



National Park Service
U.S. Department of the Interior

Cape Hatteras National Seashore
North Carolina

FINDING OF NO SIGNIFICANT IMPACT
Improvements to Support NCDOT
Hatteras-Ocracoke Passenger Ferry – Environmental Assessment

Recommended:



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6/29/17

Date

Approved:



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7/10/17

Date

INTRODUCTION

The Department of the Interior, National Park Service (NPS) has prepared this Finding of No Significant Impact (FONSI) for the Improvements to Support North Carolina Department of Transportation (NCDOT) Hatteras-Ocracoke Passenger Ferry Environmental Assessment (EA). This FONSI has been prepared in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (NEPA), its implementing regulations (40 CFR 1500-1508), the Department of the Interior NEPA regulations (43 CFR 46), and NPS Director's Order 12, Conservation Planning, Environmental Impact Analysis and Decision-Making and accompanying handbook.

BACKGROUND

NCDOT has requested a special use permit (SUP) from the NPS to construct several facilities within the boundaries of Cape Hatteras National Seashore (Seashore) (Fig. 1 and 2) to support the operation of a new passenger ferry system. NCDOT has been a partner with the NPS in providing transportation services and facilities for park visitors and the communities on both Hatteras and Ocracoke Islands for several decades. A change in the vehicle ferry route has increased the travel time between Hatteras and Ocracoke Island and reduced the frequency of vessel trips. The ensuing increased vehicle ferry wait times have resulted in a decline in ferry ridership which has also resulted in a reduction in the number of visitors that can travel to the Seashore and Village on Ocracoke. These issues have been documented in the recent Ocracoke-Hatteras Passenger Ferry Feasibility Study (Volkert, Inc. 2016).

The Hatteras-Ocracoke Passenger Ferry project will help provide another option for transportation service to the Seashore and may alleviate some of the vehicle congestion and wait time experienced during the peak tourist season from May through September. This new passenger ferry service will encourage riders to park their cars on Hatteras Island when they visit Ocracoke Island thereby helping to reduce traffic congestion on Ocracoke Island and create a more sustainable transportation service between the two islands. The new ferry system will include two 100 person capacity ferries and make up to eight trips a day between Hatteras and Ocracoke. This ferry service is exclusively dedicated to passenger transit; no vehicles will be transported on this ferry. Establishing the new passenger ferry service will require improvements at both the Hatteras Terminal and the Ocracoke Terminal within several areas of the Seashore.

PURPOSE AND NEED FOR ACTION

In compliance with NEPA, the NPS has prepared an EA that evaluates to decide whether or not to issue a SUP to NCDOT. The SUP will authorize NCDOT to construct the improvements and for long-term maintenance of the passenger ferry system within Seashore boundaries. The decision to authorize the operation of the NCDOT passenger ferry system itself is outside the scope of this action.

All proposed improvements will be within the footprint of the existing facilities and disturbed areas on Seashore property. Minor improvements which will allow for appropriate levels of parking, safe and adequate docking facilities, and provide for appropriate shelters for passenger ferry users will enhance the passenger ferry service for park visitors and the two communities on the islands.

SELECTED ALTERNATIVE

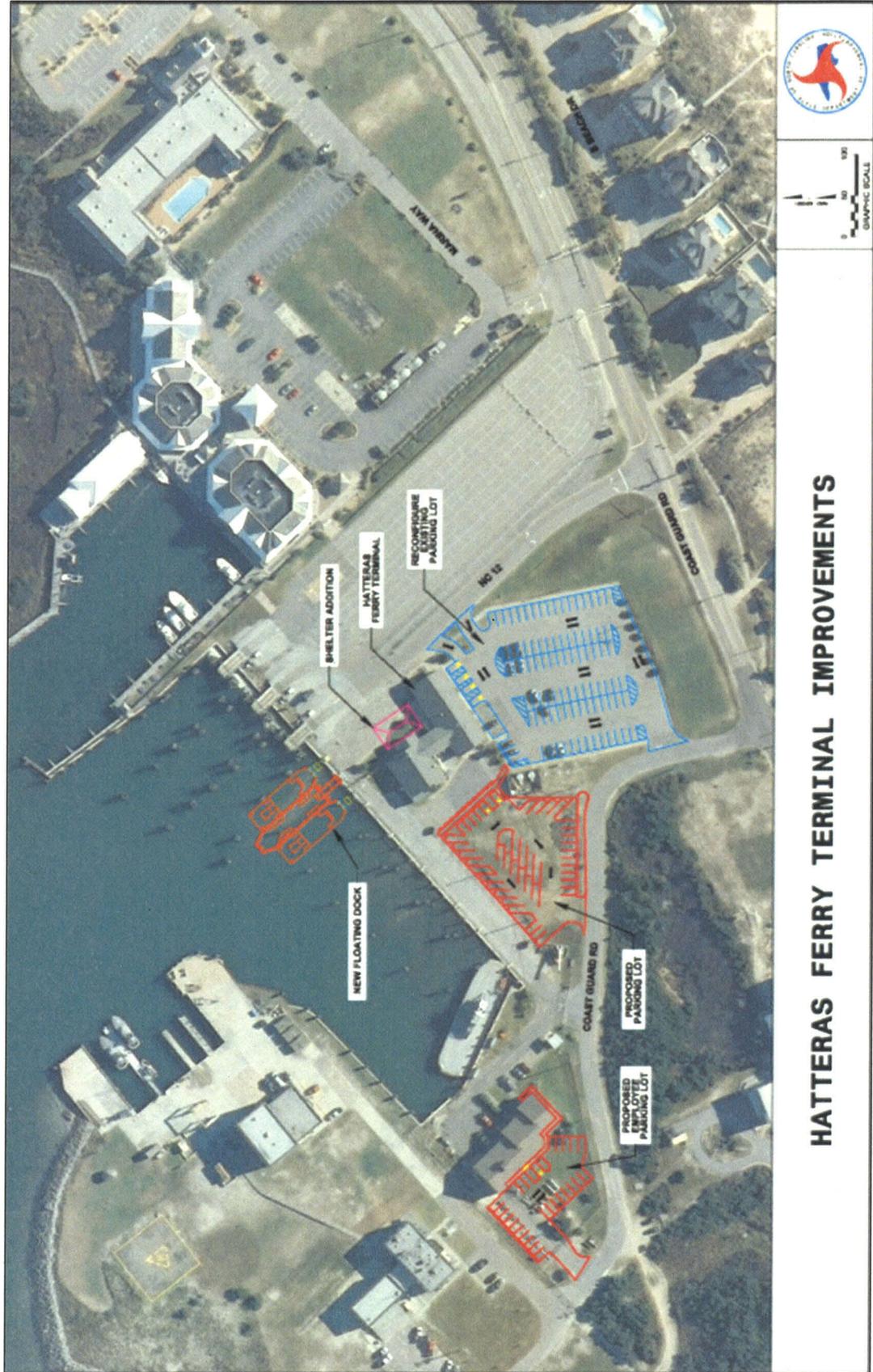
Based on the analysis presented in the EA, the NPS has selected the proposed action Alternative B from the EA for implementation. Alternative B (hereinafter referred to as the selected alternative) was identified in the EA as the NPS preferred alternative and is described below and on pages 12-14 of the EA.

The Seashore will authorize the construction of several improvements, within Seashore boundaries, for the NCDOT Hatteras-Ocracoke Passenger Ferry project through the issuance of a SUP.

The following improvements are proposed within the Seashore:

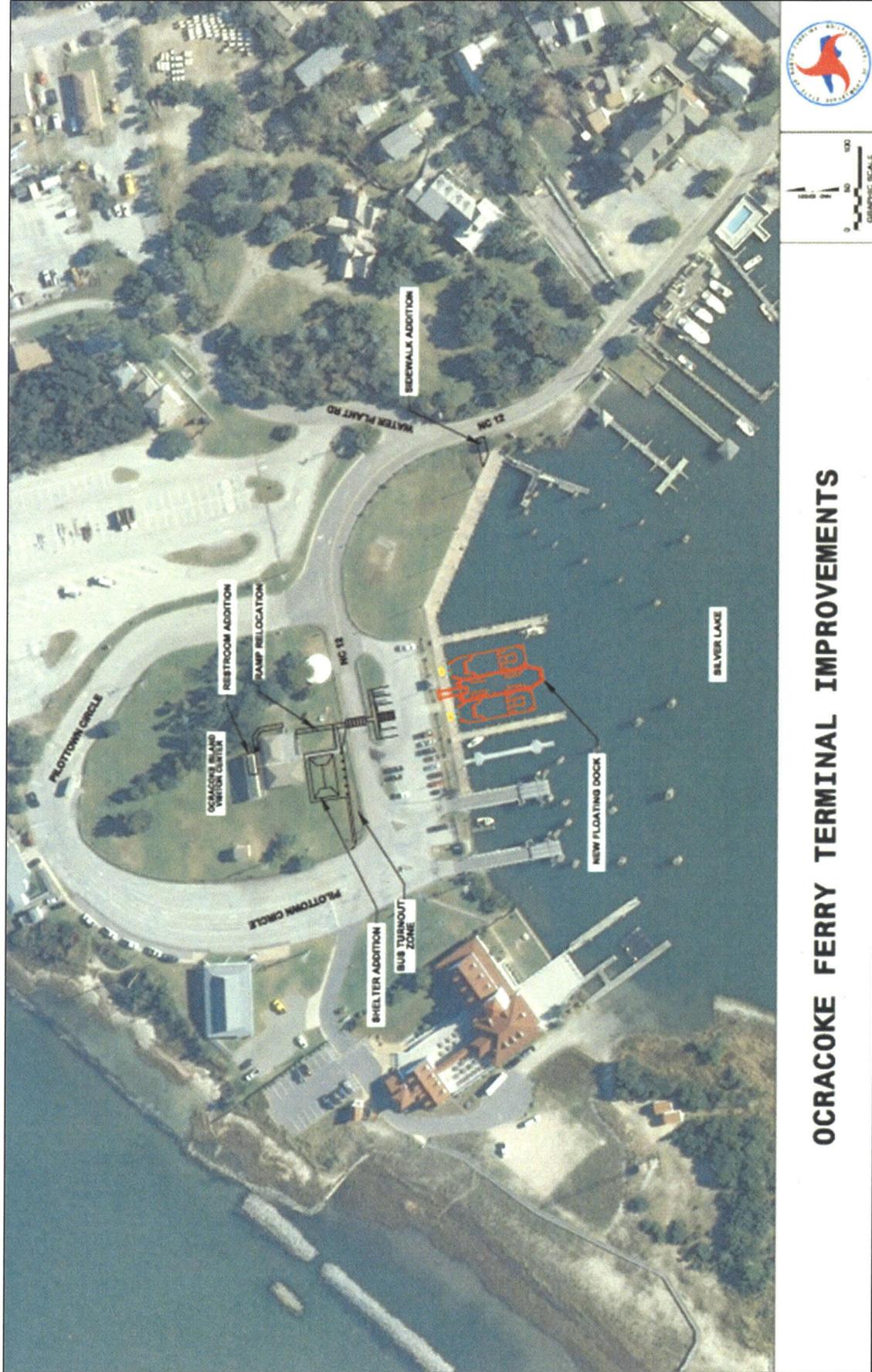
- Existing Hatteras ferry terminal space will be converted into two additional parking lots to accommodate passenger vehicles and NCDOT ferry division employees (approximately 0.2 & 0.4 acres in size to create 65 additional parking spaces) (Fig 1).
- A new open air passenger waiting facility (~1500 sq.ft.) will be constructed in front of the Ocracoke visitor center to shelter passenger ferry users from the sun and rain (Fig 2).
- Sidewalk improvements to connect the passenger waiting area to the Ocracoke visitor center and ferry dock will be constructed to create safe passage ways for travelers (Fig 2).
- A transit pullout area in front of the Ocracoke visitor center will be constructed to allow for safe pick-up and drop-off of passenger ferry users (Fig 2).
- Three new restroom (one male, one female and one family/gender neutral) facilities will be constructed behind the Ocracoke visitor center on the existing permit trailer foundation to augment the NPS's existing restroom facilities (Fig 2).
- Relocation of the existing boardwalk/ramp at the visitor center to the right side of the deck area.

Figure 1: Conceptual Diagram of Proposed Actions at Hatteras Terminal



HATTERAS FERRY TERMINAL IMPROVEMENTS

Figure 2: Conceptual Diagram of Proposed Action at Ocracoke Terminal



OCRACOKE FERRY TERMINAL IMPROVEMENTS

A SUP issued by the NPS will allow NCDOT and its contractor's conditional authority to begin construction on the proposed improvements on NPS property outlined above. The duration of the permit will be until all construction, rehabilitation, and restoration work has been completed. Construction is estimated to last eight months over the off season and restoration is estimated to take up to a year.

The SUP will also authorize NCDOT the use of NPS land for the long-term maintenance of the facilities within NPS boundaries. Conditions for construction and best management practices (BMPs) will be included in the permit.

RATIONALE FOR THE DECISION

The NPS has decided to implement the selected alternative because it (1) best meets the purpose and need for the project while authorizing NCDOT to construct facilities; (2) has minimum impacts on the park's resources and (3) the public was in support of improvements. The selected alternative addresses appropriate levels of parking, safe and adequate docking facilities and appropriate shelters for passenger ferry users in order to enhance the passenger ferry service for park visitors and the two communities on the islands. Impacts to natural and cultural resources within the project area will either have no or minimal adverse impacts from project actions because the facilities will be constructed in developed and previously disturbed sites. Actions will not have any adverse impacts to threatened and endangered species or to cultural resources. Only the impacts to visitor's use and experience and socioeconomics were fully analyzed in the EA since this project will moderately affect visitors traveling through the Seashore and gateway communities.

The NPS held two public scoping meetings for the EA on March 29, 2017, at the Graveyard of the Atlantic Museum, Hatteras Island, North Carolina and on March 30, 2017, at the Ocracoke Community Center, Ocracoke Island, North Carolina in order to obtain public feedback on the initial purpose, need, objectives, issues and concerns, and preliminary alternative concepts of the project. Only four correspondences were received on the project website in PEPC (Planning Environment and Public Comment) during the public scoping review and the comments were non substantive. Comments were either in favor of the project or out of the scope of the EA.

The NPS then e-mailed individuals, businesses, agencies, and organizations on the Seashore's e-mail mailing list and issued a news release inviting the public to comment on the completed EA in PEPC from June 5, 2017 through June 19, 2017. Only one correspondence was received with comments that were non substantive but in favor of the project. No requests for the public comment period to be extended were received.

BEST MANAGEMENT PRACTICES

The NPS places strong emphasis on avoiding, minimizing, and mitigating potentially adverse environmental impacts. To help ensure the protection of natural and cultural resources and the quality of the visitor experience, the following BMP's will be implemented as part of the selected alternative. These BMP's are presented on page 15 of the EA. NPS will ensure that these BMP's are included in the SUP:

General Construction

- Building and site design will be as compatible as practicable with the existing architectural characteristics of the park facilities through similar architectural features, materials, and color.
- All construction generated debris will be removed from the park to an approved landfill.
- Any park infrastructure impacted during construction, including but not limited to paved and unpaved roadways, walkways, turf, shall be restored to pre-construction conditions upon completion of the project.
- Construction materials shall be chosen so as to cause as little impact to the site as possible. Treated lumber and any other materials which might cause detrimental leaching shall be avoided.
- Construction Zone shall be clearly marked. Fencing or other type of NPS approved temporary barriers shall be installed.
- Project activities shall allow reasonable access for visitors, partners, and employees commuting to/from local communities. Important not to unreasonably deter visitor access to park facilities.
- Additional standard conditions within the SUP shall be adhered to.
- Project applicant will forward a copy of all other agency permits related to the undertaking of the project. Copies will be forwarded to the park's compliance office for inclusion in the project's administrative record.
- Dock construction and placement of fill for parking areas and other upland improvements at both harbor locations require a permit from the North Carolina Division of Coastal Management (NCDCM) pursuant to the Coastal Area Management Act (CAMA).

Soils and Vegetation

- Project limits of disturbance (LOD) will be clearly marked and verified prior to any construction work. No work shall be conducted beyond the marked LOD.
- At completion of action/project, area used is restored in a timely manner to pre-action or better condition (e.g. all temporary marking/fencing/flagging is removed). Follow-up monitoring may be required if area not restored to the satisfaction of the Superintendent.
- Fueling of any type, whether equipment or vehicles, must be done either on non-pervious surfaces such as concrete or asphalt, or deploy a spill containment pad.
- Equipment must be free of any fluid leaks (fuel, oil, hydraulic fluid, etc.) upon arrival to the work site and will be inspected at the beginning of each shift for leaks. Leaking equipment will be removed off site for necessary repairs before the commencement of work.
- Parking of personal vehicles will be within designated areas only. Only company/government vehicles are permitted on site.
- The project shall include a pre-construction meeting and a final inspection meeting, in addition to regularly scheduled project meetings and site visits.
- Contractor must be required to maintain fence lines once they have been installed and/or repaired.
- Construction materials staging areas will be restricted to previously disturbed sites.
- Project leaders, during project planning, shall develop erosion control design elements. This erosion plan shall be reviewed and approved by the appropriate federal, state, local review authorities.
- Construction activities shall be restricted during saturated soil conditions or severe weather conditions to avoid damage to soils and vegetation.

- Ground surface treatment will include grading to natural contours, topsoil and topsoil mantle replacement, seeding, and planting. This work will occur as soon after the completion of construction as possible.
- Soil and fill material must be weed-free and from a source approved by the National Park Service.
- To minimize the amount of ground disturbance, staging and stockpiling areas shall be located in previously disturbed sites, away from visitor use areas to the greatest extent possible. All staging and stockpiling areas shall be returned to pre-construction conditions following construction.
- Soil disturbance shall be minimized to the greatest extent possible to reduce disturbance to native plants and reduce the potential for the introduction or spread of invasive non-native plant species.

Archeological Resources

- Should construction unearth cultural resources, work will be stopped in the area of discovery and the park will consult with the State Historic Preservation Officer and the in accordance with §36 CFR 800.13, Post Review Discoveries. In the unlikely event that human remains are discovered during construction, provisions outlined in the Native American Graves Protection and Repatriation Act (1990) will be followed.

Visitor Use and Experience

- The park's Public Affairs Team shall be notified at least two weeks in advance of scheduled work and/or when start date has been established by contract, so that a news release may be prepared and sent to the public.
- A public information program to warn of temporary closures, delays, and road hazards during construction shall be implemented. This program will help convey appropriate messages to the public and aid in mitigating potential impacts on visitors' expectations and experiences
- Provide the public with the project schedule as soon as it is known and provide periodic updates of project work.
- To the extent practical, work shall be scheduled to avoid construction activity and construction related delays during peak visitation times. No holiday or night time work shall be allowed. Weekend work (Friday through Sunday) shall not be allowed unless authorized in writing by the park's Superintendent.
- No amplified artificial music (stereos, smartphones, etc.) will be allowed while conducting construction activities within visitor use areas such as the Ocracoke visitor center area.
- To reduce noise and pollution emissions, construction equipment will not idle any longer than is necessary for safety and/or mechanical reasons.

Superintendent may revoke the permit and stop the construction project, should any of the permit conditions and best management practices be violated.

FINDING OF NO SIGNIFICANT IMPACT

As described in the EA, the selected alternative has the potential to cause adverse and beneficial impacts to only visitor use and experience and socioeconomics. However, no potential for significant adverse impacts was identified. As defined by 40 CFR 1508.27, significance, as used in NEPA, requires consideration of context and intensity. The following considerations, included in 40 CFR 1508.27, are relevant to this finding of no significant impact:

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.

Archeological Resources

The proposed location of a passenger ferry shelter is within one of the Seashore's archeological sites, identified as CAHA-51 Ocracoke Naval Amphibious Training Station. From the available data that currently exists from the archeological testing for this project, it is clear that the proposed shelter will to some degree impact the remains of the World War II (WWII) era Ocracoke Naval Amphibious Training Station that are present within the area of potential effect. These remains are primarily in the form of building rubble along with a few miscellaneous artifacts are greatly disturbed in nature and evidently combined with layers of fill deposits with little likelihood that any significant archeological information associated with this WWII facility will be lost by the construction of a shelter at this location. Below the WWII era deposits lies a roughly two foot thick layer of sterile sand, and below this at a depth of roughly 3.5 feet there appears to be the remains of an earlier historic occupation of an unknown time period and quite possibly also brought in as fill material. According to the SEAC archaeologist, the construction of the shelter next to the Ocracoke Island Visitor Center is unlikely to cause any substantial impact to the apparent historic remains that lay buried some three feet below the surface and can thus be allowed to proceed without further archeological investigation. The NPS has determined that the project will have No Adverse Effect as a result of implementing the selected alternative. The State Historic Preservation Office (SHPO) concurred with this determination.

Historic Structures

The project falls within the National Register-listed Ocracoke Historic District. A Historic Architecture and Landscape Assessment of Effects form was completed by a state historic architectural technician in December 2016 in which they determined the project will not introduce anything incompatible with the historic district and made a No Adverse Effect determination to the State Historic Preservation Office in January 2017. The SHPO concurred with this determination. This project will have No Adverse Effect on the District as a result of implementing the selected alternative.

The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

Habitat for northern long-eared bat, piping plover, red knot, red wolf, red-cockaded woodpecker, roseate tern, seabeach amaranth, and sensitive joint-vetch does not occur within the project area.

Habitat for marine species, including Green sea turtle, Hawksbill sea turtle, Kemp's Ridley sea turtle, Leatherback sea turtle, Loggerhead sea turtle, Atlantic sturgeon, and short-nose sturgeon are not expected to occur since project activities will take place within highly developed marinas and on land where historically, according to park annual reports, these species are not found within the project area. As previously described, the vast majority of the project area occurs within the existing footprint of developed areas. The project area occurring outside of the parking lot consists of compacted dirt and non-native vegetation. Neither of the project areas provides the appropriate habitat for any of the endangered or threatened species indicated above as a result of implementing the selected alternative.

Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

Visitor Use and Experience

While the selected alternative will pose some minor temporary inconveniences during construction activities from temporary closures and sounds the long-term improvements to provide parking, shelters, and restrooms will have a moderate benefit to visitors to the Seashore. Visitor use and experience will have direct adverse and beneficial impacts as a result of improvements to support a passenger ferry.

In the long-term, the quality of the visitor experience will improve with the availability of the new facilities when visitors travel to/from Ocracoke and Hatteras Islands. Under the selected alternative, a shelter will be constructed to provide an area for passenger ferry users to wait out of the sun or inclement weather, a loading and unloading area next to the shelter will be created allowing visitors to safely wait for transportation. Sidewalks and crosswalks will be constructed to create safe passages for visitors debarking or accessing the ferry.

Socioeconomics

The selected alternative will support the partnership with NCDOT and could help to sustain local economies near the project area. Direct beneficial impacts of this alternative are expected to occur to local retail, recreation, lodging, and food service businesses. Businesses and locals could see some increases in revenue and employment through direct and induced impacts of this alternative. NCDOT will employ an additional 10 people to operate the new passenger ferry between Hatteras and Ocracoke Islands. This alternative will have a direct benefit to improve unmet demand and reduce tourism expenditure loss as stated by local businesses.

Under this alternative, the construction of facilities will occur and could provide employment and revenue benefits to the local communities from local contracted labor, building materials and supplies. This action will have a minor beneficial impact to the local economies since most material and supplies come from outside the Islands, due to availability.

Overall, the selected alternative is anticipated to improve the socioeconomic benefits from increased tourism and employment. This alternative should see long-term beneficial impacts directly in the local communities from the proposed actions. There is predicted to be an increase in visitors traveling to and from Hatteras and Ocracoke Islands which should increase tourism expenditures for the long-term.

Whether the action is related to other actions that may have individual insignificant impacts but cumulatively significant effects. Significance cannot be avoided by terming an action temporary or breaking it down into small component parts.

The NPS has analyzed other past, present, and reasonably foreseeable future actions in order to consider the significance of cumulative impacts associated with the implementation of the selected alternative. A discussion of the cumulative impacts for visitor use and socioeconomics is included in Chapter 4 of the EA. For visitor use and experience and socioeconomics, the selected alternative will contribute noticeable beneficial impacts for visitors to Ocracoke and Hatteras Islands. Overall, the impacts of the selected alternative, combined with the cumulative impacts from other past, present, and reasonably foreseeable future actions, will not result in significant adverse cumulative impacts.

CONCLUSION

The selected alternative will not have a significant effect on the human environment in accordance with Section 102(2)(C) of NEPA. Impacts to natural and cultural resources within the project area will either have no or minimal adverse impacts from project actions. In the long-term, the quality of the visitor experience will improve with the availability of the new facilities when visitors travel. Visitor use and experience will have direct adverse and beneficial impacts as a result of improvements to support a passenger ferry. While project actions will pose some minor temporary inconveniences during construction activities from temporary closures and sounds the long-term improvements to provide parking, shelters and restrooms will have a moderate benefit to visitors to the Seashore. The communities near the project area will also benefit moderately, in the long-term, from predicted increased tourism and employment. These actions should see long-term beneficial impacts directly in the local communities. There is predicted to be a moderate increase in visitors traveling to and from Hatteras and Ocracoke Islands which should directly increase tourism expenditures in the long-term. Due to these less than significant impacts from project actions, an Environmental Impact Statement is not required for this project and will not be prepared.

Attachment A— References

Attachment B— Non-Impairment Determination

ATTACHMENT A: REFERENCES

Volkert, Inc. 2016. Report of the Ocracoke-Hatteras Passenger Ferry Feasibility Study.
Retrieved from NCDOT Ferry Division website:
https://www.ncdot.gov/projects/PassengerFerryFeasibilityStudy/download/passenger_ferry_report.pdf

APPENDIX B: NON-IMPAIRMENT DETERMINATION

INTRODUCTION

This non-impairment determination has been prepared for the selected alternative, as described in the Improvements to Support North Carolina Department of Transportation (NCDOT) Hatteras-Ocracoke Passenger Ferry Environmental Assessment (EA).

By enacting the NPS Organic Act of 1916 (Organic Act), Congress directed the U.S. Department of the Interior and the NPS to manage units "to conserve the scenery, natural and historic objects, and wild life in the 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 U.S.C. 100101).

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 National Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them."

An action constitutes impairment when its impacts "harm the integrity of park resources or values, including the opportunities that otherwise will be present for the enjoyment of those resources or values" (NPS 2006, Section 1.4.5). To determine impairment, the NPS must evaluate the "particular resources and values that will 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, Section 1.4.5).

National park system units vary based on their enabling legislation, natural and cultural resources present, and mission. Likewise, the activities appropriate for each unit and for areas in each unit also vary. For example, an action appropriate in one unit could impair resources in another unit.

As stated in the NPS *Management Policies 2006* (sec. 1.4.5), an impact on any park resource or value may constitute an impairment, but an impact will be more likely to constitute an impairment to the extent that it affects a resource or value whose conservation is

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park; or
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or
- identified in the park's general management plan or other relevant NPS planning documents as being of significance.

A non-impairment determination must be completed for each resource impact topic carried forward and analyzed for the selected alternative, however the following resources were considered but dismissed from analysis in the EA due the fact the selected alternative did not

affect the resource to a level that warranted further consideration in EA as presented on pages 5-11; cultural resources, soundscapes, vegetation and soils, wildlife and special status species, water resources including floodplains and wetlands, and lightscares. In addition, a non-impairment determination is not made for visitor experience or socioeconomics because those impact topics are not generally considered to be park resources or values according to the Organic Act, and cannot be impaired the same way that an action can impair park resources and values.

SUMMARY

The NPS has determined that implementation of the selected alternative will not constitute an impairment of the resources or values of the Seashore. This conclusion is based on consideration of the park's purpose and significance, a thorough analysis of the environmental impacts described in the EA, comments provided by the public and others, and the professional judgment of the decisionmaker guided by the direction of *NPS Management Policies 2006*.