the NPS must conduct its actions in a manner that will ensure no "derogation of the values and purposes for which the System units have been established, except as directly and specifically provided by Congress." (54 USC 100101(b)(2)).

NPS *Management Policies 2006* (NPS 2006), Section 1.4.4, explains the prohibition on impairment of park resources and values:

*While Congress has given the Service the 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 Organic Act, establishes the primary responsibility of the Nation 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 NPS has discretion to allow impacts on park resources and values when necessary and appropriate to fulfill the purposes of a park (NPS 2006 sec. 1.4.3). However, the NPS cannot allow an adverse impact that would constitute impairment of the affected resources and values (NPS 2006 sec 1.4.3). An action constitutes an impairment when its impacts "harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values" (NPS 2006 sec 1.4.5). To determine impairment, the NPS must evaluate "the particular resources and values that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts" (NPS 2006 sec 1.4.5).

This determination on impairment has been prepared for the selected action described in this ROD. An impairment determination is made for all resource impact topics analyzed for the selected action, including: water resources, vegetation, wildlife, federally listed threatened or endangered species, historic structures, and cultural landscapes.

An impairment determination is not made for the remaining impact topics, including seashore operations, access and circulation, visitor use and visitor experience, and the socio-economic environment. This is because impairment findings relate to park resources and values, and these impact topics are not generally considered to be park resources or values according to the Organic Act. As a result, an action cannot impair these topics in the same way that an action can impair park resources and values and are not subject to the impairment standard of the Organic Act.

### **Water Resources**

The selected action will not result in impairment to water resources within the seashore. Although there will be long-term adverse impacts to water resources from the development of new facilities on the island and on the mainland, these impacts will be localized and will be mitigated through the use of best management practices. Adverse impacts will be off-set by increased restoration activities at sites throughout the seashore. Natural resource management actions and rehabilitation of habitats altered by historic land uses and mosquito ditches will expand, resulting in greater environmental benefits to water resources associated with restoration of the seashore's natural surface and groundwater flows, improved wetland values, enhanced floodplain functions, and reduced flood potentials. Additional benefits to water quality will result from actions to reduce pollutant discharges from oyster houses and hunting blinds in Virginia waters, to reduce pollutants associated with visitor use in the north end, to enhance water quality management in the coastal bays watershed through partnerships (with emphasis on cooperative acquisition of conservation easements on the mainland), and to restore buffer lands adjoining new mainland points of departure.

### **Vegetation**

The selected action will not result in impairment to vegetation resources within the seashore. Although there will be long-term adverse impacts to vegetation resources from the development of new facilities on the island and on the mainland, these impacts will be localized and will be mitigated through the use of best management practices. Adverse impacts will be off-set by increased restoration activities at sites throughout the seashore. Natural resource management actions and rehabilitation of habitats altered by historic land uses, mosquito ditches, and invasive *Phragmites australis* will expand, resulting in greater environmental benefits to vegetation resources associated with restoration of the seashore's natural surface and groundwater flows, improved wetland values, enhanced floodplain functions, and reduced flood potentials. Additional benefits to vegetation will result from a general return to more natural conditions on the island as visitor facilities are lost due to natural coastal processes and/or the effects of climate change/sea level rise and relocated to the mainland. Beneficial impacts will also result from reduced visitor use impacts in the north end.

### **Wildlife**

The selected action will not result in impairment to wildlife resources within the seashore. Although there will be long-term adverse impacts to wildlife resources from the development of new facilities on the island and on the mainland, these impacts will be localized and will be mitigated through the use of best management practices. Adverse impacts will be off-set by increased restoration activities at sites throughout the seashore. Natural resource management actions and rehabilitation of habitats altered by

historic land uses, mosquito ditches, and invasive *Phragmites australis* will expand, resulting in greater environmental benefits to wildlife resources associated with restoration of the seashore's natural surface and groundwater flows, improved wetland values, enhanced floodplain functions, and reduced flood potentials. Additional benefits to wildlife will result from a general return to more natural conditions on the island as visitor facilities are lost due to natural coastal processes and/or the effects of climate change/sea level rise and relocated to the mainland. Beneficial impacts will also result from reduced visitor use impacts in the north end. Enforcement of existing federal laws prohibiting harvest of horseshoe crabs (as proposed by FWS in the Final CCP/EIS) will effectively eliminate illegal horseshoe crab harvesting in the Toms Cove area, resulting in a beneficial impact on the horseshoe crab population by directly reducing the decline of spawning horseshoe crabs in the Toms Cove area (US FWS 2015).

### **Federally Listed Threatened or Endangered Species**

The selected action will not result in impairment to federally listed threatened or endangered species. Management actions will generally have beneficial impacts on the federally listed (threatened) piping plover (*Charadrius melodus*) and seabeach amaranth (*Amaranthus pumilus*). Benefits to listed species will result from a general return to more natural conditions on the island as visitor facilities are lost due to natural coastal processes and/or the effects of climate change/sea level rise and relocated to the mainland. Management of feral horse and deer populations will continue to benefit the two listed species by reducing trampling and overgrazing of vegetation in beach and intertidal areas where the species are known to occur. The North End Restoration Project and continuation of programs to restore natural overwash processes will also maintain and/or restore beaches and critical island interior habitats. While potential trampling and other types of disturbances by visitors will continue where recreational uses occur, management actions will continue to seek to minimize these impacts through area closures and other measures.

### **Historic Structures**

The selected action will not result in impairment to historic structures. Continued maintenance will have beneficial impacts on the seashore's historic structures that are eligible for the *National Register* at the former Assateague Beach U.S. Coast Guard Station and the former Green Run Lodge. Adaptive reuse of these sites will help to improve the maintenance of these historic structures. At the Assateague Beach U.S. Coast Guard Station, the NPS will seek to collaborate with a partner to assist with rehabilitation and maintenance of the building complex, and find new uses for the complex. Beneficial impacts will also result from actions to protect the sites and structures as long as feasible from natural coastal processes and/or the effects of climate change/sea level rise. Eventually historic structures may be significantly damaged or lost due to natural coastal processes and/or the effects of climate change and sea level rise. Before then, historic structures will be documented in accordance with the *Secretary of the Interior's Standards*.

### **Cultural Landscapes**

The selected action will not result in impairment to cultural landscapes. Continued maintenance will have beneficial impacts on the *National Register* eligible cultural landscape at the former Assateague Beach U.S. Coast Guard Station. Adaptive reuse of the station will help to further stabilize and better maintain

the cultural landscape, particularly with support from a partner. Beneficial impacts will also result from actions to protect the site as long as feasible from natural coastal processes and/or the effects of climate change/sea level rise. Eventually the cultural landscape will likely be significantly damaged or lost. Before then, the cultural landscape will be documented in accordance with the *Secretary of the Interior's Standards*.

### **Conclusion**

In the professional judgement of the NPS decision-maker, the adverse impacts that may result from implementing the selected action will not rise to levels that will constitute impairment. This determination is based on consideration of the seashore's purpose and significance, a thorough analysis of the environmental impacts described in the final GMP/EIS, relevant scientific studies, the comments provided by the public and others, and the professional judgment of the decision maker, as guided by the direction of the *NPS Management Policies 2006*.